



**THE STATES assembled on Tuesday
29th January 2013, at 09.30 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 –

Senator Lyndon John Farnham – excused attendance
Deputy Tracey Anne Vallois of St. Saviour – ill
Deputy Kristina Louise Moore of St. Peter – en défaut (défaut raised at 10.35 a.m.)

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Royal Court (Amendment No. 16) Rules 2013. <i>Superior Number of the Royal Court.</i>	R&O.1/2013.
Teachers' Superannuation (Existing Members) (Amendment No. 4) (Jersey) Order 2013. <i>Chief Minister.</i>	R&O.6/2013.
Money Laundering and Weapons Development (Directions) (Iran) (Jersey) Order 2013. <i>Chief Minister.</i>	R&O.7/2013.
Airport Dues (Tariff) (Amendment No. 7) (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.8/2013.
Police Procedures and Criminal Evidence (Codes of Practice) (Amendment No. 2) (Jersey) Order 2013. <i>Minister for Home Affairs.</i>	R&O.9/2013.
Road Traffic (Public Parking Places) (Amendment No. 8) (Jersey) Order 2013. <i>Minister for Transport and Technical Services.</i>	R&O.10/2013.
Road Traffic (Public Parking Places – Charges) (Amendment No. 4) (Jersey) Order 2013. <i>Minister for Transport and Technical Services.</i>	R&O.11/2013.

Community Provisions (Restrictive Measures – Democratic Republic of the Congo) (Amendment No. 2) (Jersey) Order 2013. R&O.12/2013.
Chief Minister.

Community Provisions (Restrictive Measures – Libya) (Amendment No. 13) (Jersey) Order 2013. R&O.13/2013.
Chief Minister.

Fire Precautions (Prescribed Forms) (Amendment) (Jersey) Order 2013. R&O.14/2013.
Minister for Home Affairs.

Documents presented or laid

Higher Education Grants: method of assessment (P.134/2012) – comments. P.134/2012.
 Presented: 28th January 2013. Com.
Minister for Education, Sport and Culture.

Jersey Employment Tribunal: re-appointment of Side Members. R.3/2012.
 Presented: 22nd January 2013.
Minister for Social Security.

States of Jersey Law 2005: delegation of functions – Planning and Environment – revised delegations January 2013. R.4/2013.
 Presented: 23rd January 2013.
Minister for Planning and Environment.

Land Transactions under Standing Order 168(3) – R.5/2013.
 (a) Mont Mado Shed Site, La Rue de la Mare des Pres, St. John – proposed sale;
 (b) Lease of Former Harbour Office, Liberty Wharf, St. Helier;
 (c) Ronez Quarry, La Route du Nord, St. John – grant of lease and right of extraction;
 (d) Les Cinq Chênes Estate, Prince’s Tower Road, St. Saviour – boundary with the properties known as “Pura Vida” and “Myona”;
 (e) Clos de Roncier, La Rue au Blancq, St. Clement – boundary with Fields 167 and 170;
 (f) JEC Section Pillar No. 1047, Hampshire Gardens, Poonah Road, St. Helier – lease;
 (g) Café Lease Renewals – St. Aubin’s Café; Driftwood Café, Archirondel; First Tower Café; Gunsite Café, Beaumont and Old Station Café, near Millbrook.
 Presented: 23rd January 2013.
Minister for Treasury and Resources.

Bankruptcy (Désastre) (Jersey) Law 1990: ‘Social Désastre’ – Consultation Paper. R.6/2013.
 Presented: 23rd January 2013.
Council of Ministers.

Aircraft Registry (S.R.6/2012) – response of the Minister for Economic Development. S.R.6/2012.
 Presented: 23rd January 2013. Res.
Minister for Economic Development.

Relocation of Police Head Quarters to Green Street Car Park (S.R.19/2012): S.R.19/2012.
 addendum. Add.
 Presented: 28th January 2013.
Education and Home Affairs Scrutiny Panel.

Notification of lodged propositions

Draft Financial Regulation (Disclosure of Information) (Amendments) (Jersey) P.7/2013.
 Regulations 201-.
 Lodged: 18th January 2013.
Minister for Economic Development.

Jersey Financial Services Commission: appointment of Commissioner. P.8/2013.
 Lodged: 22nd January 2013.
Minister for Economic Development.

Rate Appeal Board: appointment of members. P.9/2013.
 Lodged: 22nd January 2013.
Minister for Treasury and Resources.

HSBC Middle East (HBME): investigation. P.10/2013.
 Lodged: 29th January 2013.
Deputy G.P. Southern of St. Helier.

