

**THE STATES assembled on Wednesday
5th December 2007, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

Senator Stuart Syvret – en défaut (défaut raised at 9.39 a.m.)
Senator Wendy Kinnard – en défaut
Senator James Leslie Perchard – en défaut
Connétable Geoffrey William Fisher of St. Lawrence– en défaut
Deputy Jacqueline Jeanette Huet of St. Helier– en défaut (défaut raised at 9.45 a.m.)
Deputy Gerard Clifford Lemmens Baudains of St. Clement– ill
Deputy Geoffrey Peter Southern of St. Helier– en défaut (défaut raised at 9.37 a.m.)

Prayers

Notification of lodged propositions

Establishment of a Working Party to examine the operation of Third Party Planning Appeals. P.188/2007.
Lodged: 5th December 2007.
Deputy C.J. Scott Warren of St. Saviour.

Draft Finance (Jersey) Law 200- P.165/2007

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Finance (Jersey) Law 200-.

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 19 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled the Finance (Jersey) Law 200-(P.165/2007 lodged “au Greffe” on 23rd October 2007, by the Minister for Treasury and Resources) should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Draft Income Tax (Amendment No. 30) (Jersey) Law 200 P.166/2007

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 30) (Jersey) Law 200 and adopted the principles.

THE STATES adopted Articles 1 to 7.

Articles 8 and 9 were adopted, the States having adopted an amendment by the Minister for Treasury and Resources to Article 8 that in the amended Article 92A–

- (a) in paragraph (1) for the amount “£18,670” there should be substituted the amount “£19,310”;
- (b) in paragraph (2) for the amount “£19,230 there should be substituted the amount “£19,890”;

- (c) in paragraph (3) for the amount“£2,710” there should be substituted the amount “£2,800”;
- (d) in paragraph (4) for the amount“£2,790” there should be substituted the amount “£2,890”;
- (e) in paragraph (5) for the amount“£11,640” there should be substituted the amount “£12,040”;
- (f) in paragraph (6) for the amount“£11,990” there should be substituted the amount “£12,400”;
- (g) in paragraph (7) for the amount“£1,360” there should be substituted the amount “£1,390”; and,
- (h) in paragraph (8) for the amount“£1,400” there should be substituted the amount “£1,430”.

and that in Article 9,after paragraph (2), there should be added the following paragraph–

“(3) In Article 95(3) for the amount“£2,500” there should be substituted the amount “£3,000”.

THE STATES adopted Articles 10 to 12.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 30) (Jersey) Law 200.

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 19 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled the Income Tax (Amendment No. 30) (Jersey) Law 200- (P.166/2007 lodged “au Greffe” on 23rd October 2007, by the Minister for Treasury and Resources) should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Draft Public Finances (Amendment No. 2) (Jersey) Law 200 P.167/2007

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Finances (Amendment No. 2) (Jersey) Law 200.

Flu pandemic funding – P.176/2007

THE STATES, adopting a proposition of the Minister for Treasury and Resources, and in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 amended the expenditure approval for 2007 approved by the States on 13th September 2006 in respect of the Health and Social Services Department head of expenditure, to permit the withdrawal of an additional £517,000 from the consolidated fund for its net revenue expenditure in order to fund expenditure already incurred on preparations for pandemic flu.

Members present voted as follows –

POUR: 43

Senator L. Norman
 Senator F.H. Walker
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Connétable of St. Ouen
 Connétable of St. Mary

CONTRE: 3

Deputy J.J. Huet (H)
 Deputy of St. Ouen
 Deputy S. Pitman (H)

ABSTAIN: 0

Connétable of St. Peter
Connétable of St. Clement
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
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Draft Places of Refreshment (Jersey) Regulations 200- P.148/2007

THE STATES commenced consideration of the Draft Places of Refreshment (Jersey) Regulations 200- and adopted the principles.

Members present voted as follows –

POUR: 38

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier

Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity

CONTRE: 6

Connétable of St. Ouen
Connétable of St. Peter
Deputy J.J. Huet (H)
Deputy R.G. Le Hérissier
(S)
Deputy G.P. Southern (H)
Deputy J.A. Hilton (H)

ABSTAIN: 0

Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy of St. Peter
 Deputy G.W.J. de Faye (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian
 (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

THE STATES, having adopted Regulations 1 and 2, and in pursuance of Article 13(12) of the Places of Refreshment (Jersey) Law 1967, made Regulations entitled the Places of Refreshment (Jersey) Regulations 2007.

Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200 P.160/2007

THE STATES commenced consideration of the Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200- and adopted the principles.

