

# STATES OF JERSEY

## OFFICIAL REPORT

**THURSDAY, 26th OCTOBER 2006**

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**The Roll was called and the Deputy Greffier led the Assembly in Prayer.**

**PUBLIC BUSINESS – RESUMPTION**

**1. Composting facilities at La Collette, St. Helier: cessation (P.76/2006) - withdrawn**

**The Greffier of the States (in the Chair):**

The debate resumes on Deputy Baudains proposition.

**Deputy G.C.L. Baudains of St. Clement:**

Before we do that, Sir, can I refer to Projet 138 which has been reissued, I believe that was yesterday. Can you advise whether there are any changes from the previous one of any substance because if so I would assume that the dates should be altered to reflect the date of the new information rather than...

**The Greffier of the States (in the Chair):**

It was, Deputy, a minor legal technicality the citation of the Draft Tariff referred to the States making the tariff, in fact it is the Minister. So there are no changes of substance. Now, Deputy, I understand before the debate resumes you wish to make a brief intervention?

**1.1 Deputy G.C.L. Baudains:**

Yes, in relation to my proposition, Sir. Given that yesterday the speakers who have spoken so far appeared to misunderstand by proposition but more importantly that the Minister gave an assurance that he was actively pursuing a countryside option location for composting I may wish to withdraw the proposition, Sir, but I am afraid that will depend on the Minister being able to satisfy me that the countryside option will be pursued with all possible expediency. Also that he will redouble his efforts to ensure that the smell from the existing site is minimised as much as possible. In other words it is only turned when the wind is off-shore wherever possible. In the meantime if he can give me those assurances, Sir, I would be prepared to withdraw the proposition.

**1.2 Deputy G.W.J. de Faye of St. Helier:**

I am very happy, sir, to give the Deputy and the House those assurances.

**Deputy G.C.L. Baudains:**

May I formally request you withdraw the proposition?

**The Greffier of the States (in the Chair):**

That is a matter for Members as the proposition has been proposed. Are Members content to allow the Deputy to withdraw the proposition? Very well, that proposition is withdrawn on the undertaking of the Minister which enables the Assembly to move to the next item of business. I think the Assembly is unable to move on to the next item listed on the Order Paper because the Minister for Planning and Environment and the Assistant Minister are both en défaut. Perhaps we will put those to the bottom of the list. Assistant Minister for Economic Development, you are briefed to deal with the draft Weights and Measures matter?

**Connétable G.W. Fisher of St. Lawrence:**

No, Sir.

**The Greffier of the States (in the Chair):**

Do you wish that to be deferred to another day?

**The Connétable of St. Lawrence:**

Could you leave it near the bottom of the list, Sir?

**Deputy P.N. Troy of St. Brelade:**

Really if Members have propositions which they are to present they should be in the Assembly. I think it is appalling that both the Minister and the Assistant Minister and another Minister are not here for business.

**Deputy J.J. Huet of St. Helier:**

Sir, it is no different from Ministers coming in and then walking out again after they have registered.

**The Greffier of the States (in the Chair):**

I do not think we need a debate on this, thank you.

## **2. Draft Amendment (No. 5) of the Standing Orders (P.104/2006)**

**The Greffier of the State (in the Chair):**

We therefore come to P.104 Draft Amendment (No. 5) of the Standing Orders. The Chairman of PPC (Privileges and Procedures Committee) is in the Assembly so I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Amendment (No. 5) of the Standing Order of the States of Jersey. The States, in pursuance of Article 48 of the States of Jersey Law 2005, have made the following amendment to Standing Orders.

**2.1 Connétable D.F. Gray of St. Clement (Chairman of the Privileges and Procedures Committee):**

I will be very brief because I want a chance for the other Ministers to turn up. I still will be brief and say that I think it is fully explained in our report so I am not going to repeat that. All I want people to understand is this is just a means of enabling an Act to be presented without the 14 day wait. It merely is putting into force a piece of legislation which alters taxes immediately. It is not the Act that alters the taxes, it merely is the Act that allows that Act that has already been passed to be put into immediate effect. So, in passing this you are not giving a short-cut to the imposition of taxes, that is a previous decision and this is just enabling it. So I propose the adoption, Sir.

**The Greffier of the States (in the Chair):**

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment to Standing Orders?

## **2.2 Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

Only to appreciate and comment on the actions of the P.P.C. in rectifying this minor procedural anomaly. I thank them for this.

### **The Greffier of the States (in the Chair):**

Anything you wish to say in reply, Chairman? I put the amendment in Standing Orders. Those Members in favour of adopting it, kindly show. Those against? The amendment is adopted.

