



**THE STATES assembled on Thursday  
5th November 2009, at 09.30 a.m. under  
the Presidency of  
Mr. Michael Nelson de la Haye,  
Greffier of the States.**

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

Senator Stuart Syvret – en défaut

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.36 a.m.)

Senator Sarah Craig Ferguson – en défaut (défaut raised at 9.36 a.m.)

Connétable John Le Sueur Gallichan of Trinity – excused attendance (arrived in the Chamber at 10.02 a.m.)

Connétable Graeme Frank Butcher of St. John – en défaut (défaut raised at 10.19 a.m.)

Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.36 a.m.)

Deputy Anne Teresa Dupré of St. Clement – ill

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Prayers

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**Documents presented or laid**

Jersey Heritage Trust: financial review October 2009.

R.122/2009.

Presented: 5th November 2009.

*Comptroller and Auditor General.*

**Committee of Inquiry into the management of the Health and Social Services Department  
P.145/2009**

THE STATES, having resumed consideration of a proposition of the Health, Social Security and Housing Scrutiny Panel concerning the establishment of a Committee of Inquiry into the management of the Health and Social Services Department, rejected the proposal to agree –

- (a) that a Committee of Inquiry be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the actions and effectiveness of the Management at Health and Social Services and other services available to vulnerable children; and,
- (b) to request the Health, Social Security and Housing Scrutiny Panel –
  - (i) to identify an appropriately qualified individual or organisation to be invited to undertake the investigation and to bring forward for approval by the States the names of a proposed Chairman and members;
  - (ii) to bring forward for approval by the States detailed terms of reference of the Committee of Inquiry.

Members present voted as follows –

**POUR: 20**

Senator A. Breckon  
 Senator S.C. Ferguson  
 Connétable of St. Helier  
 Connétable of St. Martin  
 Deputy of St. Martin  
 Deputy R.G. Le Hérissier (S)  
 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 M. Tadier (B)  
 Deputy A.E. Jeune (B)  
 Deputy T.M. Pitman (H)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy D. De Sousa (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 30**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator F.E. Cohen  
 Senator J.L. Perchard  
 Senator A.J.D. Maclean  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 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 of St. Mary  
 Deputy E.J. Noel (L)

**ABSTAIN: 1**

Connétable of St. Lawrence

**Referendum: position of the Connétables in the States P.146/2009**

THE STATES commenced consideration of a proposition of Deputy Montfort Tadier of St. Brelade and rejected an amendment of the Deputy of St. Martin that in paragraph (a) after the words “the position of the Connétables” there should be inserted the words “and Senators”; for the word “question” there should be substituted the word “questions” and after the existing question there should be inserted a second question as follows –

**“Do you think that the position of Senator with its island-wide mandate should be maintained?”**

**YES**

**NO** ”

Members present voted as follows –

**POUR: 16**

Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy of Grouville  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy S. Pitman (H)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)  
 Deputy A.E. Jeune (B)  
 Deputy of St. Mary  
 Deputy T.A. Vallois (S)

**CONTRE: 26**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Senator S.C. Ferguson  
 Senator A.J.D. Maclean  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.B. Fox (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy J.A. Hilton (H)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy of St. John  
 Deputy T.M. Pitman (H)  
 Deputy E.J. Noel (L)  
 Deputy A.K.F. Green (H)  
 Deputy D. De Sousa (H)  
 Deputy J.M. Maçon (S)

**ABSTAIN: 0**

THE STATES commenced consideration of an amendment of Deputy Angela Elizabeth Jeune of St. Brelade that in paragraph (a) after the words “members of the States” there should be inserted the words “and the number of elected members of the States”; for the word “question” there should be substituted the word “questions” and after the existing question there should be inserted an additional question as follows –

**“Do you think that the number of elected States members should be reduced by 6?”**

**YES**

**NO** ”

THE STATES rejected a proposition of Senator Philip Francis Cyril Ozouf that the Assembly move to the consideration of the next item on the Order Paper.

Members present voted as follows –

**POUR: 13**

Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Senator S.C. Ferguson  
 Connétable of Trinity

**CONTRE: 23**

Senator P.F. Routier  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Connétable of St. Ouen

**ABSTAIN: 0**

Connétable of Grouville	Connétable of St. Lawrence
Connétable of St. Saviour	Connétable of St. Mary
Connétable of St. Peter	Deputy R.C. Duhamel (S)
Deputy of Trinity	Deputy of St. Martin
Deputy S.S.P.A. Power (B)	Deputy R.G. Le Hérisssier (S)
Deputy of St. John	Deputy J.A. Martin (H)
Deputy E.J. Noel (L)	Deputy G.P. Southern (H)
Deputy A.K.F. Green (H)	Deputy of St. Ouen
Deputy J.M. Maçon (S)	Deputy J.A. Hilton (H)
	Deputy P.V.F. Le Claire (H)
	Deputy S. Pitman (H)
	Deputy K.C. Lewis (S)
	Deputy I.J. Gorst (C)
	Deputy M. Tadier (B)
	Deputy A.E. Jeune (B)
	Deputy T.M. Pitman (H)
	Deputy T.A. Vallois (S)
	Deputy M.R. Higgins (H)
	Deputy D. De Sousa (H)

