



**THE STATES assembled on Monday
13th July 2009, at 09.30 a.m. under
the Presidency of the Bailiff,
Michael Cameron St. John Birt Esquire.**

**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 –

Connétable Michael Keith Jackson of St. Brelade – excused attendance
Deputy Carolyn Fiona Labey of Grouville – ill
Deputy Deborah Jane de Sousa of St. Helier – excused attendance

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Water Pollution (Code of Good Agricultural Practice) (Jersey) Order 2009. R&O.61/2009.
Minister for Planning and Environment.

Documents presented or laid

Draft Residential Tenancy (Jersey) Law 200- (P.74/2009): comments. P.74/2009.
Presented: 13th July 2009. Com.
Minister for Treasury and Resources.

Draft Residential Tenancy (Jersey) Law 200- (P.74/2009): amendment (P.74/2009 P.74/2009.
Amd.) – comments. Amd.Com.
Presented: 13th July 2009.
Minister for Housing.

Television Licences for persons over 75 (P.100/2009): comments. P.100/2009.
Presented: 13th July 2009. Com.(2)
Council of Ministers.

Oral Questions with notice: revised ballot procedures (P.105/2009) – comments. P.105/2009.
Presented: 7th July 2009. Com.
Privileges and Procedures Committee.

Ann Court housing site, St. Helier: temporary use (P.108/2009) – comments. P.108/2009.
Presented: 8th July 2009. Com.
Minister for Housing.

Meetings of the States 2010. R.73/2009.
Presented: 7th July 2009.
Privileges and Procedures Committee.

Jersey Child Care Trust: report and financial statements at 31st December 2008. R.74/2009.
Presented: 8th July 2009.
Minister for Education, Sport and Culture.

Corporate Services Scrutiny Panel: Deemed Rent (P.161/2008) (S.R.2/2009) – response S.R.2/2009.
of the Minister for Treasury and Resources. Res.
Presented: 13th July 2009.
Minister for Treasury and Resources.

Review of States of Jersey Financial Forecasting (S.R.13/2008): response of the Minister S.R.13/2008.
for Treasury and Resources. Res.
Presented: 10th July 2009.
Minister for Treasury and Resources.

Notification of lodged propositions

Code of Practice for Scrutiny Panels and the Public Accounts Committee: amendments. P.112/2009.
Lodged: 6th July 2009.
Chairmen's Committee.

Criminal Injuries Compensation Scheme: revised Scheme. P.113/2009.
Lodged: 8th July 2009.
Minister for Home Affairs.

Draft Honorary Police (Repeals) (Jersey) Law 200-. P.114/2009.
Lodged: 13th July 2009.
Comité des Connétables.

Draft Honorary Police (Amendment) (Jersey) Regulations 200-. P.115/2009.
Lodged: 13th July 2009.
Comité des Connétables.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged “au Greffe” had informed the Greffier of the States that they had been withdrawn –

Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-. P.58/2009.
Lodged: 14th April 2009.
Minister for Economic Development.

Sea Fisheries: sale of fish without licence and licensing of ormer fishing. P.106/2009.
Lodged: 29th June 2009.
Deputy A.K.F. Green of St. Helier.

Written Questions

(see Official Report/Hansard)

The Minister for Home Affairs tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding changes to the Criminal Justice (Young Offenders) (Jersey) Law 1994.

H.M. Attorney General tabled an answer to a question asked by Senator B.E. Shenton regarding changes to the funding of successful Magistrate's Court prosecutions.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding increases in Salary and Wages between the years 2007 and 2008.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding increases in Salary and Wages between the years 2007 and 2008.

The Minister for Home Affairs tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding increases in Salary and Wages between the years 2007 and 2008.

The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding nursing vacancies.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the success of Income Support as an 'in work' benefit.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the job group comparisons within the comments on the proposition entitled 'States Employees: pay increase for 2009/2010 (P.68/2009) – amendment'.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Economic Advisor's analysis of the size of the downturn in Jersey's economy.

