



**THE STATES assembled on Thursday
15th September 2011, 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 at 10.40 a.m.)
Senator James Leslie Perchard – en défaut
Connétable Alan Simon Crowcroft of St. Helier – en défaut (défaut raised at 11.18 a.m.)
Connétable John Le Sueur Gallichan of Trinity – en défaut (défaut raised at 10.49 a.m.)
Connétable Daniel Joseph Murphy of Grouville – excused attendance
Connétable Graeme Frank Butcher of St. John – ill
Connétable John Martin Refault of St. Peter – en défaut
Deputy Shona Pitman of St. Helier – en défaut
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 10.33 a.m.)

Prayers

Documents presented or laid

Radon Gas Levels and Cancer Rates in Jersey (P.144/2011): comments. P.144/2011.
Presented: 15th September 2011. Com.
Minister for Health and Social Services.

Importation of Fireworks in 2007 for a Charity Event: investigation (P.21/2011) – R.113/2011.
combined report of the Ministers for Home Affairs, Planning and Environment and
Economic Development.
Presented: 15th September 2011.
Minister for Home Affairs.

Debt relief for poorer countries: Green Paper Consultation – September 2011. R.114/2011.
Presented: 15th September 2011.
Chief Minister.

Notification of lodged propositions

Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201- P.128/2011.
(P.128/2011): amendment. Amd.
Lodged: 15th September 2011.
Chief Minister.

Driving Licences: theory test. P.155/2011.
Lodged: 15th September 2011.
Comité des Connétables.

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the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Committee of Inquiry: Centenier Malcolm L’Amy.

P.142/2011.

Lodged: 18th August 2011.

Deputy P.V.F. Le Claire of St. Helier.

Annual Business Plan 2012 P.123/2011

THE STATES resumed consideration of paragraph (e) of the Draft Annual Business Plan 2012 (P.123/2011) and rejected an amendment of the Deputy of St. Mary that after the words “for 2013 and 2014” there should be inserted the words –

“except that the indicative total of net revenue expenditure for 2013 set out in Summary Table E on page 73 shall be increased by £14,801,800”.

Members present voted as follows –

POUR: 7

CONTRE: 37

ABSTAIN: 0

Deputy G.P. Southern (H)
Deputy P.V.F. Le Claire (H)
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)
Deputy D.J. De Sousa (H)

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 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. Saviour
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisier (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 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 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 J.M. Maçon (S)

THE STATES, adopting paragraph (e) of the Draft Annual Business Plan 2012, approved indicative total net expenditure (revenue and capital) for the States funded bodies, as set out in Summary Table E, page 73, for 2013 and 2014 and requested the Chief Minister to present Annual Business Plans (or in any equivalent future expenditure plan that replaced the Annual Business Plan process) to the States, following the Comprehensive Spending Review, within these amounts.

Members present voted as follows –

POUR: 27

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)

CONTRE: 3

Deputy P.V.F. Le Claire (H)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

THE STATES, adopting paragraph (f) of the Draft Annual Business Plan 2012, approved the Legislation Programme for 2012, as set out in Summary F, page 74.

Members present voted as follows –

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 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 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 I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 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. Maçon (S)

Draft Sea Fisheries (Amendment No. 2) (Jersey) Law 201- P.119/2011

THE STATES commenced consideration of the Draft Sea Fisheries (Amendment No. 2) (Jersey) Law 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 Articles 1 to 9.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Sea Fisheries (Amendment No. 2) (Jersey) Law 201-.

Members present voted as follows –

POUR: 35

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator F. du H. Le Gresley
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Saviour
Connétable of St. Clement
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 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 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. Maçon (S)

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Economic Development made a statement regarding the potential incorporation of the Harbours and Airport Trading Departments.

Arrangement of public business for the current meeting

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed in accordance with Standing Order 26(7) to reduce the minimum lodging period in respect of the proposition of the Privileges and Procedures Committee entitled ‘Draft Amendment (No. 16) of the Standing Orders of the States of Jersey’ (P.153/2011)), which was a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.

Members present voted as follows –

POUR: 37

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 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. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 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 T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

THE STATES approved the request of the Chairman of the Privileges and Procedures Committee that the abovementioned matter be taken as the next item of public business at the present meeting.

Draft Amendment (No. 16) of the Standing Orders of the States of Jersey P.153/2011

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005, made Amendment (No. 16) of the Standing Orders of the States of Jersey.

Members present voted as follows –

POUR: 34

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 S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (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 S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

Draft The Law Society of Jersey (Amendment No. 3) Law 201- P.122/2011

THE STATES commenced consideration of The Law Society of Jersey (Amendment No. 3) Law 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 Articles 1 and 2.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled The Law Society of Jersey (Amendment No. 3) Law 201-.

Chief Minister: election by an open ballot P.126/2011

THE STATES, adopting a proposition of Deputy Trevor Mark Pitman of St. Helier, agreed that the election of Chief Minister should be undertaken by way of an open ballot and no longer by a secret ballot for States Members and charged the Privileges and Procedures Committee to bring forward for approval the necessary Regulations to give effect to the proposal so that it could be in place for the election of autumn 2011.

Members present voted as follows –

POUR: 21

Senator A. Breckon
 Connétable of St. Helier
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisser (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Hilton (H)
 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 E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 19

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Clement
 Connétable of St. Mary
 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 A.T. Dupré (C)
 Deputy A.K.F. Green (H)

ABSTAIN: 0

Changes in Presidency

The Bailiff retired from the Chamber during consideration of the proposition entitled ‘Chief Minister: election by an open ballot’ (P.126/2011) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States, until his return.

Gambling (Jersey) Law 201-: 25% of fines to go to Jersey Charities P.124/2011

THE STATES rejected a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier to request the Minister for Economic Development to bring forward for approval legislation to provide that 25% of any fines levied in relation to breaches of gambling and gaming legislation in Jersey should be remitted to the Association of Jersey Charities for onward distribution to charitable causes in Jersey.

Members present voted as follows –

POUR: 10

Connétable of St. Martin
Deputy of St. Martin
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy M.R. Higgins (H)

CONTRE: 24

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Connétable of St. Brelade
Connétable of St. Saviour
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy S.S.P.A. Power (B)
Deputy M. Tadier (B)
Deputy A.E. Jeune (B)
Deputy of St. Mary
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)

ABSTAIN: 0**Arrangement of public business for the current meeting**

THE STATES rejected a proposition of Senator Sarah Craig Ferguson that her proposition entitled ‘States of Jersey Property Holdings and the States of Jersey Development Company Limited: structures, operations, protocols and controls’ (P.127/2011) should be taken as the first item of business on 16th September 2011.

Members present voted as follows –

POUR: 10

Senator A. Breckon
Senator S.C. Ferguson
Connétable of St. Brelade
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy J.A.N. Le Fondré (L)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)
Deputy J.M. Maçon (S)

CONTRE: 21

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy P.V.F. Le Claire (H)
Deputy S.S.P.A. Power (B)

ABSTAIN: 0

Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
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.J. De Sousa (H)

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that the proposition of Deputy Shona Pitman of St. Helier entitled 'Goods and Services Tax: exemption or zero-rating for health foods' (P.81/2011) should be taken as the first item of business on 16th September 2011.

Adjournment

THE STATES adjourned, having agreed to reconvene on Friday 16th September 2011 to continue consideration of the outstanding items of public business.

THE STATES rose at 5.35 p.m.

M.N. DE LA HAYE

Greffier of the States