## THE STATES assembled on Tuesday 17th April 2007, at 09.30 a.m. under the Presidency of the Bailiff, Sir Philip Bailhache.

## His Excellency the Lieutenant Governor, Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E., was present.

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

Senator Philip Francis Cyril Ozouf – excused

Senator Terence John Le Main- en défaut (défaut raised at 9.40 a.m.)

Senator James Leslie Perchard – en défaut

Connétable Philip Francis Ozouf of St. Saviour-ill

Connétable Alan Simon Crowcroft of St. Helier– excused (arrived in the Chamber at 11.44 a.m.)

Deputy Gerard Clifford Lemmens Baudains of St. Clement- en défaut

Deputy Judith Ann Martin of St. Helier- en défaut

### **Prayers**

## **Communications by the Presiding Officer**

Interception of Communications (Jersey) Law 1993: Report of the Commissioner for 2006.

Presented: 17th April 2007.

## Subordinate enactments tabled

The following enactments were tabled, namely –

Employment (Minimum Wage) (Jersey) Order 2007.

Investigatory Powers Tribunal Rules 2007.

The Bailiff of Jersey.

Minister for Social Security.	
Teachers' Superannuation (New Members) (Jersey) Order 2007. <i>Chief Minister.</i>	R&O.50/2007.
Teachers' Superannuation (Administration) (Amendment) (Jersey) Order 2007. <i>Chief Minister</i> .	R&O.51/2007.
Teachers' Superannuation (General Provisions) (Amendment No. 3) (Jersey) Order 2007.  Chief Minister.	R&O.52/2007.
Motor Vehicles (Driving Licences) (Amendment No. 6) (Jersey) Order 2007. Minister for Transport and Technical Services.	R&O.53/2007.
Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2007. Minister for Transport and Technical Services.	R&O.54/2007.

R&O.48/2007.

R&O.55/2007.

Motor Traffic (Public Service Vehicles (Conditions of Fitness)) (Amendment) R&O.56/2007. (Jersey) Order 2007.

Minister for Transport and Technical Services.

### **Documents presented or laid**

Annual Business Plan 2007: Property Plan (P.34/2007) – amendment P.34/2007. Amd. (P.34/2007 Amd.) – comments. Com. Presented: 13th April 2007.

Minister for Treasury and Resources.

Annual Business Plan 2007: Property Plan (P.34/2007) – second amendment (P.34/2007 Amd.(2)) – comments. (2)
Presented: 13th April 2007. Com.

Minister for Treasury and Resources.

Annual Business Plan 2007: Property Plan (P.34/2007) – second amendment (P.34/2007 Amd.(2)) – comments. (2)
Presented: 16th April 2007. (2)

Minister for Planning and Environment..

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): second amendments (P.37/2007 Amd.(2))– comments. (2)
Presented: 17th April 2007. Com.

Minister for Economic Development.

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): second amendments (P.37/2007 Amd.(2))— comments. (2)
Presented: 17th April 2007. Com.(2)

Minister for Treasury and Resources.

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): amendments (P.37/2007 Amd.) – comments. Com.

Presented: 17th April 2007.

Minister for Treasury and Resources.

Sites of Special Interest and Buildings of Local Interest: financial implications – R.31/2007. report.

Presented: 2nd April 2007.

Minister for Planning and Environment.

Land Transactions under Standing Order 168(3) – R.32/2007.

(a) 23-24 Central Market, St. Helier–lease;

(b) Field 649, La Rue du Presbytère, St. Peter-proposed lease.

Presented: 10th April 2007.

Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Sea Fisheries legislation. R.33/2007.

Presented: 12th April 2007.

Minister for Economic Development.

States of Jersey Law 2005: delegation of functions – Planning and Environment R.34/2007.

Department – delegated powers to the Assistant Minister and officers.

Presented: 13th April 2007.

Minister for Planning and Environment.

Community Development: Annual Report 2006. R.36/2007.

Presented: 17th April 2007.

Minister for Education, Sport and Culture.

Jersey Competition Regulatory Authority: Annual Report 2006.

R.37/2007.

Presented: 17th April 2007.

Minister for Economic Development.

Data Protection (Jersey) Law 2005: Code of Practice and Guidance on the use of

R.38/2007.

CCTV.

Presented: 17th April 2007.

Minister for Treasury and Resources.

Goods and Services Tax Review: Second Report.

S.R.7/2007.

Presented: 4th April 2007.

Corporate Services Scrutiny Panel.

### Notification of lodged propositions

Composition and Election of the States Assembly: proposed reform

P.145/2006. Amd.(2)

(P.145/2006) – second amendment. Lodged: 17th April 2007.