THE STATES rejected an amendment of Deputy Angela Elizabeth Jeune of St. Brelade that in paragraph (a) after the words “members of the States” there should be inserted the words “and the number of elected members of the States”; for the word “question” there should be substituted the word “questions” and after the existing question there should be inserted an additional question as follows –

**“Do you think that the number of elected States members should be reduced by 6?”**

**YES                       NO**

Members present voted as follows –

**POUR: 6**

Senator A. Breckon  
Deputy of St. Martin  
Deputy J.A. Martin (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy I.J. Gorst (C)  
Deputy A.E. Jeune (B)

**CONTRE: 34**

Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator J.L. Perchard  
Senator S.C. Ferguson  
Senator B.I. Le Marquand  
Connétable of St. Ouen  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. John  
Connétable of St. Saviour  
Connétable of St. Lawrence  
Connétable of St. Mary  
Deputy R.C. Duhamel (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy G.P. Southern (H)

**ABSTAIN: 1**

Deputy M. Tadier (B)

Deputy of St. Ouen  
 Deputy of Grouville  
 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 of St. John  
 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. De Sousa (H)  
 Deputy J.M. Maçon (S)

THE STATES rejected an amendment of Deputy Angela Elizabeth Jeune of St. Brelade that after paragraph (b) there should be inserted a new paragraph (c) as follows –

“(c) to agree that the outcome of the referendum will be implemented by the States in order to be effective for the 2011 elections, provided that there is a turnout in excess of 50% of the registered electorate voting in the referendum.”

Members present voted as follows –

**POUR: 18**

Senator A. Breckon  
 Connétable of St. Clement  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy P.V.F. Le Claire (H)  
 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 D. De Sousa (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 22**

Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy J.B. Fox (H)  
 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.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy E.J. Noel (L)  
 Deputy A.K.F. Green (H)

**ABSTAIN: 0**

THE STATES, having resumed consideration of a proposition of Deputy Montfort Tadier of St. Brelade, rejected the proposal –

- (a) to agree that a referendum in accordance with the Referendum (Jersey) Law 2002 should be held as soon as practicable to seek the views of the electorate on the position of the Connétables as members of the States and that the text of the question should be –

**“Do you think that the 12 Parish Connétables should have an automatic seat in the States Assembly by virtue of their office?”**

**YES  NO**

- (b) to request the Privileges and Procedures Committee to take the necessary steps to implement the referendum.

Members present voted as follows –

**POUR: 17**

Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Connétable of St. Clement  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy S. Pitman (H)  
 Deputy M. Tadier (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy M.R. Higgins (H)  
 Deputy D. De Sousa (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 29**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Senator F.E. Cohen  
 Senator S.C. Ferguson  
 Senator A.J.D. Maclean  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Deputy J.B. Fox (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 K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy A.E. Jeune (B)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy A.K.F. Green (H)

**ABSTAIN: 1**

Connétable of St. Lawrence

**Changes in Presidency**

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

**Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- second reading P.86/2009**

THE STATES resumed consideration of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- the principles of which had been adopted on 15th July 2009.

THE STATES noted that Regulation 1 was held over and would be considered later in the debate.

THE STATES adopted Regulations 2 to 4.

THE STATES commenced consideration of Regulation 5 of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- and, adopting an amendment of the Minister for Economic Development, agreed that in Regulation 5(1), after sub-paragraph (d) there should be added the following sub-paragraph –

“(e) is the Jersey registered company called Community Savings & Credit Ltd.”.

Members present voted as follows –

**POUR: 37**

**CONTRE: 0**

**ABSTAIN: 0**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Senator F.E. Cohen  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.D. Maclean  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.B. Fox (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 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 I.J. Gorst (C)  
Deputy A.E. Jeune (B)  
Deputy of St. Mary  
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)

THE STATES commenced consideration of an amendment of the Economic Affairs Scrutiny Panel to Regulation 5 of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200-, that –

- (a) at the end of paragraph (1)(c) there should be omitted the word “or” and, after paragraph (1)(d) the following word and sub-paragraph added–
- “or
- (e) is a small trading company.”
- (b) after paragraph (5) the following paragraphs should be added–
- “(6) In this Regulation –
- “employee” has the same meaning as in the Employment (Jersey) Law 2003;
- “small trading company” means a company that –
- (a) is incorporated in Jersey;
- (b) is a trading company; and
- (c) upon the relevant date, satisfies the condition in paragraph (7) or (8);
- “trading company” has the same meaning as in the Income Tax (Jersey) Law 1961.
- (7) The first condition is that the company is not liable to be registered under the Goods and Services Tax (Jersey) Law 2007.
- (8) The second condition is that for at least 6 months in the calendar year preceding the relevant date, the company employed less than 5 employees.”.

### **Adjournment**

THE STATES adjourned, having agreed to reconvene on Friday 6th November 2009 to continue consideration of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200-, and the outstanding items of public business.

THE STATES rose at 5.29 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*