

**THE STATES assembled on Tuesday
12th February 2008, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Mr. Michael Cameron St. John Birt Esquire.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present**

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

Senator Philip Francis Cyril Ozouf – absent on States business
Connétable Daniel Joseph Murphy of Grouville – ill
Connétable Graeme Frank Butcher of St. John– excused attendance
Deputy Geoffrey Peter Southern of St. Helier– en défaut (défaut raised at 9.36 a.m.)
Deputy John Alexander Nicholas Le Fondréof St. Lawrence– en défaut
Deputy Sean Seamus Patrick Augustine Power of St. Brelade– en défaut

Prayers

Visit by the President of the Regional Government of Madeira

The Deputy Bailiff advised the Assembly that His Excellency Alberto Joao Cardoso Goncalves Jardim, President of the Regional Government of Madeira, would be attending the Island's Liberation Day celebrations in May 2008 to mark the tenth anniversary of the signature of the Friendship Agreement between the two Islands

Citizenship programme – permission to film during a States meeting

THE STATES agreed to permit filming of the beginning of a forthcoming States meeting by a team from Highlands College for use as part of the citizenship programme.

Documents presented or laid

Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.198/2007): comments. Presented: 4th February 2008. <i>H.M. Attorney General.</i>	P.198/2007. Com.
Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): comments. Presented: 8th February 2008. <i>Comité des Connétables.</i>	P.2/2008. Com.
Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): comments. Presented: 12th February 2008. <i>Privileges and Procedures Committee.</i>	P.2/2008. Com. (2)
Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): amendment (P.2/2008 Amd.)– comments. Presented: 12th February 2008. <i>Privileges and Procedures Committee.</i>	P.2/2008. Amd.Com.

Corporate Management Board: access to meetings and minutes (P.11/2008) – comments. Presented: 12th February 2008. <i>Council of Ministers.</i>	P.11/2008. Com.
International Conventions and Agreements: progress report for period 1st October 2006 to 30th September 2007. Presented: 31st January 2008. <i>Chief Minister.</i>	R.8/2008.
Status of Channel Islanders in the European Union. Presented: 4th February 2008. <i>Chief Minister.</i>	R.9/2008.
Draft Discrimination (Jersey) Law 200: consultation report – White Paper. Presented: 5th February 2008. <i>Minister for Home Affairs.</i>	R.10/2008.
States Spending Review: Setting the Scene. Presented: 8th February 2008. <i>Comptroller and Auditor General.</i>	R.11/2008.
States Spending Review: £35 Million Cost Reductions. Presented: 8th February 2008. <i>Comptroller and Auditor General.</i>	R.12/2008.
Anti-inflation Strategy. Presented: 11th February 2008. <i>Minister for Treasury and Resources.</i>	R.13/2008.
Succession Planning in the States of Jersey. Presented: 12th February 2008. <i>Chief Minister.</i>	R.14/2008.

Notification of lodged propositions

Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.198/2007): amendment. Lodged: 12th February 2008. <i>Council of Ministers.</i>	P.198/2007. Amd.
Draft Price Indicators (Jersey) Regulations 200- (P.14/2008): amendments. Lodged: 6th February 2008. <i>Senator L. Norman.</i>	P.14/2008. Amd.
Draft Export Control (Jersey) Law 200-. Lodged: 5th February 2008. <i>Minister for Home Affairs.</i>	P.21/2008.
Draft Employment of States of Jersey Employees (Amendment No. 3) (Jersey) Regulations 200-. Lodged: 5th February 2008. <i>Chief Minister.</i>	P.22/2008.
Draft Act annulling the Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007. Lodged: 6th February 2008. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.23/2008.

Manual Workers' Joint Council: Employers' Side Membership. Lodged: 8th February 2008. <i>Chief Minister.</i>	P.24/2008.
Draft Political Parties (Registration) (Jersey) Law 200-. Lodged: 8th February 2008. <i>Privileges and Procedures Committee.</i>	P.25/2008.
Draft Distance Selling (Jersey) Law 2007 (Appointed Day) Act 200-. Lodged: 12th February 2008. <i>Minister for Economic Development.</i>	P.26/2008.
Rear seat-belts and child booster seats. Lodged: 12th February 2008. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.27/2008.
Jersey Charities Commission: Feasibility Study. Lodged: 12th February 2008. <i>Deputy I.J. Gorst of St. Clement.</i>	P.28/2008.

