

**THE STATES assembled on Tuesday  
10th June 2008, at 09.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

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

Senator Leonard Norman – en défaut  
Senator Frank Harrison Walker – en défaut  
Senator Wendy Kinnard – en défaut  
Senator Paul Francis Routier – en défaut (défaut raised at 9.35 a.m.)  
Connétable Alan Simon Crowcroft of St. Helier– absent on States business  
Connétable Geoffrey William Fisher of St. Lawrence– en défaut  
Deputy Patrick John Dennis Ryan of St. Helier– en défaut  
Deputy Deidre Wendy Mezbourian of St. Lawrence– absent on States business  
Deputy Alan John Henry Maclean of St. Helier– en défaut (défaut raised at 9.41 a.m.)  
Deputy Ian Joseph Gorst of St. Clement– en défaut

Prayers read by the Greffier of the States

**Subordinate enactments tabled**

The following enactments were tabled, namely –

Financial Services (Advertising) (Jersey) Order 2008. R&O.69/2008.  
*Minister for Economic Development.*

**Documents presented or laid**

States of Jersey Law 2005: delegation of functions – Home Affairs. R.58/2008.  
Presented: 10th June 2008.  
*Minister for Home Affairs.*

The Role and Funding of Jersey Finance Limited: report of the Economic Affairs S.R.6/2008.  
Scrutiny Panel  
Presented: 6th June 2008.  
*Economic Affairs Scrutiny Panel.*

Proposed Land Transactions Tax: first report – residential property – report of the S.R.7/2008.  
Corporate Services Scrutiny Panel.  
Presented: 10th June 2008.  
*Corporate Services Scrutiny Panel.*

Air Quality Review: report of the Environment Scrutiny Panel. S.R.8/2008.  
Presented: 10th June 2008.  
*Environment Scrutiny Panel.*

**Notification of lodged propositions**

Committee of Inquiry: Toxic Incinerator Ash Dumping in the St. Helier Waterfront P.96/2008.  
Land Reclamation Schemes.  
Lodged: 10th June 2008.  
*Senator S. Syvret.*

Esplanade Quarter, St. Helier: Masterplan– rescindment. P.97/2008.

Lodged: 10th June 2008.  
*Deputy G.C.L. Baudains of St. Clement.*

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the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Jersey Enterprise Board Limited: proposed establishment.  
Lodged: 19th December 2007.  
*Council of Ministers.*

P.194/2007.

### **Urgent Oral Question**

*(see Official Report/Hansard)*

In accordance with Standing Order 15 the Bailiff approved the following urgent oral questions that Deputy G.P. Southern of St. Helier asked of the Deputy Chief Minister–

- (a) “Were the Chief Minister and the 3 States Directors of the Waterfront Enterprise Board Ltd aware of the results contained in section 2.2 of the PriceWaterhouse Coopers report (“Harcourt Developments Limited Financial Capacity Assessment”) and, if so, when did they become aware and, if they were not aware, why not?”
- (b) Why did they choose not to reveal this important information to members in advance of the debate on the Esplanade Quarter Masterplan (P.60/2008)?
- (c) Having failed to release this data earlier, why, when pressure was applied over information relating to the financial deal, was it not revealed during the debate so that members could consider it properly before the vote?”

### **Personal statements**

*(see Official Report/Hansard)*

Senator James Leslie Perchard made a personal statement regarding statements made during the debate on the Esplanade Quarter Masterplan (P.60/2008).

### **Statements on a matter of official responsibility**

*(see Official Report/Hansard)*

The Deputy Chief Minister made a statement concerning the establishment of a Jersey Enterprise Board.

### **Draft Public Elections (Amendment No. 3) (Jersey) Law 200 P.65/2008**

THE STATES commenced consideration of the Draft Public Elections (Amendment No. 3) (Jersey) Law 200 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 Article 1.

THE STATES rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier that after Article 1 there should be inserted the following Article –

#### **“2 Article 5 amended**

In Article 5(1)(c) of the principal Law–

- (a) in clause (i), for the words '2 years' there shall be substituted the words '18 months';
- (b) in clause (ii), for the words '5 years' there shall be substituted the words '3 years.'