Jersey Police Complaints Authority: appointment of members. P.11/2013.
 Lodged: 29th January 2013.
Minister for Home Affairs.

Written Questions

(see Official Report/Hansard)

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the Court case involving the Acting Magistrate.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding consultation regarding the Harbour cycle track scheme.

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 Rank Taxi service.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the visual state of La Collette reclamation site.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the implications of the Foreign Account Tax Compliance Act (FATCA) agreements with Austria and Luxembourg.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding job opportunities announced in his recent media release.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the costs of disciplinary actions.

H.M. Attorney General tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding legal powers of the U.K. to prevent Jersey signing a Foreign Account Tax Compliance Act (FATCA) agreement with the U.S.A.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the use of rooms in the Magistrate's Court Building.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the amount spent on a super-injunction case.

The Chief Minister tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding proposed changes to the Royal Court (Jersey) Law 1948.

The Chairman of the Electoral Commission tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the base figures used in its report.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the Jersey Finance industry in 2012.

The Minister for Economic Development tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding details of 400 jobs created.

H.M. Attorney General tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the accountability of Law Officers to the States of Jersey.

The Minister for Social Security tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding checks and balances regarding Health Insurance Fund (H.I.F.) payments to G.P.s.

The Minister for Home Affairs tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding a recent Court case.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding a breakdown of expenditure of the Data Protection Commissioner for legal advice and prosecutions.

The Minister for Health and Social Services tabled an answer to a question asked by Senator S.C. Ferguson regarding the capacity of Orchard House.

The Minister for Economic Development tabled an answer to a question asked by Senator S.C. Ferguson regarding charges made on parcels to the U.K.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Senator S.C. Ferguson regarding the length of residence in the Island of Highlands students.

The Chief Minister tabled an answer to a question asked by Senator S.C. Ferguson regarding Jersey's position in the U.K.'s membership of the European Union.

Oral Questions

(see Official Report/Hansard)

Deputy J.H. Young of St. Brelade asked a question of H.M. Attorney General regarding the review of appeals made against decisions of the Minister for Planning and Environment by the Court of Appeal.

The Connétable of St. John asked a question of the Minister for Economic Development regarding a new freight area, associated car park and access roads for Hanger8.

Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding the Historic Child Abuse Redress Scheme.

Deputy M. Tadier of St. Brelade asked a question of H.M. Attorney General regarding a recent prosecution case.

Deputy J.A. Hilton of St. Helier asked a question of the Minister for Planning and Environment regarding vacant glass-house sites and their use for social housing.

Deputy S. Pitman of St. Helier asked a question of the Chairman of Privileges and Procedures Committee regarding a separate referendum question on the Bailiff's role.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Home Affairs regarding a Police Disciplinary Tribunal.

Senator S.C. Ferguson asked a question of the Minister for Health and Social Services regarding the size of population upon which the size of the proposed new hospital was being based.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the bus service to the northern part of Le Squez.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the basis for the conclusions of the Electoral Commission.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Economic Development regarding tariffs and charges for non-commercial freight.

Deputy R.J. Rondel of St. Helier asked a question of the Chief Minister regarding the proposed delivery of affordable homes.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Economic Development regarding recently registered companies.

Deputy J.M. Maçon of St. Saviour asked a question of the Chairman of Privileges and Procedures Committee regarding the participation threshold in referenda.

The Connétable of St. John asked a question of the Minister for Transport and Technical Services regarding the recent snow disruption.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Home Affairs regarding the decision of a recent disciplinary tribunal involving police officers.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding a reduction in taxation for certain electors.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Minister for Treasury and Resources regarding the Gigabyte Jersey project.

Deputy J.A. Hilton of St. Helier asked a question of the Minister for Planning and Environment regarding standards for parking, amenity and storage space on new developments.

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

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

The Minister for Home Affairs answered questions without notice from members.

Comptroller and Auditor General: appointment P.138/2012

THE STATES commenced consideration of a proposition of the Chief Minister concerning the appointment of the Comptroller and Auditor General. The Bailiff, in accordance with the provisions of Article 41(2) of the Public Finances (Jersey Law 2005 and Standing Order 82, ordered all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed.

THE STATES, having concluded the debate *in camera*, proceeded to vote in public assembly and, adopting the proposition, appointed, in accordance with the provisions of Article 41(1) of the Public Finances (Jersey) Law 2005, Ms. Karen McConnell as Comptroller and Auditor General with effect from 1st February 2013 and until 31st December 2014.

