



**THE STATES assembled on Friday
11th September 2009, at 09.30 a.m. under the Presidency of
Mr. Michael Nelson de la Haye,
Greffier of the States.**

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

Connétable Michael Keith Jackson of St. Brelade – en défaut
Connétable Peter Frederick Maurice Hanning of St. Saviour – ill
Deputy Geoffrey Peter Southern of St. Helier – en défaut
Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 9.52 a.m.)
Deputy Daniel John Arabin Wimberley – en défaut (défaut raised at 9.38 a.m.)
Deputy Michael Roderick Higgins of St. Helier – en défaut

Prayers

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the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Custody Visitor Scheme (P.122/2009): amendment.

P.122/2009.

Lodged: 25th August 2009.

Amd.

Minister for Home Affairs.

Custody Visitor Scheme P.122/2009

THE STATES, adopting a proposition of the Deputy of St. Martin, agreed that an independent Custody Visitor Scheme should be established in Jersey to enable Custody Visitors to inspect the manner in which persons were detained in police custody, and requested the Minister for Home Affairs to take the necessary steps to establish the Scheme and appoint the Custody Visitors no later than 1st February 2010.

Members present voted as follows –

POUR: 41

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret
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. Breckon
Senator S.C. Ferguson

Senator A.J.D. Maclean
Senator B.I. Le Marquand
Connétable of St. Helier
Connétable of Grouville
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Mary
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 of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy M. Tadier (B)
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

Law Society Disciplinary Panel: appointment of lay member P.124/2009

THE STATES, adopting a proposition of the Chief Minister, appointed, in accordance with the provisions of Article 18(2) of The Law Society of Jersey Law 2005, Mrs. Margaret Ann Rondel as a lay member of the Law Society Disciplinary Panel for a period of 5 years.

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), the Deputy of St. John declared an interest and withdrew from the Chamber for the duration of the debate.

Public Employees Contributory Retirement Scheme Committee of Management: membership P.125/2009

THE STATES, adopting a proposition of the Chief Minister, approved, in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, the appointment of Ms Barbara Ward and Mr. Mark Johnson as employee representatives on the Committee of Management for the period ending 31st December 2009, in place of Mr. William McPhee and Mr. Francis Greene.

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(c), Deputy John Benjamin Fox of St. Helier, the Deputy of Trinity and Deputy Andrew Kenneth Francis Green of St. Helier declared an interest as members of the Public Employees Contributory Retirement Scheme.

Jersey Law Commission: re-appointment of Chairman and Commissioner P.127/2009

THE STATES, adopting a proposition of the Chief Minister, agreed to refer to their Act, dated 30th July 1996, in which they approved the establishment of a Jersey Law Commission, and re-appointed Mr. David Lyons as Chairman and Advocate Kerry Joy Lawrence as Commissioner for a period of 5 years.

Verita Investigation: extension to cover exclusion of Consultant Obstetrician and Gynaecologist P.131/2009

THE STATES, rejected a proposition of the Deputy of St. Martin –

to request the Minister for Health and Social Services to instruct Verita to include in their current investigation an examination of the events relating to the exclusion of the Consultant Obstetrician and Gynaecologist in October 2006 and the conduct of the exclusion since that date, including –

- (a) investigating the reasons for the immediate exclusion of the Consultant Obstetrician and Gynaecologist and the Locum Consultant Obstetrician and Gynaecologist;
- (b) investigating, in the case of the Consultant Obstetrician and Gynaecologist –
 - (i) whether the Health and Social Services procedure in place at that time for dealing with capability and conduct of senior doctors was correctly followed;
 - (ii) whether the National Clinical Assessment Service (NCAS) was consulted immediately, or before, the exclusion was formalised;
 - (iii) whether NCAS had been consulted at any stage, and if so, whether advice subsequently given was correctly followed in the case of this Consultant;
 - (iv) what factors lead to the Consultant being excluded on full pay for almost 3 years, and whether any of these were avoidable;
- (c) investigating the role played by the various Ministers for Health and Social Services, the States Employment Board and the Senior Management Team of the Health and Social Services Department from the time of the exclusion to the present date;
- (d) investigating whether there had been any procedural errors, or conflicts of interest on the part of Senior Hospital Managers which had lead to this exclusion not being resolved to date; and
- (e) investigating the cost of the exclusion and the funding arrangements to cover the cost of the exclusion.

Members present voted as follows –

POUR: 22**CONTRE: 22****ABSTAIN: 0**

Senator S. Syvret
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Mary
 Deputy J.B. Fox (H)
 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 I.J. Gorst (C)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)

THE STATES noted that, as there was an equality of votes, the matter had been determined in the negative in accordance with Article 16(2) of the States of Jersey Law 2005.