Written Questions

(see Official Report/Hansard)

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the proposed 'shared equity' housing purchase scheme.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Employment Relations (Jersey) Law 2007.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding electoral expenses.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the demand for three-bedroom houses in the States rental sector.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding productivity growth.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the terms of reference for a review of the Jersey Competition Regulatory Authority.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the proposed sale of Jersey Telecom.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding applications for Income Support.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding refurbishment work at Clos du Fort.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the purchase of share transfer properties as an investment opportunity.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy P.V.F Le Claire of St. Helier regarding the planning process for the Energy from Waste plant.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy D.W. Mezbourian of St. Lawrence regarding pupil capacity at the Islands Primary and Secondary schools.

Oral Questions

(see Official Report/Hansard)

THE STATES rejected a proposition of Deputy Judith Ann Martin of St. Helier that Standing Order 63(1) should be suspended in order to remove the 90 minute time limit allowed during a meeting for the answering of oral questions for which notice had been given.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding problems encountered during the first two weeks of administering the Income Support system.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Treasury and Resources regarding the possibility of granting Parish Committees and private Battle of Flowers entrants charity status.

Deputy S.C. Ferguson of St. Brelade asked a question of the Minister for Transport and Technical Services regarding the disposal costs of a ton of cardboard.

The Deputy of St. Martin asked a question of the Minister for Education, Sport and Culture regarding the establishment of a Board of Visitors for Greenfields.

The Connétable of St. Helier asked a question of the Minister for Education, Sport and Culture regarding the allocation of free nursery places.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Transport and Technical Services regarding the proposed car park on the Ann Court site.

Senator J.L. Perchard asked a question of the Assistant Minister for Economic Development regarding the integrity of the Annual Business Plan process.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Housing regarding the discount rate applied in the sales of States-owned housing.

The Deputy of Grouville asked a question of the Minister for Planning and Environment regarding the imposition of certain conditions on the development of first-time buyer or retirement homes.

The Connétable of St. Helier asked a question of the Minister for Treasury and Resources regarding the payment of rates on States properties.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Social Security regarding the cost of multiple G.P. home visits to house bound patients under the Income Support Scheme.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the establishment of a Lay Visitor Scheme in Jersey.

The Deputy of Grouville asked a question of the Minister for Housing regarding the 65 units of selfcatering accommodation proposed in the Hopkins Plan.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Education, Sport and Culture answered questions without notice from members.

The Minister for Transport and Technical Services answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chief Minister made a statement regarding succession planning within the Public sector.

Draft Burials and Exhumations (Amendment) (Jersey) Law 200- P.195/2007

THE STATES, having acceded to the request of the Chief Minister that the Draft Burials and Exhumations (Amendment) (Jersey) Law 200- (P.195/2007) be considered as the first item of public business at the present meeting, 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, and subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Burials and Exhumations (Amendment) (Jersey) Law 200-.

Draft Proceeds of Crime (Substitution of Schedule 2) (Jersey) Regulations 200- P.127/2007

THE STATES commenced consideration of the Draft Proceeds of Crime (Substitution of Schedule 2) (Jersey) Regulations 200- 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, commenced consideration of Regulations 1 to 3 and adopted amendments of the Minister for Treasury and Resources that –

in Regulation 2 , before clause (i) in paragraph 4(d) of Part A of the substituted Schedule 2 there should inserted the following clause –

“(i) paragraph 4 (private trust company business);”

and the remaining clauses in paragraph 4(d) should be renumbered accordingly; and,

in paragraph 4 of Part B of the substituted Schedule 2–

- (a) the existing paragraph should be renumbered as subparagraph (1);
- (b) the following sub-paragraph should be added at the end–

“(2) In this paragraph, “cash” means any of the following in any currency – notes, coins, travellers’ cheques, bearer negotiable instruments.”; and,

after paragraph 4 of Part B of the substituted Schedule 2 there should be inserted the following paragraphs

“5 Casinos (including internet casinos)

- (1) The business of operating a casino.
- (2) For the purposes of this Law, a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.
- (3) “Casino game” means a game of chance –
 - (a) that involves playing or staking against a bank (whether described as a “bank” and whether or not controlled or administered by a player); and
 - (b) where the chances are not equally favourable to all participants.
- (4) For the avoidance of doubt, the provision of the game commonly known as Crown and Anchor in the circumstances permitted under Regulation 9 of the Gambling (Gaming and Lotteries) (Jersey) Regulations 1965 does not fall within sub-paragraph (1).

