



**THE STATES assembled on Tuesday
15th January 2013, at 10.25 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

**His Excellency the Lieutenant Governor,
General Sir John McColl, K.C.B., C.B.E., D.S.O.
was present.**

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

Deputy Judith Ann Martin of St. Helier – ill
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 10.48 a.m.)

Prayers

Service of Dedication – thanks

The Bailiff, on behalf of all members, thanked the Dean of Jersey and all those involved in the organisation of the Service of Dedication which had been held at the St. Helier Parish Church prior to the meeting.

Tribute to the late Mr. Richard J. Shenton, O.B.E., K.S.G., former member of the States

The Bailiff paid tribute to the late Mr. Richard J. Shenton, O.B.E., K.S.G., former Senator.

The States observed one minute's silence as a mark of respect.

Deputy Viscount – appointment

The Bailiff advised the Assembly that following the recent retirement of Mr. Peter de Gruchy from the post, Advocate Mark Harris had been appointed as Deputy Viscount with effect from 28th January 2013.

Subordinate enactments tabled

The following enactments were tabled, namely –

Community Provisions (Restrictive Measures – Syria) (Amendment No. 9) (Jersey) Order 2012. R&O.145/2012.

Deputy Chief Minister for and on behalf of Chief Minister.

Public Finances (Accounting Standards) (No. 2) (Jersey) Order 2012. R&O.146/2012.
Minister for Treasury and Resources.

Intellectual Property (Unregistered Rights) (Miscellaneous Provisions) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.149/2012.
Intellectual Property (Unregistered Rights) (Fees) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.150/2012.
Intellectual Property (Unregistered Rights) (Proceedings Before Licensing Authority) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.151/2012.
Intellectual Property (Unregistered Rights) (Works of Foreign Provenance) Order 2012. <i>Minister for Economic Development.</i>	R&O.152/2012.
Companies (Designated Body) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.153/2012.
Bankruptcy (Désastre) (Amendment) (Jersey) Order 2012. <i>Minister for Economic Development.</i>	R&O.154/2012.
Sand Racing (No. 2) (Jersey) Order 2012. <i>Minister for Transport and Technical Services.</i>	R&O.159/2012.
Road Racing (Hill Climbs and Sprints) (No. 2) (Jersey) Order 2012. <i>Minister for Transport and Technical Services.</i>	R&O.160/2012.
Social Security (Contributions) (Amendment No. 13) (Jersey) Order 2012. <i>Minister for Social Security.</i>	R&O.161/2012.
Social Security (Miscellaneous Provisions No. 2) (Jersey) Order 2012. <i>Minister for Social Security.</i>	R&O.162/2012.
Social Security (Home Carer's Allowance) (Jersey) Order 2012. <i>Minister for Social Security.</i>	R&O.163/2012.
Planning and Environment (2013 Fees) (Jersey) Order 2012. <i>Minister for Planning and Environment.</i>	R&O.164/2012.
Health Care (Registration) (Prescribed Qualifications) (Amendment No. 5) (Jersey) Order 2012. <i>Minister for Health and Social Services.</i>	R&O.165/2012.
Health and Social Services (2013 Fees) (Jersey) Order 2012. <i>Minister for Health and Social Services.</i>	R&O.166/2012.
Planning and Building (General Development) (Amendment) (Jersey) Order 2012. <i>Minister for Planning and Environment.</i>	R&O.167/2012.
Artificial Insemination of Domestic Animals (Bovine Semen) (Amendment) (Jersey) Order 2012. <i>Minister for Planning and Environment.</i>	R&O.168/2012.

Fire and Rescue Service (Charges) (Amendment) (Jersey) Order 2012. R&O.169/2012.
Minister for Home Affairs.

Fire Precautions (Fees) (Amendment No. 2) (Jersey) Order 2012. R&O.170/2012.
Minister for Home Affairs.

Fire Precautions (Prescribed Forms) (Jersey) Order 2012. R&O.171/2012.
Minister for Home Affairs.

Documents presented or laid

Connétables and other parish officials: explanatory document and new legislation P.119/2012.
(P.119/2012) – comments. Com.(2)
Presented: 15th January 2013.
Council of Ministers.

States Members' remuneration: proposed increase for 2013 (P.127/2012) – comments. P.127/2012.
Presented: 21st December 2012. Com.
Privileges and Procedures Committee.

States Members' remuneration: proposed increase for 2013 (P.127/2012) – additional P.127/2012.
comments. Com.(2)
Presented: 14th January 2013.
Privileges and Procedures Committee.

Sea Transport Policy: direction to the Harbour Master concerning ferry services. R.144/2012.
Presented: 19th December 2012.
Minister for Economic Development.