Changes in Presidency

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

The Bailiff retired from the Chamber during consideration of the proposition of the Deputy of St. Martin entitled 'Verita Investigation: extension to cover exclusion of Consultant Obstetrician and Gynaecologist' (P.131/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

States of Jersey Complaints Panel: appointment of members P.116/2009

THE STATES, adopting a proposition of the Privileges and Procedures Committee, agreed to refer to their Act dated 17th June 2009 in which they appointed the Chairman, Deputy Chairmen and 5 members of the States of Jersey Complaints Panel, from whom members of Complaints Boards could be drawn, for a period of 3 years, and –

in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, appointed the following additional members of the Panel for a period of 3 years –

Mr. Christopher Beirne;
 Mr. Robert Frederick Bonney;
 Mr. Frank Dearie;
 Mr. Stephen William Platt.

Members present voted as follows –

POUR: 43

CONTRE: 0

ABSTAIN: 1

Senator S. Syvret
 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. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (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 K.C. Lewis (S)
 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 A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Connétable of Grouville

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(c), the Connétable of Grouville declared an interest but remained in the Chamber for the duration of the debate.

Arrangement of public business for future meetings

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that it would start its next meeting on Monday 21st September 2009 at 2.30 p.m. in order that consideration of the Draft Annual Business Plan 2010 (P.117/2009) could commence at 9.30 a.m. on Tuesday 22nd September 2009.

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) –

21st September 2009

Draft Annual Business Plan 2010. Lodged: 21st July 2009. <i>Chief Minister.</i>	P.117/2009.
Draft Annual Business Plan 2010 (P.117/2009): amendment. Lodged: 24th August 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.117/2009. Amd.
Draft Annual Business Plan 2010 (P.117/2009): amendment (P.117/2009 Amd.) – amendment. Lodged: 8th September 2009. <i>Deputy S. Pitman of St. Helier.</i>	P.117/2009. Amd.Amd.
Draft Annual Business Plan 2010 (P.117/2009): second amendment. Lodged: 7th September 2009. <i>Senator A. Breckon.</i>	P.117/2009. Amd.(2)
Draft Annual Business Plan 2010 (P.117/2009): third amendment. Lodged: 7th September 2009. <i>Senator B.E. Shenton.</i>	P.117/2009. Amd.(3)
Draft Annual Business Plan 2010 (P.117/2009): fourth amendment. Lodged: 7th September 2009. <i>Senator S.C. Ferguson.</i>	P.117/2009. Amd.(4)
Draft Annual Business Plan 2010 (P.117/2009): fifth amendment. Lodged: 7th September 2009. <i>Deputy of Grouville.</i>	P.117/2009. Amd.(5)
Draft Annual Business Plan 2010 (P.117/2009): sixth amendment. Lodged: 8th September 2009. <i>Senator A. Breckon.</i>	P.117/2009. Amd.(6)
Draft Annual Business Plan 2010 (P.117/2009): seventh amendment. Lodged: 8th September 2009. <i>Connétable of St. Helier.</i>	P.117/2009. Amd.(7)

Draft Annual Business Plan 2010 (P.117/2009): ninth amendment. Lodged: 8th September 2009. <i>Deputy J.B. Fox of St. Helier.</i>	P.117/2009. Amd.(9)
Draft Annual Business Plan 2010 (P.117/2009): tenth amendment. Lodged: 8th September 2009. <i>Deputy S. Pitman of St. Helier.</i>	P.117/2009. Amd.(10)
Draft Annual Business Plan 2010 (P.117/2009): eleventh amendment. Lodged: 8th September 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.117/2009. Amd.(11)
Draft Annual Business Plan 2010 (P.117/2009): twelfth amendment. Lodged: 8th September 2009. <i>Minister for Education, Sport and Culture.</i>	P.117/2009. Amd.(12)
Draft Annual Business Plan 2010 (P.117/2009): thirteenth amendment. Lodged: 8th September 2009. <i>Deputy M. Tadier of St. Brelade.</i>	P.117/2009. Amd.(13)
Draft Annual Business Plan 2010 (P.117/2009): sixteenth amendment. Lodged: 8th September 2009. <i>Education and Home Affairs Scrutiny Panel.</i>	P.117/2009. Amd.(16)
Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment. Lodged: 8th September 2009. <i>Deputy of St. Mary.</i>	P.117/2009. Amd.(17)
Draft Annual Business Plan 2010 (P.117/2009): eighteenth amendment. Lodged: 8th September 2009. <i>Deputy M. Tadier of St. Brelade.</i>	P.117/2009. Amd.(18)

6th October 2009

Vote of No Confidence: States Employment Board. Lodged: 8th September 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.142/2009.
Child abuse compensation claims: freedom of expression for survivors. Lodged: 6th April 2009. <i>Senator S. Syvret.</i>	P.49/2009.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – comments. Presented: 11th May 2009. <i>Council of Ministers.</i>	P.49/2009. Com.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – amendment. Lodged: 29th April 2009. <i>Council of Ministers.</i>	P.49/2009. Amd.