6 Unregulated funds business

The business of a scheme or arrangement prescribed under Article 3(7) of the Collective Investment Funds (Jersey) Law 1988 other than a scheme or arrangement which is not a collective investment fund under the Collective Investment Funds (Restriction of Scope) (Jersey) Order 2000.”

and the remaining paragraphs in Part B of the substituted Schedule 2 should be renumbered accordingly.

THE STATES, having adopted Regulations 1 to 3, as amended, and in pursuance of Article 36(2) of the Proceeds of Crime (Jersey) Law 1999, made Regulations entitled Proceeds of Crime (Substitution of Schedule 2) (Jersey) Regulations 2008.

Draft Pilotage (Jersey) Law 200- P.197/2007

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

Income Support Medical Appeal Tribunal: appointment of members P.20/2008

THE STATES, adopting a proposition of the Minister for Social Security, agreed to appoint, in accordance with Article 15 of the Income Support (General Provisions) (Jersey) Order 2008, further to a process overseen by the Jersey Appointments Commission, the following persons as members of the Income Support Medical Appeal Tribunal for a period of 5 years –

Advocate Zoë Blomfield	Chair
Miss Kate Doherty	Deputy Chair
Dr. Sylvia Milner	Medical Practitioner Panel Member
Dr. Brendan Loane	Medical Practitioner Panel Member
Mr. Andrew Green MBE	Panel Member
Mrs. Barbara Bedford	Panel Member
Mr. David Moody	Panel Member
Mrs. Sandra Le Monnier	Panel Member

Corporate Management Board: access to meetings and minutes P.11/2008

THE STATES commenced consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement concerning access to the minutes and meetings of the Corporate Management Board and adopting a proposition of the Deputy of St. John, agreed that, in accordance with the provisions of Standing Order 84, the proposition be put to the vote.

Members present voted as follows –

POUR: 22

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier

Senator T.J. Le Main
Senator J.L. Perchard
Connétable of St. Mary

CONTRE: 17

Senator M.E. Vibert
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

ABSTAIN: 1

Deputy G.C.L. Baudains (C)

Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy of St. John

Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy I.J. Gorst (C)
Deputy of St. Mary

THE STATES, adopting paragraph (a) of the proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement, agreed to request that the Chief Minister make available to elected members the minutes of the Corporate Management Board meetings.

Members present voted as follows –

POUR: 29

Senator S. Syvret
Senator T.J. Le Main
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
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 of Grouville
Deputy of St. Peter
Deputy P.V.F. Le Claire (H)
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)

CONTRE: 14

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of Trinity
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy of St. John

ABSTAIN: 1

Deputy of St. Mary

THE STATES rejected paragraph (b) of the proposition requesting that the Chief Minister should arrange that elected members be advised of the Corporate Management Board's meetings so that they could observe those meetings should they so wish.

Members present voted as follows –

POUR: 15

Senator S. Syvret
Connétable of St. Mary
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

CONTRE: 29

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade

Connétable of St. Martin
Connétable of St. Saviour
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren
(S)
Deputy R.G. Le Hérisier
(S)
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 of Trinity
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

ABSTAIN: 0

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) –

26th February 2008

Code of Practice for Scrutiny Panels and the Public Accounts Committee.
Lodged: 28th December 2007.
Chairmen's Committee.

P.198/2007.

Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.198/2007):
comments.
Presented: 4th February 2008.
H.M. Attorney General.

P.198/2007. Com.

Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.198/2007):
amendment.
Lodged: 12th February 2008.
Council of Ministers.

P.198/2007. Amd.

Draft Public Elections (Amendment No. 3) (Jersey) Law 200.

P.2/2008.