Members present voted as follows –

POUR: 41

Senator L. Norman
 Senator F.H. Walker
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville

CONTRE: 5

Deputy R.C. Duhamel (S)
 Deputy P.N. Troy (B)
 Deputy J.A. Hilton (H)
 Deputy S.S.P.A. Power (B)
 Deputy of St. John

ABSTAIN: 1

Senator B.E. Shenton

Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

THE STATES adopted Articles 1 to 8.

Members present voted as follows –

POUR: 39

Senator B.E. Shenton
Connétable of Grouville
Deputy of St. Peter
Deputy K.C. Lewis (S)
Senator F.E. Cohen
Connétable of St. Brelade
Deputy C.J. Scott Warren (S)
Senator L. Norman
Connétable of St. Martin
Deputy G.W.J. de Faye (H)
Deputy I.J. Gorst (C)
Senator F.H. Walker
Connétable of St. Ouen
Connétable of St. John
Deputy J.B. Fox (H)
Deputy of St. Mary
Connétable of St. Mary
Connétable of St. Saviour
Deputy J.A. Martin (H)
Deputy J.A.N. Le Fondré (L)
Senator T.A. Le Sueur

CONTRE: 5

Deputy P.N. Troy (B)
Deputy of St. John
Deputy P.V.F. Le Claire (H)
Deputy R.C. Duhamel (S)
Deputy S.S.P.A. Power (B)

ABSTAIN: 0

Deputy D.W. Mezbourian
(L)
Senator P.F. Routier
Connétable of St. Clement
Deputy A. Breckon (S)
Deputy S.C. Ferguson (B)
Deputy of Trinity
Senator M.E. Vibert
Connétable of St. Helier
Deputy J.J. Huet (H)
Deputy of St. Ouen
Senator P.F.C. Ozouf
Connétable of Trinity
Deputy of St. Martin
Deputy P.J.D. Ryan (H)
Deputy S. Pitman (H)
Senator T.J. Le Main
Deputy of Grouville
Deputy A.J.D. Maclean (H)

THE STATES commenced consideration of the draft Law in Third Reading and rejected a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, made in accordance with Standing Order 79(1)(b), that the matter should be referred to the Economic Affairs Scrutiny Panel.

Members present voted as follows –

POUR: 5

Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy P.N. Troy (B)
Deputy P.V.F. Le Claire (H)
Deputy S.S.P.A. Power (B)

CONTRE: 40

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Connétable of St. Ouen
Connétable of St. Clement
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
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen

ABSTAIN: 0

Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Harbours (Administration) (Amendment No. 7) (Jersey) Law 200.

Arrangement of public business for the current meeting

THE STATES acceded to the request of Senator Michael Edward Vibert that consideration of the Draft Amendment (No. 8) of the Standing Orders of the States of Jersey (P.162/2007– lodged “au Greffe” on 23rd October 2007) be deferred from the present meeting until 15th January 2008.

Draft Amendment (No. 32) to the Tariff of Harbour and Light Dues– P.163/2007

THE STATES, adopting a proposition of the Minister for Economic Development, in accordance with Article 6 of the Harbour and Light Dues (Jersey) Law 1947, approved the Draft Amendment (No. 32) to the Tariff of Harbour and Light Dues as set out in the Appendix to the Report of the Minister for Economic Development dated 19th October 2007.

Members present voted as follows –

POUR: 35

Senator S. Syvret
Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator B.E. Shenton
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy J.A. Martin (H)

CONTRE: 7

Senator T.J. Le Main
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.W.J. de Faye (H)
Deputy S.S.P.A. Power (B)
Deputy of St. John

ABSTAIN: 1

Connétable of St. Brelade

Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)

Declarations of interest

THE STATES noted that Senator Frank Harrison Walker and the Connétables of St. Brelade and St. Saviour, in accordance with the provisions of Standing Order 106(b), had declared an interest not being of a direct financial nature, and remained in the Chamber for the duration of the debate on the Draft Amendment (No. 32) to the Tariff of Harbour and Light Dues.

Draft Community Provisions (Wire Transfers) (Amendment) (Jersey) Regulations 200- P.172/2007

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996 and having regard to Regulation EC No. 1781/2006 of the European Parliament and of the Council of 15th November 2006 on information on the payer accompanying transfers of funds, made Regulations entitled the Community Provisions (Wire Transfers) (Amendment) (Jersey) Regulations 2007.

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, a revised proposition (Establishment of a Working Party to examine the operation of Third Party Planning Appeals P.188/2007) having been lodged “au Greffe” at the present meeting –

Establishment of a Working Party to examine the operation of Third Party Planning Appeals. P.187/2007.
Lodged: 4th December 2007.
Deputy C.J. Scott Warren of St. Saviour.