Property and Infrastructure Regeneration: the States of Jersey Development Company Limited. Lodged: 2nd June 2009. <i>Council of Ministers.</i>	P.79/2009.
Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009) – amendment. Lodged: 8th June 2009. <i>Connétable of St. Helier.</i>	P.79/2009. Amd.
Draft Honorary Police (Repeals) (Jersey) Law 200-. Lodged: 13th July 2009. <i>Comité des Connétables.</i>	P.114/2009.
Draft Honorary Police (Amendment) (Jersey) Regulations 200-. Lodged: 13th July 2009. <i>Comité des Connétables.</i>	P.115/2009.
Wheel clamping: introduction of legislation. Lodged: 28th July 2009. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.119/2009.
Draft Marriage and Civil Status (Amendment No. 3) (Jersey) Law 200-. Lodged: 5th August 2009. <i>Minister for Home Affairs.</i>	P.123/2009.
Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 10) (Jersey) Regulations 200-. Lodged: 11th August 2009. <i>Chief Minister.</i>	P.126/2009.
Draft Road Traffic (No. 59) (Jersey) Regulations 200-. Lodged: 18th August 2009. <i>Minister for Home Affairs.</i>	P.128/2009.
Jersey Police Complaints Authority: appointment of Chairman and members. Lodged: 18th August 2009. <i>Minister for Home Affairs.</i>	P.129/2009.
Rental Deposit Scheme to protect tenants' deposits. Lodged: 18th August 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.130/2009.
Draft Sex Offenders (Jersey) Law 200-. Lodged: 19th August 2009. <i>Minister for Home Affairs.</i>	P.132/2009.
Draft Amendment (No. 12) of the Standing Orders of the States of Jersey. Lodged: 19th August 2009. <i>Privileges and Procedures Committee.</i>	P.133/2009.

- Draft Protection of Children (Cigarette Lighter Refill) (Jersey) Regulations 200-. P.134/2009.
Lodged: 24th August 2009.
Minister for Economic Development.
- Millennium Town Park: funding from the Stabilisation Fund. P.135/2009.
Lodged: 24th August 2009.
Deputy G.P. Southern of St. Helier.
- Composition and election of the States: abolition of 6 Senatorial positions in 2011. P.138/2009.
Lodged: 7th September 2009.
Deputy A.E. Jeune of St. Brelade.
- Annual Business Plan 2009: variation in respect of pay freeze – rescindment. P.143/2009.
Lodged: 9th September 2009.
Deputy S. Pitman of St. Helier.

20th October 2009

- Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- second P.86/2009.
reading.
Lodged: 2nd June 2009.
Minister for Economic Development.
(principles approved 15th July 2009)
- Draft Banking (Depositors Compensation) (Jersey) Regulations 200-. P.87/2009.
Lodged: 2nd June 2009.
Minister for Economic Development.
- Strategic Reserve Fund: use for Bank Depositors' Compensation Scheme. P.84/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Draft Public Finances (Depositors Compensation) (Jersey) Regulations 200-. P.85/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Draft Income Tax (Amendment No. 32) (Jersey) Law 200-. P.81/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Committee of Inquiry: confidential files held by States of Jersey Police on States P.104/2009.
Members and others.
Lodged: 23rd June 2009.
Deputy M.R. Higgins of St. Helier.
- Ann Court housing site, St. Helier: temporary use. P.108/2009.
Lodged: 30th June 2009.
Connétable of St. Helier.
- Ann Court housing site, St. Helier: temporary use (P.108/2009) – comments. P.108/2009.
Presented: 8th July 2009. Com.
Minister for Housing.

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200-. P.111/2009.
Lodged: 1st July 2009.
Minister for Economic Development.

Code of Practice for Scrutiny Panels and the Public Accounts Committee: amendments. P.112/2009.
Lodged: 6th July 2009.
Chairmen's Committee.

Civil Partnerships. P.136/2009.
Lodged: 4th September 2009.
Chief Minister.

Draft Companies (Amendment No. 4) (Jersey) Regulations 200-. P.137/2009.
Lodged: 4th September 2009.
Minister for Economic Development.

Draft Gambling Commission (Jersey) Law 200-. P.139/2009.
Lodged: 8th September 2009.
Minister for Economic Development.

Draft Gambling (Gaming and Lotteries) (Amendment No. 15) (Jersey) Regulations 200-. P.140/2009.
Lodged: 8th September 2009.
Minister for Economic Development.

Draft Gambling (2010 Fees) (Jersey) Regulations 200-. P.141/2009.
Lodged: 8th September 2009.
Minister for Economic Development.

3rd November 2009

Pension Schemes: dealing with the past service liability. P.110/2009.
Lodged: 1st July 2009.
Senator B.E. Shenton.

Plémont Holiday Village: acquisition by the Public. P.144/2009.
Lodged: 9th September 2009.
Connétable of St. Ouen.

Committee of Inquiry into the management of the Health and Social Services Department. P.145/2009.
Lodged: 9th September 2009.
Health, Social Security and Housing Scrutiny Panel.

Referendum: position of the Connétables in the States. P.146/2009.
Lodged: 10th September 2009.
Deputy M. Tadier of St. Brelade.

THE STATES rose at 3.58 p.m.

L-M. HART

Assistant Greffier of the States