## **3. Draft Waste Management (OECD Revised Decision) (Jersey) Regulations 200-(P.97/2006); Draft Waste Management (Jersey) Law 2005 (Appointed Day) Act 200-(P.98/2006); and Draft Weights and Measures (Amendment) (Jersey) Law 200-(P.103/2006) - deferral**

### **3.1 Deputy P.N. Troy:**

Could I propose that those items that have been missed because Members are not here, Sir, move to the next agenda? Can I ask that as a formal proposition?

### **The Greffier of the States (in the Chair):**

Normally it would be more orderly to make that proposition when we come the items, Deputy, but you are entitled to make that proposition so it is a matter for the Assembly. You wish to formally propose that the Draft Waste Management (OECD Revised Decision) (Jersey) Regulations 200-(P.97/2006) and the Draft Waste Management (Jersey) Law 2005 (Appointed Day) Act 200-(P.98/2006)... the Assistant Minister has given an undertaking he will look into the Economic Development matters, do you wish to touch on those?

### **Deputy P.N. Troy:**

I would like to move that they move on to the next agenda, Sir.

### **Senator L. Norman:**

I just wonder if that proposition is in order, Sir, as we have agreed that we would decide our order of business at the end of the sitting. We have already got...

### **The Greffier of the States (in the Chair):**

It is in order, Senator. Standing Order 87(2)(b) provides that: "A Member of the States may propose without notice that a proposition listed for debate at the present meeting is deferred to another meeting day." So it is in order: it is a matter for members whether they wish to support it or not. Deputy Troy has made this proposition that these 4 propositions be deferred until the next meeting.

### **Deputy C.H. Egre of St. Peter:**

Is it right to be able to amend that proposition at this stage?

### **The Greffier of the States (in the Chair):**

It will get very complicated if we do, I think, Deputy. Probably technically you can. What was the amendment you wished to propose?

**Deputy C.H. Egre:**

That we delay that decision, to be made at the end of business today.

**Deputy P.N. Troy:**

Can I maintain, Sir, and ask for the Appel? Thank you.

**Senator F.H. Walker:**

Maybe I can help here. I do know the Planning Minister was obviously imagining, as I think most of us were, that the composting debate was going to go on much longer than it did. He is on his way to the Chamber now. He should be with us with a couple of minutes.

**The Greffier of the States (in the Chair):**

I was not aware he declared any interest in that debate, Minister. I was not aware that that, in itself, provided the excuse for his late arrival - the fact that one debate was continuing.

**Senator F.H. Walker:**

I do not think it is an excuse for his late arrival but I just hope that we can get on with the job, Sir.

**The Greffier of the States (in the Chair):**

Deputy Troy has proposed this proposition, it would effectively negative the proposition, Deputy of St. Peter. Standing vote, Deputy?

**Deputy P. N. Troy:**

Appel, Sir.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] The vote is for or against the proposition of Deputy Troy that the 2 matters for Planning and Environment and the matter for Economic Development be deferred to the next meeting. The Greffier will open the voting.

**POUR: 6**

Deputy P.N. Troy (B)  
Deputy G.P. Southern (H)  
Deputy P.V.F. Le Claire (H)  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy of St. John

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Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator T.J. Le Main  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Clement  
Connétable of St. Lawrence

**ABSTAIN:**

Connétable of Grouville  
Connétable of St. Martin  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérissier (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 G.W.J. de Faye (H)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**4. P.105/2006 Draft Maintenance Orders (Enforcement) (Amendment No. 2) (Jersey) Law 200-**

**The Greffier of the States (in the Chair):**

We will come next to the Draft Maintenance Orders (Enforcement) (Amendment No.2) (Jersey) Law 200- and ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Maintenance Orders (Enforcement) (Amendment No. 2) (Jersey) Law; a Law to amend further the Maintenance Orders (Enforcement) (Jersey) Law 1999.

**Senator F.H. Walker:**

Could I ask that the Connétable of St. Ouen act as rapporteur for this item, please.

**4.1 Connétable K.P. Vibert of St. Ouen (Assistant to the Chief Minister - rapporteur):**

This draft Law will empower the Royal Court and the Petty Debts Court to authorise an arrest of wages on making a maintenance order. At present when a court makes a maintenance order it does not have the statutory power to authorise an arrest of wages. It is only when the person ordered to pay maintenance defaults on his or her obligation that the recipient can start proceedings for the recovery of the arrears. It is considered that this situation is unsatisfactory as it means that an abandoned spouse may suffer hardship - financial hardship - during the time which elapses before an arrest of wages can be made. The problem of late maintenance payments has been a long standing issue and was raised with the then Legislation Committee as long ago as late 1990, at which time the Committee received representations from lone parents who were suffering financial hardship and the Support through Divorce Group. The new Law will provide a quicker and less expensive way of enforcing maintenance obligations, saving court time and bureaucracy and cutting the need for further red tape. More importantly it will provide a more efficient means for spouses and parents, often in difficult financial circumstances to recover maintenance, thereby



relieving them of the financial and emotional drain of having to make several visits to lawyers and courts. This proposition proposes that an arrest of wages should be no more than half the wages of the payee. But the court will, when reaching its decision, take into account the financial circumstances of both the payee and the recipient when making the order. As with many other matters where the court is able to levy a penalty, the 50 per cent of wages as described above is the maximum amount and, as with fines, is only an indication to the court of high the penalty can be. It is most unlikely that this maximum amount would be used. It is not intended that the court will make an arrest on wages as a matter of course. It will have to satisfy itself that there is good reason to do so. But I would stress that an arrest order could be made following the first failure to make a maintenance payment. There are no additional financial manpower implications arising from this Law and I propose it, Sir.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak?

**4.2 Deputy F.J. Hill of St. Martin:**

Can I say I am sure most people will welcome this piece of legislation: it is long overdue and in fact very good. Well done. The only concern I have is what sort of action and authority has this Island got - or the have the parents got - for someone who leaves the Island and works outside. Having had a certain amount of experience in dealing with these things, in actual fact, unless we have got that authority it becomes almost like a toothless tiger because you can do something on the Island but not to people outside. Bearing in mind we have a lot of people who do come to the Island to work, they do get married and then they leave the Island and you cannot trace them. I think that is a vital piece of information that I would like to know. I am sure Members would as well. Thank you.

**4.3 Deputy C.F. Labey of Grouville:**

I, too, welcome this Law although I do feel it falls short in some respects with the arrest of wages of no more than half. Now, I understand the sentiment of what it is trying to achieve here, however, when the orders are made by the courts, the courts take into account all the income of the spouse, which include rents, dividends and all other means. The wages might only make up a very small component of the total income. I would like the rapporteur to explain why they are limiting the courts in such a way to only be half or up to half of the wages. I would also like the rapporteur to explain or to give some indication as to when they can come back with the points raised by the Deputy of St. Martin because a lot of these issues are long, long overdue and it is ex-spouses and usually children that suffer at the end of it. In many cases it is the Parishes that have got to pick up the bill at the end of the day. Thank you.

**4.4 Deputy G.P. Southern of St. Helier:**

The Assistant Minister is indeed to be congratulated on finally bring this long overdue proposal to the House. But I just make the opposite point of the previous speaker, which is to question under what circumstances a sum of 50 per cent of earnings is likely to be requested and pursued.

**4.5 Deputy C.J. Scott Warren of St. Saviour:**

Well, I also very much welcome this Law but I agree with the previous 2 speakers that there should be some flexibility really - this is what we are saying - I think there should be. Sometimes maybe 50 per cent is too much but on other occasions 50 per cent may be too little to give as maintenance. I have seen a number of people struggling to raise children on insufficient maintenance, with

problems trying to get the money through the courts and the former partner just reneges on all responsibility. As I say, I very much welcome this. I also believe it is long overdue for the parents and the children who are affected. Thank you.

#### **4.6 Deputy J.J. Huet of St. Helier:**

I rise in support of the Deputy of Grouville because it is not only maintenance for children and so forth, it does affect further into life. The normal con trick over here is for 2 people to get a divorce and the husband just pay the wife a pittance and then the whole of university fees and everything else falls on the State. You will very often find that the husband could even be a millionaire but gets away with very little because when you just take into account wages, there is very little in it. So I think the Deputy of Grouville is completely and utterly correct and it should be looked at.

#### **4.7 Senator W. Kinnard:**

I very much welcome this because this was something of a crusade that I have as a member of the Legislation Committee and then as, latterly, the President of the Legislation Committee. I had a lot of contact with both ex-husbands and ex-wives who found themselves in a very difficult position of having the responsibility for the care and control of children and having great difficulty in obtaining the maintenance that was due to them by the court. At that time the Committee's view - and my view still today - is that the child must always come first. Alongside the enforcement of maintenance one of the concerns that was expressed at that time was that errant parents who were not fulfilling their obligations under the maintenance orders of the court were leaving the Island and going to other parts of Great Britain. In particular, Scotland was identified as a place where our maintenance orders could not be enforced. As a result of that the States passed a very extensive and far-reaching piece of the legislation called the Maintenance Orders (Facilities for Enforcement) (Jersey) Law. That was brought into force on 2 June 2003. This is just about the most significant piece of legislation, I think, any European jurisdiction has. It enables us to enforce maintenance orders across Hague Convention and also European Convention countries. It virtually enables us to enforce orders across the world if we need to. So, I think the concerns that Members have about whether or not this might cause errant parents to leave the Island in order to escape their obligations... it is not a lack of legislation that will enable that to happen, it is perhaps a lack of enthusiasm by some of the legal profession to use this very far-reaching other piece of legislation which I think would ensure that the obligations that the court places on individuals are adhered to. Members are also concerned, I think, that this will somehow tie the hands of the court to only enforcing 50 per cent of an individual's wages as part of maintenance. That is not correct. If Members look at Article 4 of this piece of proposed draft Law it says that there will be a new article that will be inserted Article 2(a) and in there, down at paragraph 5, it says: "Paragraph 4 [because it relates to paragraph 4 which is the one where it may not exceed one half of wages], the arrest of wages, does not interfere at all with the decision of the court, the discretion of the court, to order a level of maintenance as it sees appropriate in the given circumstances of any particular case." It is just that the arrest on wages can only be to up to 50 per cent of the wages. It does not mean that the obligation is only up to 50 per cent of the wages. So I think Members need to read that article quite carefully. Other concerns that have been raised are that maybe it is too much. Again, it is not tying the discretion of the court. It is the court in hearing all the circumstances of the case that will decide what is appropriate. I, Sir, believe that this piece of legislation that is coming forward today is, indeed, very long overdue. I have heard some very heart-rending cases where individuals have not been receiving the maintenance and have therefore had great difficulty in bringing a case to court and, even when a case has gone back to court, trying to seek to enforce the maintenance orders that the partner has continually defaulted on. They come to the point when the individual who should be in receipt of that maintenance - most usually for the care of children - really feels that they have become exasperated; that they feel that they have nowhere else to go, nowhere else to turn, and quite often end up in a situation where they give up. That cannot be in the interests of

family life. So, Sir, this piece of legislation is long overdue and I very much welcome it. I hope that Members will thoroughly support it. Thank you.

#### **4.8 Connétable D.J. Murphy of Grouville:**

I would like to support this, and in fact I shall support it, but in the actual Law itself - in Article 2(b) - it would have been very easy to overcome the problems we have got by substituting wages for income. We could have had a situation where, for instance, a self-employed man or a company director who has access to the books and everything else can pay himself dividends instead of wages and that, of course, would not be included in the maintenance computation. So I would say this Law should be amended and total income should be substituted for wages and I think that would solve the problems that people are having at the moment. Thank you.

#### **Senator W. Kinnard:**

Could I just make a point of clarification. In deciding maintenance the court does take into account income and wages but an arrest on wages just relates to the wages part, the only part it can relate to. Thank you, Sir.

#### **The Connétable of Grouville:**

Surely the same situation applies, Sir. You can have an arrest on income rather than wages.

#### **4.9 Deputy J.B. Fox of St. Helier:**

Yes, this well belated piece of legislation is long overdue and must be commended. But the question I would like to ask the Assistant Minister is - with the absence of legal advice in the House at this present time - is he satisfied that this legislation will cover the deficiencies that have been experienced up until now or are there other things as we have been hearing today that still need to be looked at. It might be not a question you could answer immediately but it is something you might wish to come back to. Thank you, Sir.

#### **4.10 Deputy P.V.F. Le Claire of St. Helier:**

I appreciate the Assistant Minister may not have the answer for this. If there were a number a children and there is an order placed upon the wages of an individual to help support those individual children in that family, has thought been given to establishing a *de minimus* level of income needed to support a child so that the court, when coming to its conclusions, can take on board whether or not the awarding of the monies can be correlated against the actual income of the family. So in such a circumstance that the family is facing hardship, they will be able to - under those circumstances - marry-up those financial *de minimus* levels with the low income support mechanism that is being developed. All of these things must be interconnected in the welfare of the child and the family and I am certain it is like a plate of spaghetti in as much as it will be very complicated, but perhaps it might help untangle some of those problems in the future if it has been given consideration. If it has not been given consideration could I ask that perhaps the Assistant Minister for Social Security has a quick chat in relation to how it might possibly intertwine with the awarding of low income support in the future? There have been occasions when I have been in a situation at Social Security with an individual that has been in receipt of support and, because of other contributions from other areas, has been unable to achieve the financial level of income that that individual needed for essential medication.

#### **4.11 Deputy P.N. Troy:**

I can comment on what the Deputy has just said in that anyone who qualifies for income support... it would be based on their personal circumstances and on the amount of income they receive. So if they receive income as a result of maintenance orders, if that income is sufficient for them to live on then they would not qualify for income support. But if that amount ordered by the court were at a level whereby their income would not be sufficient, they would qualify for a top-up under income support to a standard sort of level that they could live on with that funding.

#### **4.12 Deputy J.A. Martin of St. Helier:**

I think we are on similar lines and Deputy Le Claire had asked the question of, I think, the Assistant Minister for Social Security. My question is: under this Law will it just be the individual or could Employment and Social Security... because I think that what Deputy Le Claire was saying. Let us say a woman is expected to get £50 a week; it will be deducted from their income support but it may not be paid for up to 6 weeks, i.e. they are £50 a week worse off for at least 6 weeks. At the moment it is down to the individual to claim that back through the courts. Is there anywhere in this Law that will let a States' department claim that back while paying that maintenance, because you cannot live on fresh air and promises 6 weeks down the line. That is, I think, what we were trying to establish, Sir. Thank you.

#### **4.13 Deputy J.J. Huet:**

This is where the welfare net has always come in to help those people that do not get their maintenance.

#### **The Greffier of the States (in the Chair):**

I call on the Assistant Minister to reply.

#### **4.13 The Connétable of St. Ouen:**

First of all, I would like to thank Senator Kinnard for her contribution which, in fact, I think went a long way to answering the questions that most Members had raised. I understand the possible confusion but she is quite correct when she said that an arrest on wages is merely one part of what the court will take into consideration when deciding on the total award. But, yes, I will take the matter up with Social Security because there may well be a problem there. Again, it comes down to the fact that this Law will enable the court to consider a total award. That award will be a debt of the maintenance order as from the first day. Whereas now if that debt is not paid it is a long process of going through, in most cases, to legal aid and then to the court before a decision is made and then a period of time before the payment is made. Obviously the whole idea of this aw - the principle of this Law - is to make the payment quicker. Certainly I will talk with Social Security to ensure that if it is someone who is on low income that that payment is made quicker, possibly even direct. Although the Minister is now going to intervene.

#### **Senator P.F. Routier (The Minister for Social Security):**

The Assistant Minister wanted me to give highlights, Sir, of the way we anticipated operating. Sorry, I was out of the Chamber because I was trying to get access to the Employment (Jersey) Law 2000 which describes wages and wages has got a wide definition within the Law and I was wanting to get the exact detail. If I had had internet access in the Chamber I could have given it to you straight away. One day we might get that. So, because wages is described quite widely in the Employment (Jersey) Law which can look at director's remuneration and everything like that, I just really wanted to get the detail of that for you but the debate is over quicker than I anticipated and I still have not got it yet. But with regard to maintenance payments - the court making a judgment

and there being a time-lag between that and when the payments are made - income support will recognise that circumstance and will support people to ensure that they are not without money during that intervening period. We will also help people make application for maintenance orders as well so that if they are having a difficulty themselves in making that application we would assist them in doing that.

**The Connétable of St. Ouen:**

I thank the Minister for his intervention and I hope that that answers the question. Deputy Le Claire also raised the question of a *de minimus* level and I do not think that that is totally necessary because under this Law the court has the ability to set the level, having taken into consideration the financial situation of both the claimant and the payer. So the court will have a fairly wide range on which it can make its decision. I think that more or less answers all the questions which were asked. The Connétable of Grouville asked about substituting the word “wage” with the word “income” but I think that my previous answer also answers his question, in that the court does have the ability to take that into consideration as well. Sir, I maintain the proposition.

**Deputy J.B. Fox:**

Sorry, Sir, can I ask for clarification on the point that I raised: is the Assistant Minister satisfied that the current proposition closes any deficiencies or loopholes.

**The Deputy of St. Martin:**

I know the Minister for Home Affairs went around it but I think it was quite a direct question really: does this Law enable the wages to be taken from people working outside the Island?

**Deputy G.W.J. de Faye:**

Could I have a further point of clarification?

**The Greffier of the States (in the Chair):**

I do not think so, Deputy. You did not speak so there is nothing for you to clarify.

**Deputy G.W.J. de Faye:**

It is that I believe that the point that Deputy Le Claire put forward has been misunderstood.

**The Greffier of the States (in the Chair):**

I am sorry it is not possible to make these sorts of interventions. Connétable.

**The Connétable of St. Ouen:**

If I can answer the question of the Deputy of St. Martin first and Senator Kinnard did address that. This particular Law does not but have a Law in place which does allow us to claim monies from people who have tried to evade their responsibility by leaving the Island. As far as Deputy Fox is concerned, yes, I am confident that this Law will cover the problems which exist at the moment but I cannot say that it will cover problems which might crop up in the future.

**The Greffier of the States (in the Chair):**

Very well, I put the principles of the Law. Those Members in favour of adopting kindly show. Against? The principles are adopted. I understand Vice-Chairman that the Corporate Affairs Scrutiny Panel does not wish to scrutinise this Law. Very well, do you wish to propose Articles 1 to 5?

**The Connétable of St. Ouen:**

Yes, if I could propose Articles 1 to 5.

**The Greffier of the States (in the Chair):**

Are they seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? If not, I put the Articles. Those Members in favour of the document kindly show. Those against? The Articles are adopted. Do you propose the draft law in Third Reading, Assistant Minister?

**The Connétable of St. Ouen:**

I do, Sir.

**The Greffier of the States (in the Chair):**

Is that seconded? **[Seconded]** Does any Member wish to speak?

**4.14 Deputy G.W.J. de Faye:**

Thank you for looking in my direction. I finally got the hint. **[Laughter]** I would like for the Assistant Minister to clarify the point that was raised by Deputy Le Claire regarding *de minimus* levels. The manner in which you responded indicated that the court had significant flexibility in how it would make an award of an arrest on wages. That, of course, is encouraging, and right and proper. Inevitably the question must be raised, if the court has flexibility that means that it may make no award at all or up to 50 per cent. The court clearly has the flexibility between 0 and 50 per cent. I think the purport of Deputy Le Claire's question about a *de minimus* level with effect to children involved was that clearly there must be some sort of level of maintenance deemed - presumably by Social Security at some time - to say: "Per child you really ought to have £x amount of money." Therefore, clearly that would mean that an award of 0 might not be appropriate. I think what the Deputy was trying to establish was is there, as it were, a level below which you would not expect a court to make an award less than a particular level? I do not feel that by telling us that the court has flexibility gave the answer we were looking for.

**4.15 Deputy C.J. Scott Warren:**

I realised after I had spoken that I had missed out something of concern and obviously I do feel it has got to be raised because it is a concern. Under Article 2 when there is an amount awarded, what happens if subsequently - as often does happen - the person who is supposed to be paying suddenly cannot work any longer, because I understood that you cannot take any part of the benefit? That is of great concern to somebody because it lets the prospective payer off scot-free. Thank you.

**4.16 Deputy P.V.F. Le Claire:**

I would like to thank Deputy de Faye for his intervention because it did clarify what I was trying to seek and pretty much hit the nail on the head. I was content at the time to just let it roll over because the Assistant Minister had given the undertaking to discuss the matter with the Social Security Minister and his assistant, which I hope that they will do. But where I was coming from

was first of all there has got to be an established minimum amount of sustenance needed per child in the Island. You can see it when you get to child welfare levels, et cetera; when you have newborn babies they set an amount of money dependent upon the income and social security as to what can be paid under what circumstances. What I was trying to get at was if the courts - as quite rightly Deputy de Faye has mentioned - decide not to award significant enough amounts of money that have captured a *de minimus* level on a low income support comparison then the courts may award £50 a week and the mother may be off down the road to collect some more money, as pointed out by the Assistant Minister, in top up fees. Now is it right for that circumstances - and I am certain there are going to be some and this is why I wanted to know if there would be discussion which we have been told there is going to be - allow for a trip to the courts and then a trip down the road to seek income support as well. Surely if the individual - whether it be a man or a woman - who has responsibility to maintain the welfare of the children, the courts should have a guideline and should have set of fields of understanding in respect to those awards. No doubt, with the assurances that have been given already by the Assistant Minister, these issues will now be checked over. I am certain they will be looked at but we have got income support coming in and if we do not make sure the people that are responsible pay their bills then the rest of us will end up paying them for them.

#### **4.17 Senator W. Kinnard:**

Yes, of course maintenance should come first. Parents have responsibilities to maintain their children and of course the court, in enforcing a maintenance order, takes that into account. Clearly, the low income support system - if it is still necessary because the maintenance is not sufficient to support the family - will of course take into account the level of maintenance alongside all the other aspects that might contribute to the family's income. I do not have any concerns about the way in which that will operate. Questions have been asked about *de minimus* levels, that perhaps there ought to be a level set that is in the basic level that is felt to be appropriate for maintaining a child. I do think the courts have a kind of feel for this. They have a kind of scale. But I think Members must also realise that the reality of the situation is that if your partner is someone who cannot or will not work then, in a sense, those sins should not be visited upon the children. There are certain circumstances where the court cannot award what we consider an appropriate level of maintenance because frankly you cannot get blood out of a stone. There has to be a realisation of that. Quite clearly, at all times children should be maintained by their parents but there will be circumstances for whatever reason - rarely, hopefully - where that cannot be the case and that is when something like the low income support system must come in, because that has to be a safety net. There must always be a safety net. Other questions have been asked about: "Well, what if a family gets into difficulties?" Again, there is the opportunity to go back to have a variation to the order. That has always been available, and is available to both the recipient of maintenance and also to the payer of maintenance. Again, the court will decide whether to vary those orders in accordance with the particular circumstances of the case. Thank you, Sir.

#### **The Greffier of the States (in the Chair):**

I call on the Assistant Minister to reply if you wish.

#### **4.18 The Connétable of St. Ouen:**

Once again I will thank Senator Kinnard who was the one who took up the mantel of this Law in the first place and probably knows as much about it as anyone else. But certainly as far as the *de minimus* figure is concerned I am quite happy to look into that and see whether that is a particular problem which needs addressing. I think similarly with the problem that Deputy Scott Warren brought up, it is something which we can look at and see whether that is a problem or not. Now I think, Sir, before I close, I would say something which I omitted to say in my original proposition,

the Connétables in their role over the years are acutely aware of this particular problem because we constantly have to help out with people who through no particular fault of their own find themselves in serious financial problems once they become a single parent. Sir, I maintain the proposition.

**The Greffier of the States (in the Chair):**

I put the draft Law in Third Reading. Those Members in favour of adopting it kindly show. Against? The Law is adopted in Third Reading.

**5. Draft Lois Sur La Societe de Bienfaisance de la Marine Marchande de Jersey (Repeals) (Jersey) Law 200- (P.106/2006)**

**The Greffier of the States (in the Chair):**

We come now to the Draft Lois Sur La Societe de Bienfaisance de la Marine Marchande de Jersey (Repeals) (Jersey) Law 200- and ask the Greffier to read the citation.

**Deputy Greffier of the States:**

Draft Lois Sur La Societe de Bienfaisance de la Marine Marchande de Jersey (Repeals) (Jersey) Law 200-, a Law to repeal the Loi accordant un Acte d'Incorporation à la Société de Bienfaisance de la Marine Marchande de Jersey, confirmée par Ordre de Sa Majesté en Conseil en date du 12 décembre 1894 and the Loi (1938) sur la Société de Bienfaisance pour la Marine Marchande de Jersey and for connected purposes.

**Senator F.H. Walker (The Chief Minister):**

Could I again ask that the Connétable of St. Ouen acts as rapporteur, please.

**5.1 The Connétable of St. Ouen (Assistant to the Chief Minister - rapporteur):**

I suspect, Sir, on this occasion it is that I am able to pronounce the title of the Law without too much difficulty. **[Laughter]** Lois Sur La Societe de Bienfaisance de la Marine Marchande de Jersey - easier understood by Members as the Jersey Seaman's Benefit Society - is one of the oldest benefits societies in the world. It was established in 1835 to provide pensions for seamen and their families. The mid-1800s was a time when shipbuilding and merchant trading were the most important of Island industries. The society was formally incorporated by the States of Jersey and sanctioned by Her Majesty in Council in 1894, remaining untouched until 1938 when the States passed a new Law which made some changes to the rules of the society. Today the funds administered by the Society amount to approximately £20,000 and there is only one beneficiary receiving assistance from this fund at the moment. However, this fund still performs a useful, albeit limited, function and provides a tangible link with the Island's seafaring past. There is also the ability in the fund to answer calls for extraordinary aid as, for example, in 2001 when the fund assisted the families of 2 fisherman drowned when their fishing boat - the San Paolo - founded and sank off Corbière. It is now planned that some changes should be made to the provisions relating to the administration of the society but it is felt that it would be too cumbersome to continue using primary legislation for this purpose. It is therefore proposed that the society should now instead seek incorporation by Act of the Royal Court as this means that future changes to the constitution and administration of the society would no longer require States' involvement or sanction of Her Majesty in Council. The effect of this draft Law will be one to repeal both the Laws of 1894 by which the society was granted its original act of incorporation, and also the Law of 1938 governing the administration of the funds and business of the society. It will also provide for the rights and liabilities of the society to be transferred to the Jersey Merchant Seaman's Society Incorporated



which, if this Law is passed today, incorporation will be sought of the Royal Court. There are no financial or manpower implications for this law. I propose the Law.

**The Greffier of the States (in the Chair):**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on these principles to the law?

**5.2 The Deputy of St. Martin:**

Just to clarify one situation. The rapporteur mentioned somewhere about £20,000, the report says about £11,000. Do we know where the extra £9,000 has come from?

**5.3 The Connétable of St. Ouen:**

Yes, I accept that and I did think about it as I said it and I think it is a typographical error in my notes. I think it is about £12,000. It may be of interest to Members to note that the funds for this society are provided by seamen themselves who, since the date of its formation, have been paying 7 and a half old pence per month towards the society. I maintain the proposition, Sir.

**The Greffier of the States (in the Chair):**

I put the principles. Those Members in favour of adopting them kindly show. Against? The principles are adopted. I do not imagine this is high on the agenda of the Corporate Services Scrutiny Panel, Chairman? **[Laughter]** Very well, do you propose Articles 1 to 4, rapporteur?

**The Connétable of St. Ouen:**

Yes, sir.

**The Greffier of the States (in the Chair):**

Are they seconded? **[Seconded]** Does any Member wish to speak on the Articles of the Law? I put the Articles. Those Members in favour of adopting them kindly show. Against? The articles are adopted. Do you propose the Law in Third Reading, Assistant Minister?

**The Connétable of St. Ouen:**

Yes, Sir.

**The Greffier of the States (in the Chair):**

Is that seconded? **[Seconded]** Does any Member wish to speak? I put the Law in Third Reading. Those Members in favour of adopting it kindly show. Against? The Law is adopted in Third Reading.

## **6. Draft Data Protection (Appeals) (Jersey) Regulations 200- (P.108/2006)**

**The Greffier of the States (in the Chair):**

We come now to the Draft Data Protection (Appeals) (Jersey) Regulations 200-and I will ask the Greffier to read the citation.

## **The Deputy Greffier of the States:**

Draft Data Protection (Appeals) (Jersey) Regulations 200-. The States, in pursuance of Articles 28, 48 and 67 of the Data Protection (Jersey) Law 2005, have made the following Regulations.

### **6.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

I think the Data Protection Registrar Department has been one of the successes that we have seen over recent years and I would like to pay tribute to the Registrar and her staff. I think those Members of the States and those members of the public who have had dealings with that department will appreciate the professional way in which matters are handled. Nonetheless from time to time the Commissioner may have to serve an enforcement notice or an information notice and in those circumstances it is necessary for the person on whom the notice is served to have the right of appeal. The details for that right of appeal are set out in the attached Regulations and will be administered by a Data Protection Tribunal, the composition of which I will bring the States very shortly for reappointment. I will say in the last 15 years the tribunal has very rarely had to meet, I think that is evidence of the fact that data protection matters are handled very expertly by the department concerned. Meanwhile, Sir, I propose the citation to the Regulations in this respect.

### **The Greffier of the States (in the Chair):**

Is the principle seconded? [**Seconded**] Does any Member wish to speak on the principles to the regulations? If not I put the principles. Those Members in favour of adopting them kindly show? Against? The principles are adopted. Chairman, do you wish to scrutinise? Very well. Now do you wish to propose the Regulations, Minister?

### **6.2 Senator T.A. Le Sueur:**

I think there are 21 Regulations but they are very much of a package and they are really procedural rather than anything else and I think it is probably easier for me to propose them en bloc and to take any questions which may arise out of them. So, I do that.

### **The Greffier of the States (in the Chair):**

Very well, Regulations 1 to 21 are proposed and seconded? [**Seconded**] Does any Member wish to speak on any of the Regulations? If not I put the Regulations. Those Members in favour of adopting them kindly show. Against? The Regulations are adopted. Do you propose the Regulations in Third Reading, Minister?

### **6.3 Senator T.A. Le Sueur:**

Yes, please, Sir.

### **The Greffier of the States (in the Chair):**

Seconded? [**Seconded**] Does any Member wish to speak? I put the Regulations in Third Reading. Those Members in favour of adopting them kindly show? Against? The Regulations are adopted in Third Reading.

## **7. Draft Customs and Excise (Jersey) Law 1999 (Appointed Day No. 2) Act 200-(P.120/2006)**

**The Greffier of the States (in the Chair):**

We come to the Draft Customs and Excise (Jersey) Law 1999 (Appointed Day No. 2) Act 200-. I will ask the Greffier to read the citation to the Act.

**The Deputy Greffier of the States:**

Draft Customs and Excise (Jersey) Law 1999 (Appointed Day No. 2) Act. The States, in pursuance of Articles 74 of the Customs and Excise (Jersey) Law 1999, have made the following Act.

**Senator W. Kinnard (The Minister for Home Affairs):**

I wonder, Sir, whether I might ask permission for my Assistant Minister to present this as he has responsibility for immigration and customs areas.

**7.1 Deputy A.D. Lewis of St. John (Assistant Minister of Home Affairs):**

The purpose of this Appointed Day Act is ostensibly to enact a specific Order - Article 19 - that was omitted from the revised Order of 1992 of the Import and Export Control (Jersey) Order 1992. The 1992 Order controls imports and exports by setting a licensing regime for restricted goods. At the risk of giving a rather brief history lesson, I am just going to go through the reasons for that. The Customs and Excise (Jersey) Law 1999 replaced the Customs and Excise General Provisions (Jersey) Law that had been in force since 1972. This 1972 Law was based on the 1952 U.K. legislation which was itself the product of a long history of addition, amendment, duplication and ambiguity: a little bit like V.A.T. (Value Added Tax). The Customs and Excise (Jersey) Law 1999 integrated the General Provisions Law with the various old and outdated excise laws which dated back to 1945 and also the 1946 Import and Export Control (Jersey) Law. However, when the 1999 Law came into force it was with the exception of the following provisions: Article 19, which I briefly mentioned earlier, and those parts of part 1 of the fourth schedule that related to the repeal of the Import and Export Control (Jersey) Law of 1946, which is what this Act seeks to address. