

THE STATES assembled on Tuesday 20th July 2010, at 09.30 a.m. under the Presidency of the Bailiff, Michael Cameron St. John Birt Esquire.

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

Senator Frederick Ellyer Cohen – excused attendance (arrived in the Chamber 10.30 a.m.) Senator Sarah Craig Ferguson – en défaut (défaut raised at 9.36 a.m.) Connétable Alan Simon Crowcroft of St. Helier en défaut (défaut raised at 10.15 a.m.) Connétable Silvanus Arthur Yates of St. Martin – ill Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 10.15 a.m.)

Prayers

Documents presented or laid

Jersey Overseas Aid Commission: annual report for 2009.

R.105/2010.

Presented: 20th July 2010.

Jersey Overseas Aid Commission.

Notification of lodged propositions

North of Town Masterplan (Revised) (P.103/2010): amendment. Lodged: 20th July 2010. *Deputy A.K.F. Green of St. Helier.*

P.103/2010.

Amd.

Income Support: eligibility for educational or training courses P.66/2010

THE STATES commenced consideration of a proposition of the Health, Social Security and Housing Scrutiny Panel regarding the provision of Income Support whilst studying, and, adopting an amendment of the Minister for Social Security, agreed that for the words "in order to" and paragraphs (a) to (c) there should be substituted the words —

- ", with the review to include consideration of –
- (a) the range of courses that were available;
- (b) the relevant Income Support Guidelines used by Social Security staff;
- (c) the communication of any new policies to stakeholders".

Members present voted as follows –

POUR: 33 CONTRE: 14 ABSTAIN: 0

Senator T.A. Le Sueur Senator A. Breckon Senator P.F. Routier Senator F. du H. Le

Senator P.F. Routier Senator F. du H. Le Gresley Senator P.F.C. Ozouf Connétable of St. Helier

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Senator T.J. Le Main Senator F.E. Cohen Senator J.L. Perchard Senator S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand Connétable of St. Ouen Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. Saviour Connétable of St. Peter Connétable of St. Mary

Connétable of St. Lawrence Deputy of St. Martin Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of Grouville Deputy P.V.F. Le Claire (H)

Deputy P.V.F. Le Claire (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy of St. Ouen Deputy of St. Peter Deputy J.A. Hilton (H) Deputy J.A.N. Le Fondré (L)

Deputy R.C. Duhamel (S)

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 A.E. Jeune (B)

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy A.K.F. Green (H)

THE STATES, having resumed consideration of a proposition of the Health, Social Security and Housing Scrutiny Panel regarding the provision of Income Support whilst studying, as amended, agreed to request the Minister for Social Security, in consultation with the Ministers for Education, Sport and Culture and Economic Development, to review his policy on the eligibility for Income Support for those who wish to pursue an educational or training course ", with the review to include consideration of –

- (a) the range of courses that were available;
- (b) the relevant Income Support Guidelines used by Social Security staff;

Deputy M. Tadier (B)

(c) the communication of any new policies to stakeholders".

Members present voted as follows -

POUR: 45 CONTRE: 1 ABSTAIN: 0

Senator T.A. Le Sueur

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.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

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. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy G.P. Southern (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.S.P.A. Power (B)

Deputy S. Pitman (H)

Deputy I.J. Gorst (C)

Deputy of St. John

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.J. De Sousa (H)

Deputy J.M. Maçon (S)

Draft Howard Davis Farm (Abrogation of Covenant) (Amendment of Law) (Jersey) Regulations 201- P.67/2010

THE STATES commenced consideration of the Draft Howard Davis Farm (Abrogation of Covenant) (Amendment of Law) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 44 CONTRE: 0 ABSTAIN: 0

Senator T.A. Le Sueur

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.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

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. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy J.B. Fox (H)

Deputy of St. Ouen

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.S.P.A. Power (B)

Deputy S. Pitman (H)

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 A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

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 3.

THE STATES, in pursuance of Article 2(3) and (4) of the Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 2008, made Regulations entitled the Howard Davis Farm (Abrogation of Covenant) (Amendment of Law) (Jersey) Regulations 2010.

Draft Income Tax (Amendment No. 35) (Jersey) Law 201- P.68/2010

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 35) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 30 CONTRE: 2 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator J.L. Perchard

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of Trinity

Connétable of St. Brelade

Connétable of St. John

Connétable of St. Saviour

Connétable of St. Peter

Connétable of St. Mary

Deputy R.C. Duhamel (S)

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 K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy A.E. Jeune (B)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

Deputy of St. Martin Deputy S. 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 to 4.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 35) (Jersey) Law 201-.

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the Draft Income Tax (Amendment No. 35) (Jersey) Law 201- and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Unlawful Public Entertainments (Jersey) Regulations 201- P.72/2010

THE STATES commenced consideration of the Draft Unlawful Public Entertainments (Jersey) Regulations 201- and a proposition of Deputy Montfort Tadier of St. Brelade that, in accordance with Standing Order 83(1)(a), the matter should be referred back to the Minister for Home Affairs in order that further information relating to the proposition could be provided to the States.

THE STATES, following discussion, agreed to Deputy Montfort Tadier of St. Brelade's request to withdraw his proposition to refer the matter back to the Minister for Home Affairs.

THE STATES, having resumed consideration of the Draft Unlawful Public Entertainments (Jersey) Regulations 201-, adopted the principles.

Members present voted as follows –

POUR: 33 CONTRE: 4 ABSTAIN: 0

Senator P.F. Routier Senator B.E. Shenton

Senator F.E. Cohen

Senator A. Breckon

Senator S.C. Ferguson

Senator B.I. Le Marquand Senator F. du H. Le Gresley

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. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy of St. Ouen

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

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 of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

Deputy S. Pitman (H)

Deputy of St. John

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 Regulations 1 and 2.

Members present voted as follows –

POUR: 37 CONTRE: 6 ABSTAIN: 0

Senator T.A. Le Sueur
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.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Connétable of St. Ouen
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville

Deputy R.G. Le Hérissier (S) Deputy J.A. Martin (H) Deputy of St. John Deputy M. Tadier (B) Deputy of St. Mary Deputy T.M. Pitman (H)

Connétable of St. John
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter

Connétable of St. Brelade

Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy A.E. Jeune (B)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

THE STATES adopted Regulations 3 to 5.

Members present voted as follows –

POUR: 42 CONTRE: 2 ABSTAIN: 0

Senator T.A. Le Sueur Deputy M. Tadier (B) Senator P.F.C. Ozouf Deputy T.M. Pitman (H)

Senator T.J. Le Main

Senator F.E. Cohen

Senator J.L. Perchard

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

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. Clement

Connétable of St. Peter

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 of St. Peter

Deputy J.A. Hilton (H)

Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy A.E. Jeune (B)

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

THE STATES adopted Regulations 6 and 7.

Members present voted as follows –

POUR: 43 CONTRE: 1 ABSTAIN: 0

Senator T.A. Le Sueur

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator F.E. Cohen

Senator J.L. Perchard

Deputy T.M. Pitman (H)

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

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. Clement

Connétable of St. Peter

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 of St. Peter

Deputy J.A. Hilton (H)

Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy M. Tadier (B)

Deputy A.E. Jeune (B)

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

THE STATES, in pursuance of the Order in Council dated 14th April 1884, made Regulations entitled the Unlawful Public Entertainments (Jersey) Regulations 2010.

Members present voted as follows –

POUR: 41 CONTRE: 3 ABSTAIN: 0

Senator T.A. Le Sueur Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator F.E. Cohen Senator J.L. Perchard

Senator A. Breckon

Deputy of St. John Deputy M. Tadier (B) Deputy T.M. Pitman (H)

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

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. Clement

Connétable of St. Peter

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 of St. Peter

Deputy J.A. Hilton (H)

Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy K.C. Lewis (S)

Deputy A.E. Jeune (B)

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

Jersey Heritage Trust: service level agreement and funding requirements P.75/2010

THE STATES, adopting a proposition of the Minister for Education, Sport and Culture, as amended, agreed –

that, subject to the necessary funding being agreed by the States in the Annual Business Plan, the Minister for Education, Sport and Culture enter into an Agreement with the Jersey Heritage Trust, as outlined in Appendix A on page 14, specifying the minimum level of service to be provided in return for total annual funding from the States of Jersey for revenue expenditure purposes of £2,300,000, and the Chief Minister be requested to include the additional financial provision for the Trust of £200,000 per annum in the Draft Annual Business Plan for 2011 and beyond;

to request the Chief Minister to make additional provision in the Draft Annual Business (b) Plan for 2011 and beyond to meet the Trust's expenditure requirement for an additional £465,000 as recommended in the Locum report to enable the maintenance and renewal of heritage sites under its control.

Members present voted as follows –

CONTRE: 9 ABSTAIN: 0 POUR: 41

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. Breckon Senator S.C. Ferguson Senator B.I. Le Marquand Senator F. du H. Le Gresley Connétable of St. Ouen Connétable of St. Helier Connétable of Grouville Connétable of St. Brelade Connétable of St. Saviour Connétable of St. Clement Connétable of St. Mary Deputy R.C. Duhamel (S)

Senator B.E. Shenton Senator J.L. Perchard Senator A.J.H. Maclean Connétable of Trinity Connétable of St. John Connétable of St. Peter Deputy R.G. Le Hérissier (S) Deputy J.A. Martin (H) Deputy of St. Peter

Deputy J.B. Fox (H) Deputy G.P. Southern (H)

Deputy of St. Martin

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 K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

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 M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Macon (S)

In accordance with Standing Order 106(1)(b) Senators Terence John Le Main and Frederick Ellyer Cohen, the Connétable of St. Helier and Deputy Roy George Le Hérissier of St. Saviour declared an interest but remained in the Chamber for the duration of the debate.

Changes in Presidency

Mr. Michael Nelson de la Haye, Greffier of the States retired from the Chair during consideration of the proposition of the Minister for Education, Sport and Culture concerning the service level agreement and funding requirements for Jersey Heritage Trust (P.75/2010) and the meeting continued under the Presidency of the Bailiff.

Draft Income Support (Amendment No. 5) (Jersey) Regulations 201- P.77/2010

THE STATES commenced consideration of the Draft Income Support (Amendment No. 5) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows -

POUR: 40 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator B.E. Shenton

Senator F.E. Cohen

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of St. Ouen

Connétable of St. Helier

Connétable of Trinity

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 of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

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 K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. John

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 D.J. De Sousa (H) Deputy J.M. Maçon (S)

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 4 and the Schedule.

THE STATES, in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 200, made Regulations entitled the Income Support (Amendment No. 5) (Jersey) Regulations 2010.

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

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 21st July 2010 to consider the outstanding items of public business.

THE STATES rose at 5.41 p.m.

A.H. HARRIS

Deputy Greffier of the States