Members present voted as follows –

**POUR: 19**

Senator P.F.C. Ozouf  
 Connétable of St. Martin  
 Deputy R.C. Duhamel (S)  
 Deputy A. Breckon (S)  
 Deputy of St. Martin  
 Deputy P.N. Troy (B)  
 Deputy C.J. Scott Warren  
 (S)  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy S.S.P.A. Power (B)  
 Deputy S. Pitman (H)  
  
 Deputy A.J.D. Maclean (H)  
 Deputy K.C. Lewis (S)  
 Deputy of St. John

**CONTRE: 22**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator M.E. Vibert  
 Senator T.J. Le Main  
 Senator J.L. Perchard  
 Connétable of St. Ouen  
 Connétable of St. Mary  
  
 Connétable of St. Peter  
 Connétable of St. Clement  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. John  
 Connétable of St. Saviour  
 Deputy J.J. Huet (H)  
 Deputy G.C.L. Baudains  
 (C)  
 Deputy S.C. Ferguson (B)  
 Deputy of St. Ouen  
 Deputy G.W.J. de Faye (H)  
 Deputy J.A.N. Le Fondré  
 (L)  
 Deputy of Trinity  
 Deputy of St. Mary

**ABSTAIN: 0**

THE STATES adopted Articles 2 and 3.

Members present voted as follows –

**POUR: 28**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator M.E. Vibert  
 Senator T.J. Le Main  
 Senator J.L. Perchard  
  
 Connétable of St. Ouen  
 Connétable of St. Mary  
 Connétable of St. Peter  
 Connétable of St. Clement  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. John  
 Connétable of St. Saviour  
 Deputy J.J. Huet (H)  
 Deputy G.C.L. Baudains (C)  
 Deputy P.N. Troy (B)

**CONTRE: 10**

Senator P.F.C. Ozouf  
 Deputy R.C. Duhamel (S)  
 Deputy A. Breckon (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier  
 (S)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy S.S.P.A. Power (B)  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)

**ABSTAIN: 0**

Deputy C.J. Scott Warren  
(S)  
Deputy J.B. Fox (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy A.J.D. Maclean (H)  
Deputy of St. Mary

THE STATES commenced consideration of Article 4 and of an amendment of Deputy Geoffrey Peter Southern of St. Helier that for paragraph (a) there should be substituted the following paragraph-

“(a) in paragraph (1), for the words the beginning ‘as in force’ to the end of the paragraph there shall be substituted the words ‘as in force at midday on the seventh day before the day when the election is held.’;”

THE STATES, following discussion, and in accordance with the provisions of Standing Order 69(4), agreed to allow Deputy Geoffrey Peter Southern of St. Helier to withdraw the amendment.

THE STATES adopted Article 4.

THE STATES adopted Articles 5 to 8.

THE STATES rejected Article 9.

Members present voted as follows –

**POUR: 3**

Deputy J.J. Huet (H)  
Deputy G.C.L. Baudains (C)  
Deputy S.C. Ferguson (B)

**CONTRE: 34**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Brellade  
Connétable of St. Martin  
Connétable of St. John  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren  
(S)  
Deputy R.G. Le Hérisier  
(S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of St. Ouen

**ABSTAIN: 0**

Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré  
(L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy of St. Mary

THE STATES adopted Articles 10 to 12.

THE STATES adopted Article 13.

Members present voted as follows –

**POUR: 31**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. John  
Connétable of St. Saviour  
Deputy J.J. Huet (H)  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren  
(S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy of St. Mary

**CONTRE: 8**

Senator S. Syvret  
Senator B.E. Shenton  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S. Pitman (H)

**ABSTAIN: 0**

THE STATES adopted Article 14 and 15.

THE STATES adopted Article 16.

Members present voted as follows –

**POUR: 29**

**CONTRE: 0**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator F.E. Cohen  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. John  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren  
(S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)  
Deputy of St. Mary

THE STATES adopted Articles 17 to 23.

THE STATES adopted Article 24.

Members present voted as follows –

**POUR: 25**

**CONTRE: 5**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. John  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren  
(S)  
Deputy R.G. Le Hérisier (S)

Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S. Pitman (H)

Deputy J.B. Fox (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy K.C. Lewis (S)  
Deputy of St. Mary

THE STATES adopted Article 25 to 27.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Elections (Amendment No. 3) (Jersey) Law 200.