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) –

15th January 2008

Draft Amendment (No. 8) of the Standing Orders of the States of Jersey. Lodged: 23rd October 2007. <i>Senator M.E. Vibert.</i>	P.162/2007.
Draft Amendment (No. 8) of the Standing Orders of the States of Jersey (P.162/2007): comments. Presented: 3rd December 2007. <i>Privileges and Procedures Committee.</i>	P.162/2007. Com.
Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan. Lodged: 20th July 2007. <i>Deputy I.J. Gorst of St. Clement.</i>	P.95/2007.
Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan (P.95/2007): comments. Presented: 23rd October 2007. <i>Minister for Planning and Environment.</i>	P.95/2007. Com.
JT Group Limited (“Jersey Telecom”): proposed sale. Lodged: 9th October 2007. <i>Minister for Treasury and Resources.</i>	P.153/2007.
JT Group Limited (“Jersey Telecom”): proposed sale (P.153/2007) – amendment. Lodged: 26th October 2007. <i>Senator B.E. Shenton.</i>	P.153/2007. Amd.
Draft Gambling (Remote Gambling Disaster Recovery) (Jersey) Regulations 200-. Lodged: 31st October 2007. <i>Minister for Economic Development.</i>	P.170/2007.
Goods and Services Tax: de minimis waiver. Lodged: 14th November 2007. <i>Minister for Treasury and Resources.</i>	P.171/2007.
Draft States of Jersey (Amendment No. 4) (Amendment) (Jersey) Law 200. Lodged: 19th November 2007. <i>Chief Minister.</i>	P.173/2007.
Draft Companies (Amendment No. 2) (Jersey) Regulations 200. Lodged: 19th November 2007. <i>Minister for Economic Development.</i>	P.175/2007.
Draft Companies (Amendment No. 9) (Jersey) Law 200. Lodged: 19th November 2007. <i>Minister for Economic Development.</i>	P.174/2007.
Employment Tribunal: appointment of members. Lodged: 27th November 2007. <i>Minister for Social Security.</i>	P.180/2007.
Draft Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 200-.	P.181/2007.

Lodged: 30th November 2007.
Minister for Social Security.

Draft Income Support (Amendment) (Jersey) Regulations 200-. P.182/2007.
Lodged: 4th December 2007.
Minister for Social Security.

Draft States of Jersey (Amendment No. 5) Law 200. P.183/2007.
Lodged: 4th December 2007.
Privileges and Procedures Committee.

Draft Connétables (Jersey) Law 200-. P.184/2007.
Lodged: 4th December 2007.
Privileges and Procedures Committee.

Draft Connétables (Jersey) Law 200- (P.184/2007): amendments. P.184/2007.
Lodged: 4th December 2007. Amd.
Deputy I.J. Gorst of St. Clement.

Draft Employment Relations (Registration) (Jersey) Regulations 200-. P.186/2007.
Lodged: 4th December 2007.
Minister for Social Security.

29th January 2008

Draft Health and Safety at Work (Asbestos – Licensing) (Jersey) Regulations 200-. P.168/2007.
Lodged: 25th October 2007.
Minister for Social Security.

Draft Employment (Amendment No. 4) (Jersey) Law 200. P.178/2007.
Lodged: 21st November 2007.
Minister for Social Security.

Draft Employment (Minimum Wage) (Amendment No. 4) (Jersey) Regulations 200. P.179/2007.
Lodged: 22nd November 2007.
Minister for Social Security.

Establishment of a Working Party to examine the operation of Third Party Planning Appeals. P.188/2007.
Lodged: 5th December 2007.
Deputy C.J. Scott Warren of St. Saviour.

12th February 2008

Draft Proceeds of Crime (Substitution of Schedule 2) (Jersey) Regulations 200. P.127/2007.
Lodged: 24th September 2007.
Minister for Treasury and Resources.

26th February 2008

11th March 2008

Draft Taxation (Land Transactions) (Jersey) Law 200-. P.185/2007.
Lodged: 4th December 2007.
Minister for Treasury and Resources.

Compliments of the season

(see Official Report)

The Bailiff invited Senator Stuart Syvret, as senior Senator, to address the Assembly on behalf of the Senators. The Bailiff, following complaints from Senators Frank Harrison Walker and Terence John Le Main and Deputy Peter Nicholas Troy of St. Brelade, directed Senator Stuart Syvret to discontinue his speech in accordance with Standing Order 108. As Senator Stuart Syvret disregarded the authority of the presiding officer, the Bailiff, having regard to the fact that all the public business to be taken at the meeting had been concluded, closed the meeting, in accordance with Standing Order 49.

THE STATES rose at 1.18 p.m.

M.N. DE LA HAYE

Greffier of the States

Re-issue Note

These Minutes are re-issued because the voting record for P.163/2007 on page 434 was incorrectly duplicated on the previous page under the adoption of P.160/2007.