Members present voted as follows –

POUR: 45

CONTRE: 0

ABSTAIN: 1

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 P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 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 Hérisssier (S)
 Deputy J.A. Martin (H)

Deputy M. Tadier (B)

Deputy G.P. Southern (H)
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 S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy M.R. Higgins (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)

Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201-P.128/2012

THE STATES commenced consideration of the Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201- 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, adopted Regulations 1 to 6.

THE STATES, in pursuance of Articles 71 and 72 of the Civil Partnership (Jersey) Law 2012, made Regulations entitled the Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 2013.

Ratification of the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income between the Government of Jersey and the Government of the Republic of Singapore P.129/2012

THE STATES ratified the Agreement between the Government of Jersey and the Government of the Republic of Singapore for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, as set out in the Appendix to the Report of the Chief Minister dated 23rd November 2012.

Draft Taxation (Double Taxation) (Amendment) (Jersey) Regulations 201- P.130/2012

THE STATES commenced consideration of the Draft Taxation (Double Taxation) (Amendment) (Jersey) Regulations 201- 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, adopted Regulations 1 to 7.

THE STATES, in pursuance of Article 2(1) of the Taxation (Implementation) (Jersey) Law 2004 and following the decision of the States taken on the day these Regulations are made, to ratify the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income between the Government of Jersey and the Government of the Republic of Singapore, have made Regulations entitled the Taxation (Double Taxation) (Amendment) (Jersey) Regulations 2013.

Statistics User Group: appointment of Chairman P.137/2012

THE STATES referred to their Act dated 17th November 1999, in which they approved the establishment of a Statistics User Group, and approved the appointment of Mr. Martin Richardson as Chairman of the Statistics User Group for a period of 3 years.

Members present voted as follows –

POUR: 42

CONTRE: 0

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 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 J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 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

Higher Education Grants: method of assessment P.134/2012

THE STATES rejected a proposition of Deputy Gerard Clifford Lemmens of St. Clement to request the Minister for Education, Sport and Culture not to implement changes he has proposed to the method of assessment of income when calculating means-tested grants for university students and to retain the current provisions that the income of the natural parents of the student is used as the principal basis of assessment.

Members present voted as follows –

POUR: 10

Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of Grouville
 Connétable of St. John
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy G.C.L. Baudains (C)

CONTRE: 34

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin

ABSTAIN: 0

Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)

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) –

19th February 2013

Committee of Inquiry: Historical Child Abuse. P.118/2012.
Lodged: 6th November 2012.
Council of Ministers.

Minister for Justice and Department of Justice: report. P.120/2012.
Lodged: 13th November 2012.
Senator L.J. Farnham.

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

Draft Motor Traffic (Third Party Insurance) (Cost Recovery) (Jersey) Regulations P.135/2012.
201-.
Lodged: 13th December 2012.
Minister for Health and Social Services.

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

Jersey Financial Services Commission: appointment of Commissioner. P.8/2013.
Lodged: 22nd January 2013.
Minister for Economic Development.

5th March 2013

Police Station Relocation: review of decision (as amended). P.92/2012.
Lodged: 2nd October 2012.
Deputy J.A. Martin of St. Helier.

Police Station Relocation: review of decision (P.92/2012) – comments. P.92/2012.
Presented: 19th November 2012. Com.
Council of Ministers.

Police Station Relocation: review of decision (P.92/2012) – comments. P.92/2012.
Presented: 20th November 2012. Com.(2)
Minister for Planning and Environment.

- Starter Home Deposit Loan Scheme. P.131/2012.
Lodged: 4th December 2012.
Minister for Treasury and Resources.
- 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 Financial Regulation (Disclosure of Information) (Amendments) (Jersey) P.7/2013.
Regulations 201-
Lodged: 18th January 2013.
Minister for Economic Development.
- Rate Appeal Board: appointment of members. P.9/2013.
Lodged: 22nd January 2013.
Minister for Treasury and Resources.
- HSBC Middle East (HBME): investigation. P.10/2013.
Lodged: 29th January 2013.
Deputy G.P. Southern of St. Helier.
- Jersey Police Complaints Authority: appointment of members. P.11/2013.
Lodged: 29th January 2013.
Minister for Home Affairs.

19th March 2013

- Jersey Innovation Fund: establishment, funding and operation. P.124/2012.
Lodged: 20th November 2012.
Minister for Treasury and Resources.

14th May 2013

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

THE STATES rose at 4.15 p.m.

M.N. DE LA HAYE

Greffier of the States