### **Change of Presidency**

The Bailiff retired from the Chamber during consideration of Article 13 of the Draft Public Election: (Amendment No. 3) (Jersey) Law 200 and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

### **Arrangement of public business for future meetings**

THE STATES acceded to the request of Deputy Geoffrey Peter Southern of St. Helier that his proposition relating to School milk: continued funding (P.66/2008 lodged "au Greffe" on 8th May 2008) would be considered as the first item of public business at the next meeting on 17th June 2008.

THE STATES rejected a proposition of the Deputy of St. Martin that the Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 (P.61/2008 lodged 'au Greffe' on 21st April 2008, by the Minister for Home Affairs) should be debated on 17th June 2008 as opposed to its present listing on 1st July 2008.

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) –

#### **17th June 2008**

School milk: continued funding. Lodged: 8th May 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.66/2008.
School milk: continued funding (P.66/2008) – comments. Presented: 3rd June 2008. <i>Council of Ministers.</i>	P.66/2008. Com.
Draft Taxation (Land Transactions) (Jersey) Law 200-. Lodged: 4th December 2007. <i>Minister for Treasury and Resources.</i> <i>(Principles adopted on 12th March 2008)</i>	P.185/2007.
Draft Taxation (Land Transactions) (Jersey) Law 200- (P.185/2007): comments. Presented: 10th March 2008.	P.185/2007. Com.

*Corporate Services Scrutiny Panel.*

Draft Taxation (Land Transactions) (Jersey) Law 200- (P.185/2007): amendments. P.185/2007.  
Lodged: 26th February 2008. Amd.  
*Minister for Treasury and Resources.*

Draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200- P.55/2008.  
Lodged: 7th April 2008.  
*Minister for Home Affairs.*

Draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200- P.55/2008.  
(P.55/2008): comments. Com.  
Presented: 2nd June 2008.  
*Education and Home Affairs Scrutiny Panel.*

Central European Time: referendum. P.62/2008.  
Lodged: 21st April 2008. (re-issue)  
*Senator J.L. Perchard.*

Central European Time: referendum (P.62/2008) – comments. P.62/2008.  
Presented: 28th May 2008. Com.  
*Comité des Connétables.*

**1st July 2008**

Census of Island's population. P.32/2008.  
Lodged: 26th February 2008.  
*Deputy of Grouville.*

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) P.36/2008.  
(Jersey) Regulations 200- second reading.  
Lodged: 6th March 2008.  
*Minister for Economic Development.*  
*(principles adopted on 29th April 2008)*

Draft Customs and Excise (Amendment No. 6) (Jersey) Law 200 P.54/2008.  
Lodged: 7th April 2008.  
*Minister for Home Affairs.*

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200. P.61/2008.  
Lodged: 21st April 2008.  
*Minister for Home Affairs.*

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 P.61/2008.  
(P.61/2008): comments. Com.  
Presented: 2nd June 2008.  
*Education and Home Affairs Scrutiny Panel.*

Draft Marriage and Civil Status (Amendment No. 2) (Jersey) Law 200 P.61/2008.  
(P.61/2008): amendments. Amd.  
Lodged: 19th May 2008.  
*Deputy of St. Martin.*

Flu pandemic funding. P.67/2008.  
Lodged: 13th May 2008.  
*Minister for Treasury and Resources.*

Parish Rates: the States' liability. P.68/2008.  
Lodged: 13th May 2008.  
*Minister for Treasury and Resources.*