Lodged: 7th January 2008. <i>Deputy G.P. Southern of St. Helier.</i>	
Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): comments. Presented: 8th February 2008. <i>Comité des Connétables.</i>	P.2/2008. Com.
Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): comments. Presented: 12th February 2008. <i>Privileges and Procedures Committee.</i>	P.2/2008. Com.(2)
Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): amendment. Lodged: 11th January 2008. <i>Deputy of St. Martin.</i>	P.2/2008. Amd.
Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): amendment (P.2/2008 Amd.)– comments. Presented: 12th February 2008. <i>Privileges and Procedures Committee.</i>	P.2/2008. Amd.Com.
Re-use and Recycling facilities: capital and revenue funding. Lodged: 15th January 2008. <i>Deputy J.B. Fox of St. Helier.</i>	P.7/2008.
Waterfront Skateboard and Youth and Community Centre. Lodged: 15th January 2008. <i>Deputy J.B. Fox of St. Helier.</i>	P.8/2008.
Draft Goods and Services Tax (International Services Entities) (Jersey) Regulations 200-. Lodged: 15th January 2008. <i>Minister for Treasury and Resources.</i>	P.10/2008.
Goods and Services Tax: restriction on amendment of 3% rate. Lodged: 29th January 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.19/2008.
Manual Workers' Joint Council: Employers' Side Membership. Lodged: 8th February 2008. <i>Chief Minister.</i>	P.24/2008.
 <u>11th March 2008</u>	
Draft Taxation (Land Transactions) (Jersey) Law 200-. Lodged: 4th December 2007. <i>Minister for Treasury and Resources.</i>	P.185/2007.
Millennium Town Park: Funding from Strategic Reserve. Lodged: 3rd January 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.1/2008.
Draft Public Elections (Amendment No. 2) (Jersey) Law 2008 (Appointed Day) Act 200-. Lodged: 25th January 2008. <i>Privileges and Procedures Committee.</i>	P.12/2008.
Draft Public Elections (Amendment No. 2) (Jersey) Regulations 200. Lodged: 25th January 2008. <i>Privileges and Procedures Committee.</i>	P.13/2008.

Draft Price Indicators (Jersey) Regulations 200-. Lodged: 28th January 2008. <i>Minister for Economic Development.</i>	P.14/2008.
Draft Price Indicators (Jersey) Regulations 200- (P.14/2008): amendments. Lodged: 6th February 2008. <i>Senator L. Norman.</i>	P.14/2008. Amd.
Draft Harbours (Amendment No. 41) (Jersey) Regulations 200. Lodged: 29th January 2008. <i>Minister for Economic Development.</i>	P.15/2008.
Draft Boats and Surf-Riding (Control) (Amendment No. 27) (Jersey) Regulations 200. Lodged: 29th January 2008. <i>Minister for Economic Development.</i>	P.16/2008.
Draft Goods and Services Tax (Amendment) (Jersey) Law 200-. Lodged: 29th January 2008. <i>Minister for Treasury and Resources.</i>	P.17/2008.
Draft Civil Aviation (Jersey) Law 200-. Lodged: 29th January 2008. <i>Minister for Home Affairs.</i>	P.18/2008.
Rear seat-belts and child booster seats. Lodged: 12th February 2008. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.27/2008.
Jersey Charities Commission: Feasibility Study. Lodged: 12th February 2008. <i>Deputy I.J. Gorst of St. Clement.</i>	P.28/2008.
<u>1st April 2008</u>	
Jersey Enterprise Board Limited: proposed establishment. Lodged: 19th December 2007. <i>Council of Ministers.</i>	P.194/2007.
Jersey Enterprise Board Limited: proposed establishment (P.194/2007) – amendment. Lodged: 28th December 2007. <i>Deputy J.B. Fox of St. Helier.</i>	P.194/2007. Amd.
Jersey Enterprise Board Limited: proposed establishment (P.194/2007) – second amendment. Lodged: 15th January 2008. <i>Public Accounts Committee.</i>	P.194/2007. Amd. (2)
Draft Export Control (Jersey) Law 200-. Lodged: 5th February 2008. <i>Minister for Home Affairs.</i>	P.21/2008.
Draft Employment of States of Jersey Employees (Amendment No. 3) (Jersey) Regulations 200-. Lodged: 5th February 2008. <i>Chief Minister.</i>	P.22/2008.
Draft Act annulling the Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007. Lodged: 6th February 2008. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.23/2008.

Draft Political Parties (Registration) (Jersey) Law 200-
Lodged: 8th February 2008.
Privileges and Procedures Committee.

P.25/2008.

Draft Distance Selling (Jersey) Law 2007 (Appointed Day) Act 200-
Lodged: 12th February 2008.
Minister for Economic Development.

P.26/2008.

THE STATES rose at 4.45 p.m.

M.N. DE LA HAYE

Greffier of the States