Land Transactions under Standing Order 168(3) – acquisition of 'Life-Long' Homes R.145/2012.
on Fields 516, 517 and 518, La Rue de Patier, St. Saviour.
Presented: 20th December 2012.
Minister for Treasury and Resources.

Budget Management Report for the period ended 30th June 2012. R.146/2012.
Presented: 20th December 2012.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – R.1/2013.
(a) V12S Victoria Pier, V36 Victoria Pier, B003G Jersey Airport – lease; (re-issue)
(b) V26A Victoria Pier, A20, A21, A25 and A24 Albert Pier – lease;
(c) Wellington Hill, St. Saviour – new bus lay-by.
Presented: 9th January 2013.
Minister for Treasury and Resources.

Electoral Commission Final Report January 2013. R.2/2013.
Presented: 14th January 2013.
Privileges and Procedures Committee.

Ash Disposal. S.R.20/2012.
Presented: 17th December 2012.
Environment Scrutiny Panel.

Tourism Shadow Board. S.R.1/2013.
 Presented: 14th January 2013.
Economic Affairs Scrutiny Panel.

Notification of lodged propositions

Minister for Justice and Department of Justice: report (P.120/2012) – amendment. P.120/2012.
 Lodged: 15th January 2013. Amd.
Senator L.J. Farnham.

Statistics User Group: appointment of Chairman. P.137/2012.
 Lodged: 27th December 2012.
Chief Minister.

Comptroller and Auditor General: appointment. P.138/2012.
 Lodged: 28th December 2012.
Chief Minister.

St. Helier Harbour: creation of cycle track. P.1/2013.
 Lodged: 7th January 2013.
Deputy G.C.L. Baudains of St. Clement.

Draft Control of Housing and Work (Residential and Employment Status) (Jersey) P.2/2013.
 Regulations 201-.
 Lodged: 11th January 2013.
Chief Minister.

Draft Control of Housing and Work (Transitional and Consequential) (Jersey) P.3/2013.
 Regulations 201-.
 Lodged: 11th January 2013.
Chief Minister.

Code of Conduct for Elected Members: Commissioner for Standards. P.4/2013.
 Lodged: 14th January 2013.
Privileges and Procedures Committee.

Draft Referendum (Reform of States Assembly) (Jersey) Act 201-. P.5/2013.
 Lodged: 15th January 2013.
Privileges and Procedures Committee.

Draft Discrimination (Jersey) Law 201-. P.6/2013.
 Lodged: 15th January 2013.
Minister for Social Security.

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 –

St. Helier Harbour: creation of cycle track.
Lodged: 7th January 2013.
Deputy G.C.L. Baudains of St. Clement.

P.1/2013.

Education and Home Affairs scrutiny panel – resignation

In accordance with Standing Order 137(2)(b) the Bailiff advised that he had been informed by the Connétable of St. Brelade of his decision to resign from the Education and Home Affairs scrutiny panel.

Education and Home Affairs scrutiny panel – appointment of member

In accordance with Standing Order 125(7) the Chairman of the Education and Home Affairs scrutiny panel nominated Deputy Montfort Tadier of St. Brelade as a member of the Education and Home Affairs scrutiny panel. There being no other nominations, the Bailiff declared that Deputy Montfort Tadier of St. Brelade had been duly appointed as a member of the Education and Home Affairs scrutiny panel.

Written Questions

(see Official Report/Hansard)

The Minister for Social Security tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Health Insurance Fund payments to doctors.

The Minister for Economic Development tabled an answer to a question asked by the Connétable of St. John regarding the economic benefit to the Island of the Hangar8 project.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the number of 'J' category permits converted to allow permanent residence in the past 5 years.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the 'Gigabit Jersey' project.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the recent sewer repairs along St. Clement's Coast Road.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the average daily usage and the cost of administering the Island's cycle path network.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding waiting times for hospital appointments with consultants.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the funding of nurses' pay awards.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the screening of the Energy from Waste plant.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Martin regarding the roads resurfacing schedule for 2013.

The Minister for Housing tabled an answer to a question asked by Deputy R.J. Rondel of St. Helier regarding the delivery of affordable housing.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding company tax returns.

The Minister for Housing tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact that the continued payment of funds to the Treasury will have on the ability to fund the Housing Transformation Project.

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

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the negotiation of a Foreign Account Tax Compliance Act agreement with the U.K. authorities.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the procedures followed after receiving the Planning Inspector's report in relation to Plémont.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the planning obligation agreement associated with the development of the Plémont Bay Holiday Village site.

H.M. Attorney General tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the legal impact of the planning obligation agreement associated with the development of the Plémont Bay Holiday Village site.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the final total cost of the Low Value Consignment Relief Court case.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the final cost of failing to hedge the Euro for the Energy for Waste Plant.