The Minister for Health and Social Services tabled an answer to a question asked by the Deputy of St. John regarding the contingency plans for staffing at the Hospital should there be a major Swine Flu outbreak.

The Chief Minister tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the cost of providing Blackberries and mobile telephones to Ministers and Assistant Ministers.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the effective tax rate for all 1(1)(k) residents currently living in the Island.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the number of emergency services visits to St Saviour's hospital and the other mental health establishments over the past 5 years.

The Chief Minister tabled an answer to a question asked by the Deputy of St. John regarding the selection of a Chairman and members to conduct the Committee of Inquiry into the Reg's Skips Limited Planning application.

The Chairman of the Privileges and Procedures Committee tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the use of laptops in the Chamber.

Oral Questions

(see Official Report/Hansard)

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding Operation Blast.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding the funding crisis surrounding the Jersey Heritage Trust.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Health and Social Services regarding the inappropriate feeding of seagulls by householders in high density housing areas.

Deputy A.E. Jeune of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding providing appropriate training to match job vacancies in the Island.

The Deputy of St. John asked a question of the Assistant Minister for Economic Development regarding the mooring list at La Collette Marina.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the payment of compensation in the event that States of Jersey police officers damage property when gaining entry to premises.

The Connétable of St. Helier asked a question of the Minister for Home Affairs regarding the duration and cost of the suspension of the Chief Officer of the States of Jersey Police.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding the payment of £340,000 as a 'loyalty' bonus to seven senior management figures at Jersey Telecom.

The Deputy of St. John asked a question of the Assistant Minister for Economic Development regarding the length of time the fisheries vessel the Norman Le Brocq had been out of service over the last 12 months.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding banning from all schools very high caffeine energy drinks.

The Connétable of St. Helier asked a question of the Minister for Home Affairs regarding the deployment of community police officers in the Parishes.

Senator A. Breckon asked a question of the Assistant Minister for Housing regarding the determination of the prices for the 46 residential units at La Providence, St. Lawrence.

Senator A. Breckon asked a question of the Minister for Planning and Environment the drainage system for the development known as La Providence constructed on Goose Green Marsh.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding research into pay awards in the private sector for 2009.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Economic Development 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/Hansard)*

The Minister for Health and Social Services made a statement regarding the pandemic flu outbreak.

Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200- P.56/2009

THE STATES commenced consideration of the Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 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 Regulations 1 to 20.

THE STATES, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994 and having consulted with and obtained the concurrence of the Secretary of State, made Regulations entitled the Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 2009.

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200- P.57/2009

THE STATES commenced consideration of the Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 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 Regulations 1 and 2.

THE STATES, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994 and having consulted with the Secretary of State and obtained his concurrence, made Regulations entitled the Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 2009.

Television Licences for persons over 75 P.100/2009

THE STATES rejected a proposition of Deputy Montfort Tadier of St. Brelade, that all persons aged 75 years and over living in domestic accommodation should be eligible for free television licences from 1st January 2010 and that the Minister for Social Security should be requested to take the necessary steps to amend the current means-tested scheme to implement this proposal; and the Chief Minister, in consultation with the Minister for Treasury and Resources, should be requested to make adequate provision in the Draft Annual Business Plan 2010, and to then make appropriate provision in future Annual Business Plans, to meet the cost of the scheme.

Members present voted as follows –

POUR: 21

Senator S. Syvret
 Senator B.E. Shenton
 Senator A. Breckon
 Connétable of St. Helier
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin

CONTRE: 28

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson

ABSTAIN: 0

| | |
|------------------------------|-----------------------------|
| Deputy R.G. Le Hérissier (S) | Senator A.J.D. Maclean |
| Deputy J.A. Martin (H) | Senator B.I. Le Marquand |
| Deputy G.P. Southern (H) | Connétable of St. Ouen |
| Deputy J.A. Hilton (H) | Connétable of Grouville |
| Deputy P.V.F. Le Claire (H) | Connétable of St. Martin |
| Deputy S.S.P.A. Power (B) | Connétable of St. John |
| Deputy S. Pitman (H) | Connétable of St. Saviour |
| Deputy K.C. Lewis (S) | Connétable of St. Clement |
| Deputy M. Tadier (B) | Connétable of St. Peter |
| Deputy of St. Mary | Connétable of St. Mary |
| Deputy T.M. Pitman (H) | Deputy J.B. Fox (H) |
| Deputy T.A. Vallois (S) | Deputy of St. Ouen |
| Deputy M.R. Higgins (H) | Deputy of St. Peter |
| Deputy A.K.F. Green (H) | Deputy J.A.N. Le Fondré (L) |
| | Deputy of Trinity |
| | 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 J.M. Maçon (S) |

Draft Social Security (Television Licence Benefit) (Jersey) Regulations 200- P.64/2009

THE STATES commenced consideration of the Draft Social Security (Television Licence Benefit) (Jersey) Regulations 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 Regulations 1 to 6.

THE STATES, commenced consideration of Regulation 7 and, adopting an amendment of the Minister for Social Security, agreed that in Regulation 7 –

- (a) in paragraph (4)(b), for the amount “£14,110” there should be substituted the amount “£14,638”;
- (b) in paragraph (5)(b), for the amount “£23,220” there should be substituted the amount “£23,748”.

THE STATES adopted Regulation 7, as amended.

THE STATES adopted Regulations 8 to 15.

THE STATES, in pursuance of Article 1 of the Social Security (Television Licence Benefit) (Jersey) Law 2006, made Regulations entitled the Social Security (Television Licence Benefit) (Jersey) Regulations 2009.

Chairman of the Jersey Competition Regulatory Authority – tribute

The Minister for Economic Development advised members that the Rt. Hon. Lord Kingsland Q.C., Chairman of the Jersey Competition Regulatory Authority, had passed away on 12th July 2009 after a short illness and the Minister paid tribute to the work which Lord Kingsland had undertaken on the Island’s behalf.

Draft Residential Tenancy (Jersey) Law 200- P.74/2009

THE STATES commenced consideration of the Draft Residential Tenancy (Jersey) Law 200- and adopted the principles.

Members present voted as follows –

POUR: 42**CONTRE: 1****ABSTAIN: 0**

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Peter
 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. Peter
 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 S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 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)

Deputy G.P. Southern (H)

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 3.

THE STATES commenced consideration of Article 4 and Schedules 1 and 2 and rejected an amendment of Deputy John Alexander Nicholas Le Fondré of St. Lawrence that in Schedule 2, at the end of paragraph 2 there should be added – “This paragraph shall not apply to the doing of anything that would involve structural changes to, or that could affect the structure of, the residential unit or any building in which the residential unit is located.”.

Members present voted as follows –

POUR: 11

Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Mary
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)

CONTRE: 26

Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator A. Breckon
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 1

Deputy of St. Mary

THE STATES adopted Article 4 and Schedules 1 and 2.

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), the Deputy of St. John declared an interest and withdrew from the Chamber for the duration of the debate.

In accordance with Standing Order 106(1)(b), Senator Philip Francis Cyril Ozouf, the Connétables of Trinity and St. Saviour, the Deputy of St. Ouen and Deputies John Alexander Nicholas Le Fondré of St. Lawrence, Sean Seamus Patrick Augustine Power of St. Brelade, Angela Elizabeth Jeune of St. Brelade and Andrew Kenneth Francis Green of St. Helier declared an interest but remained in the Chamber for the duration of the debate.

The Bailiff briefly retired from the Chamber during consideration of the Draft Residential Tenancy (Jersey) Law 200- (P.74/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States, until his return.

Adjournment

THE STATES adjourned, having agreed to reconvene on Tuesday 14th July 2009 to continue the consideration of the Draft Residential Tenancy (Jersey) Law 200- and the outstanding items of public business.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States