Privileges and Procedures Committee.

P.33/2007. Amd.

Tevielka, La Rue de la Haye du Puits, Grouville: proposed deed of arrangement

(P.33/2007) – amendment.

Lodged: 10th April 2007.

Minister for Treasury and Resources.

P.34/2007. Amd.

Lodged: 30th March 2007.

Deputy A. Breckon of St. Saviour.

Annual Business Plan 2007: Property Plan (P.34/2007) – second amendment.

Annual Business Plan 2007: Property Plan (P.34/2007) – amendment.

P.34/2007.

Lodged: 3rd April 2007.

Amd.(2)

Senator B.E. Shenton.

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): amendments.

P.37/2007. Amd.

Lodged: 3rd April 2007.

Corporate Services Scrutiny Panel.

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): second amendments.

P.37/2007. Amd.

(2)

Lodged: 3rd April 2007.

Lodged: 3rd April 2007.

Deputy A. Breckon of St. Saviour.

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): third amendments.

P.37/2007. Amd.

(3)

Minister for Treasury and Resources.

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): fourth amendments.

P.37/2007. Amd.

(4)

Lodged: 13th April 2007.

Minister for Treasury and Resources.

Draft Employment (Minimum Wage) (Amendment No. 3) (Jersey) Regulations

P.46/2007.

200-.

Lodged: 29th March 2007.

Minister for Social Security.

Jersey Dental Scheme: appointment of Chairman.

P.47/2007.

Lodged: 29th March 2007. *Minister for Social Security*.

Jersey Appointments Commission: appointment of Commissioner.

P.48/2007.

Lodged: 30th March 2007.

Chief Minister.

Fields 848, 851 and 853, Bel Royal, St. Lawrence: Committee of Inquiry.

P.49/2007.

Lodged: 2nd April 2007. Connétable of St. Lawrence.

Fields 848, 851 and 853, Bel Royal, St. Lawrence: Committee of Inquiry

P.49/2007. Amd.

(P.49/2007) – amendment. Lodged: 12th April 2007. Connétable of St. Lawrence.

Draft Loi (200-) (Amendement No. 4) sur les teneures en fidéicommis et

P.50/2007.

l'incorporation d'associations.

Lodged: 3rd April 2007. *Chief Minister*.

Draft High Hedges (Jersey) Law 200-.

P.51/2007.

Lodged: 13th April 2007.

Minister for Planning and Environment.

Student loans for higher education: introduction.

P.52/2007.

Lodged: 17th April 2007.

Minister for Education, Sport and Culture.

## Withdrawal of lodged propositions

THE STATES noted that in accordance with Standing Order 34(1) the Minister for Treasury and Resources had informed the Greffier of the States that the following proposition lodged "au Greffe" had been withdrawn –

Draft Goods and Services Tax (Jersey) Law 200- (P.37/2007): third amendments. P.37/2007. Amd. Lodged: 3rd April 2007. (3) *Minister for Treasury and Resources*.

## **Written Questions**

(see Official Report)

The Minister for Planning and Environment tabled an answer to a question asked by Senator B.E. Shenton regarding the designation of Sites of Special Interest.

The Minister for Treasury and Resources tabled an answer to a question asked by Senator B.E. Shenton regarding the amount raised in 2006 through the increase in Impôts duty on beer.

The Minister for Social Security tabled an answer to a question asked by Senator B.E. Shenton regarding the total cost of the provision of free television licences for the elderly in 2006.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding changes to grant aid to the dairy and agricultural industries.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenues in 2006, future revenue expenditure allocations and the impact of reductions in revenue expenditure.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding changes in support to the tourism industry.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the reallocation of financial support to high value industries and the finance industry.

### **Oral Questions**

(see Official Report)

Deputy D.W. Mezbourian of St. Lawrence asked a question of the Minister for Planning and Environmen regarding the steps taken by his Department to ensure compliance with conditions attached to planning consents and how many enforcement notices had been served over the last five years.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regardingwhen, and by whom, the decision was taken to set the 2007 pay offer to States' employees at the level of the Retail Prices Index and when the offer was notified to States' employees and Ministers.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Planning and Environment regarding what action, if any, he was taking to stop unsightly fly posting on vacant buildings in the Island.

The Deputy of St. Martin asked a question of the Minister for Transport and Technical Services regarding when the Road Traffic (Amendment No. 4) (Jersey) Law 200, approved on 26th September 2006 (P.88/2006), would come into force.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Health and Social Service regarding nurses taking time off in lieu instead of receiving paid overtime.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding the assumptions underlying the predictions for the Retail Prices Index and consequent pay settlements as set out in the presentation on the draft Annual Business Plan for the years 2008 to 2010.

Deputy J.A.N. Le Fondré of St. Lawrence asked a question of the Minister for Transport and Technica Services regarding the road works at Route de la Haule.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Treasury and Resources regardingany plans, in consultation with the Minister for Economic Development, to take action against shops and businesses charging the equivalent of U.K. Value Added Tax on top of G.S.T.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Transport and Technical Service regarding progress made in identifying partnerships and alternative locations for the compost operation at La Collette.

### **Oral Questions without notice**

(see Official Report)

The Minister for Planning and Environment answered questions without notice from members.

The Chief Minister answered questions without notice from members.

### Statements on a matter of official responsibility

(see Official Report)

The Minister for Education, Sport and Culture made a statement regarding the future of Fort Regent.

The Chairman of the Privileges and Procedures Committee made a statement regarding the arrangement of Public Business in the Assembly.

### Draft Goods and Services Tax (Jersey) Law 200- P.37/2007

THE STATES commenced consideration of the Draft Goods and Services Tax (Jersey) Law 200- and agreed that, in accordance with Article 20(3) of the Public Finances (Jersey) Law 2005, the fourth amendments lodged "au Greffe" by the Minister for Treasury and Resources on 13th April 2007 could be debated at that day's sitting.

THE STATES adopted the principles.

Members present voted as follows –

POUR: 33 CONTRE: 10 ABSTAIN: 0

Senator S. Syvret Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert

Senator T.J. Le Main
Senator F.E. Cohen
Connétable of St. Ouen
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy J.J. Huet (H)
Deputy of St. Martin

Deputy C.J. Scott Warren (S) Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Senator L. Norman Senator B.E. Shenton Connétable of St. Helier Deputy A. Breckon (S) Deputy G.P. Southern (H) Deputy J.A. Hilton (H) Deputy D.W. Mezbourian

Deputy S.S.P.A. Power (B) Deputy S. Pitman (H) Deputy K.C. Lewis (S)

THE STATES adopted Articles 1 to 5.

THE STATES commenced consideration of Articles 6 to 8 and Schedule 3 and rejected an amendment of the Corporate Services Scrutiny Panel that, in Article 8(4) the words "the third anniversary of the day on which paragraph (1) comes into force there be substituted the words "31st December 2010".

Members present voted as follows –

POUR: 5 CONTRE: 42 ABSTAIN: 0

Senator S. Syvret Senator L. Norman

Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Deputy P.J.D. Ryan (H) Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Connétable of St. Ouen Connétable of St. Mary Connétable of St. Peter Connétable of St. Clement Connétable of St. Helier Connétable of St. Lawrence Connétable of St. Martin Connétable of St. John Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy P.N. Troy (B) Deputy C.J. Scott Warren Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy G.P. Southern (H) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy of Grouville Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy D.W. Mezbourian (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 I.J. Gorst (C)

THE STATES adopted Articles 6 to 8 and Schedule 3.

THE STATES adopted Articles 9 to 30 and Schedules 1 and 2, having adopted an amendment of the Minister for Treasury and Resources to Schedule 1(1) that after sub-paragraph (1) the following sub-paragraph should be inserted and the remaining sub-paragraphs and internal cross references renumbered accordingly –

Deputy of St. Mary

"(2) Sub-paragraph (1) should not apply to an international services entity, within the meaning of Article 60, in respect of which the conditions in paragraphs (3) and (4) of Article 57 wer satisfied."

THE STATES, adopted Articles 33 to 47, having adopted amendments of the Corporate Services Scrutiny Panel to Article 41 that—

(a) in paragraph (1), subparagraph (d) should be deleted and the remaining subparagraphs renumbered accordingly;

- (b) in paragraph (2), for the words "as specified by general direction under this Article" there be substituted the words "as prescribed by Regulations";
- (c) in paragraph (3), for the words "as the Comptroller specifies by direction to the person or by general direction" there be substituted the words "as are prescribed by Regulations".

THE STATES commenced consideration of Articles 48 to 56 and Schedules 5 and 6 and rejected amendments proposed by the Corporate Services Scrutiny Panel to Article 51 that—

- (a) in paragraph (1), for subparagraph (a) there be substituted the following subparagraph
  - "(a) the person
    - (i) is constructing, or has constructed, a dwelling, or
    - (ii) is converting, or has converted, a building to a dwelling,

lawfully and otherwise than in the course of or furtherance of any business;";

(b) in paragraph (2)(a) the word "conversion," should be deleted.

Members present voted as follows –

POUR: 9 CONTRE: 33 ABSTAIN: 1

Connétable of St. Mary Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. John Deputy G.P. Southern (H) Deputy P.J.D. Ryan (H) Deputy S. Pitman (H) Deputy of St. John Senator L. Norman Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Connétable of St. Ouen Connétable of St. Peter Connétable of St. Clement Connétable of St. Helier Connétable of St. Lawrence Connétable of St. Martin Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy C.J. Scott Warren Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy D.W. Mezbourian (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy of St. Mary

Deputy P.N. Troy (B)

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(c), Deputy Peter Nicholas Troy of St. Brelade had declared an interest but had remained in the Chamber for the duration of the debate on Article 51.

THE STATES adopted Articles 48 to 56 and Schedules 5 and 6.

THE STATES commenced consideration of Articles 57 to 60 and adopted an amendment of the Minister for Treasury and Resources to Article 57 that—

- (a) in the heading to the Article and in paragraphs (1), (2), (3) and (4) for the words "finance vehicle", in each place that they appear, substitute the words "international services entity";
- (b) in paragraphs (3) and (4) for the words "finance vehicles" substitute the words "international services entities".

THE STATES adopted an amendment of the Minister for Treasury and Resources to Article 59 that-

- in paragraphs (1) and (3), for the words "finance vehicle", in each place that they appear, substitute the words "international services entity";
- (b) in the heading to the Article and in paragraphs (1) and (3) for the words "finance vehicles", in each place that they appear, substitute the words "international services entities".

THE STATES adopted an amendment of the Minister for Treasury and Resources to Article 60 that in the heading to the Article and in paragraphs (1), (2)(b), (3)(b) and (4)(b) for the words "finance vehicle" substitute the words "international services entity".

THE STATES adopted Articles 57 to 60 as amended.

THE STATES adopted Articles 63, 64 and 66.

THE STATES adopted Articles 61, 62 and 65.

Members present voted as follows –

POUR: 40 CONTRE: 0 ABSTAIN: 0

Senator L. Norman

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator M.E. Vibert

Senator T.J. Le Main

Connétable of St. Ouen

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of St. Helier

Connétable of Trinity

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy P.N. Troy (B)

Deputy C.J. Scott Warren (S)

Deputy J.B. Fox (H)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy P.J.D. Ryan (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

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

Deputy J.A.N. Le Fondré (L)

Deputy D.W. Mezbourian

(L)

Deputy of Trinity

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

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

THE STATES adopted Articles 67 to 87 and Schedule 7.

THE STATES commenced consideration of Article 88 and 89 and rejected an amendment of the Corporate Services Panel to Article 88(4) that for the words"15 years" there be substituted the words "5 years".

Members present voted as follows –

### POUR: 9 CONTRE: 36 ABSTAIN: 1

Senator F.H. Walker Connétable of St. Clement Connétable of Grouville Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy G.P. Southern (H) Deputy P.J.D. Ryan (H) Deputy S. Pitman (H) Deputy of St. John Senator S. Syvret Senator L. Norman Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator T.J. Le Main Senator B.E. Shenton Connétable of St. Ouen Connétable of St. Mary Connétable of St. Peter Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of St. Brelade Connétable of St. Martin Connétable of St. John Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy P.N. Troy (B) Deputy C.J. Scott Warren (S) Deputy J.B. Fox (H) Deputy S.C. Ferguson (B)

Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian

(L)

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

Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

THE STATES rejected an amendment of the Corporate Services Panel Article 89(3) that in paragraph (3), for the words "imprisonment for a term of 5 years and to a fine" there be substituted the words "a fine not exceeding an amount equal to 40% of the GST that would have been evaded had the offence not been discovered."

Members present voted as follows –

POUR: 4 CONTRE: 41 ABSTAIN: 0

Senator S. Syvret

Connétable of St. Clement Connétable of Grouville Deputy P.J.D. Ryan (H) Deputy of St. John

Senator L. Norman Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator T.J. Le Main Senator B.E. Shenton Connétable of St. Ouen Connétable of St. Mary Connétable of St. Peter Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of St. Brelade Connétable of St. Martin Connétable of St. John Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy P.N. Troy (B) Deputy C.J. Scott Warren Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy G.P. Southern (H) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy of Grouville Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy D.W. Mezbourian (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 I.J. Gorst (C)

THE STATES adopted Articles 88 and 89.

# Adjournment

THE STATES adjourned, and agreed to reconvene on Wednesday 18th April 2007 to continue consideration of the 'Draft Goods and Services Tax (Jersey) Law 200-, as amended' and the outstanding items of public business.

THE STATES rose at 5.30 p.m.

**A.H. HARRIS** 

Deputy Greffier of the States