The Minister for Economic Development tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the final contribution from the fulfilment industry towards the costs of the Low Value Consignment Relief Court case.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding patients treated at Orchard House over the past 5 years.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the operation of the Energy from Waste Plant.

Oral Questions

(see Official Report/Hansard)

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the impact on the so called 'Troy' rule of the creation of a post of Minister for External Relations.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Social Security regarding steps to prevent over-prescribing by G.P.s.

The Connétable of St John asked a question of the Minister for Economic Development regarding a projected cost range for the Hanger8 project.

Deputy M. Tadier of St. Brelade asked a question of the Minister for Home Affairs regarding an estimate of the cost incurred by Department in respect of the surveillance, arrest, security and conviction of Curtis Warren and associates.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Planning and Environment regarding the details of a recent fish monitoring exercise undertaken in Portelet Bay.

Deputy R.J. Rondel of St. Helier asked a question of the Minister for Home Affairs regarding the total births in Jersey in 2012 against deaths.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Housing regarding access to the details of the Housing Transformation Plan.

The Deputy of St. Martin asked a question of the Minister for Transport and Technical Services regarding the current condition of the Island's roads.

Deputy R.J. Rondel of St. Helier asked a question of the Minister for Transport and Technical Services regarding the printing of the new bus timetables.

Deputy M. Tadier of St. Brelade asked a question of H.M. Attorney General regarding an estimate of the prosecution costs in respect of the conviction of Curtis Warren and associates.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding the schedule for negotiating Foreign Account Tax Compliance Act agreements with the United Kingdom and United States.

The Connétable of St. John asked a question of the Minister for Treasury and Resources regarding the above the cost of living charges made by the Jersey Electricity Company.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the cost of supporting four individuals bringing actions under the Data Protection (Jersey) Law 2005, relating to the Internet.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the consultation and expenditure to date for the abandoned harbour cycle track project.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Social Security answered questions without notice from members.

Adjournment

THE STATES, adopting a proposition of the Connétable of St. John, agreed to adjourn for lunch.

Oral Questions without notice*(see Official Report/Hansard)*

The Chief Minister answered questions without notice from members.

Tourism Shadow Board: establishment P.113/2012

THE STATES, adopting a proposition of the Minister for Economic Development, referred to their Acts dated 1st February 2011 in which they approved ‘Shadow Boards and Ministerial Boards: approval by the States’ (P.170/2010); and 17th July 2012 in which they approved the ‘Economic Growth and Diversification Strategy’ (P.55/2012); and approved the establishment of a Shadow Board for Jersey Tourism.

Members present voted as follows –

POUR: 48**CONTRE: 1****ABSTAIN: 0**

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy of St. Ouen
 Deputy of Grouville
 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 M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)

Deputy G.P. Southern (H)

Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

Connétables and other parish officials: explanatory document and new legislation P.119/2012

THE STATES rejected paragraph (a) of a proposition of Deputy Michael Roderick Higgins of St. Helier to request the Chief Minister, in conjunction with the Comité des Connétables, to produce, within 6 months of the adoption of this proposition, a document setting out for the benefit of all Islanders the legal powers and roles of the Connétables, Centeniers, Vingteniers, Constable's Officers, Procureurs du Bien Public, Chefs de Police, Parish Roads Committees and all other officers and bodies associated with the administration, governance and policing of parishes.

Members present voted as follows –

POUR: 12

Senator S.C. Ferguson
 Connétable of St. Brelade
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy of St. Mary
 Deputy R.J. Rondel (H)

CONTRE: 37

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)

ABSTAIN: 0

Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

THE STATES rejected paragraph (b) of a proposition of Deputy Michael Roderick Higgins of St. Helier to further request the Chief Minister, in conjunction with the Comité des Connétables, to take the necessary steps to bring forward for approval by the Assembly new legislation in English to consolidate by re-enactment all existing legislation, and to codify customary provisions where necessary, in relation to the roles and responsibilities of the parish officials and bodies referred to in paragraph (a).

Members present voted as follows –

POUR: 6

Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy R.J. Rondel (H)

CONTRE: 43

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brellade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy of St. Ouen
 Deputy of Grouville
 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)

ABSTAIN: 0

Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy of St. John
Deputy J.P.G. Baker (H)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Mary
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 16th January 2013 to consider the outstanding items of public business.

THE STATES rose at 5.50 p.m.

A.H. HARRIS

Deputy Greffier of the States

Re-issue Note

These Minutes are re-issued due to an administrative error which resulted in the duplication of 5 items on the list of items lodged “au Greffe” which are shown under the heading “**Notification of lodged propositions**” on page 4. The duplicate items have now been deleted.