Goods and Services Tax: receipts. Lodged: 13th May 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.70/2008.
Draft European Communities Legislation (Bluetongue) (Jersey) Regulations 200. Lodged: 20th May 2008. <i>Minister for Planning and Environment.</i>	P.71/2008.
Energy from Waste Facility: establishment and acceptance of tender. Lodged: 20th May 2008. <i>Minister for Transport and Technical Services.</i>	P.72/2008.
Energy from Waste Facility: funding. Lodged: 20th May 2008. <i>Minister for Treasury and Resources.</i>	P.73/2008.
Human Rights Committee and Statements of Compatibility. Lodged: 29th May 2008. <i>Deputy of St. Martin.</i>	P.78/2008.
Esplanade Quarter, St. Helier: Masterplan– rescindment. Lodged: 10th June 2008. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.97/2008.
<b><u>15th July 2008</u></b>	
Draft European Communities Legislation (Implementation) (Bovine Semen) (Jersey) Regulations 200. Lodged: 14th March 2008. <i>Chief Minister.</i>	P.43/2008.
Jersey Homebuy Housing: amendment to Island Plan Policy H1. Lodged: 21st May 2008. <i>Minister for Planning and Environment.</i>	P.74/2008.
Provision of land for lifelong dwellings (for people over 55) and first-time buyers: amendment to Island Plan (2002). Lodged: 22nd May 2008. <i>Minister for Planning and Environment.</i>	P.75/2008.
Draft Supply of Goods and Services (Jersey) Law 200-. Lodged: 23rd May 2008. <i>Minister for Economic Development.</i>	P.77/2008.
Draft Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 200-. Lodged: 29th May 2008. <i>Minister for Treasury and Resources.</i>	P.79/2008.
Draft Criminal Justice (International Co-operation) (Jersey) Regulations 200-. Lodged: 29th May 2008. <i>Minister for Treasury and Resources.</i>	P.80/2008.
Draft Drug Trafficking Offences (Enforcement of Confiscation Orders) (Jersey) Regulations 200-. Lodged: 29th May 2008. <i>Minister for Treasury and Resources.</i>	P.81/2008.
Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200.	P.82/2008.

Lodged: 30th May 2008. <i>Privileges and Procedures Committee.</i>	
Draft Mental Health (Amendment No. 2) (Jersey) Law 200. Lodged: 2nd June 2008. <i>Minister for Health and Social Services.</i>	P.83/2008.
Draft Terrorism (Enforcement of External Orders) (Jersey) Regulations 200-. Lodged: 2nd June 2008. <i>Minister for Home Affairs.</i>	P.84/2008.
Draft Shipping (Amendment No. 2) (Jersey) Law 200. Lodged: 3rd June 2008. <i>Minister for Economic Development.</i>	P.85/2008.
Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 200-. Lodged: 3rd June 2008. <i>Minister for Economic Development.</i>	P.86/2008.
Draft Limited Partnerships (Amendment) (Jersey) Law 200-. Lodged: 3rd June 2008. <i>Minister for Economic Development.</i>	P.87/2008.
Draft Income Support (Amendment of Law) (Jersey) Regulations 200-. Lodged: 3rd June 2008. <i>Minister for Social Security.</i>	P.88/2008.
Draft Income Support (Amendment No. 2) (Jersey) Regulations 200. Lodged: 3rd June 2008. <i>Minister for Social Security.</i>	P.89/2008.
Draft Food Costs (Offset of Average GST) Bonus (Jersey) Regulations 200-. Lodged: 3rd June 2008. <i>Minister for Treasury and Resources.</i>	P.90/2008.
Historic Child Abuse Enquiry: Funding. Lodged: 3rd June 2008. <i>Minister for Treasury and Resources.</i>	P.91/2008.
Brompton Villa, Belize House and Belize Cottage/Store, Great Union Road, St. Helier: proposed Deed of Arrangement. Lodged: 3rd June 2008. <i>Minister for Treasury and Resources.</i>	P.92/2008.
Tevielka, La Rue de la Haye du Puits, Grouville: proposed Deed of Arrangement for southwest boundary. Lodged: 3rd June 2008. <i>Minister for Treasury and Resources.</i>	P.93/2008.
Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200-. Lodged: 5th June 2008. <i>Minister for Treasury and Resources.</i>	P.95/2008.

*NOTE: Because of the requirement for a 6 week lodging period the Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200- (P.95/2008) cannot be debated before Thursday 17th July 2008. If other business on 15th July 2008 is completed before 17th July, the Minister for Treasury and Resources has indicated that he will seek the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at that meeting.*

Committee of Inquiry: Toxic Incinerator Ash Dumping in the St. Helier Waterfront Land Reclamation Schemes.  
Lodged: 10th June 2008.  
*Senator S. Syvret.*

P.96/2008.

**9th September 2008**

Draft Water (Amendment No. 3) (Jersey) Law 200.  
Lodged: 11th April 2008.  
*Minister for Planning and Environment.*

P.58/2008.

Integrated Coastal Zone Management Strategy.  
Lodged: 23rd May 2008.  
*Minister for Planning and Environment.*

P.76/2008.

Goods and Services Tax: zero-rating or exemption for basic foodstuffs and domestic energy.  
Lodged: 4th June 2008.  
*Deputy of Grouville.*

P.94/2008.

THE STATES rose at 5.01 p.m.

**M.N. DE LA HAYE**

*Greffier of the States*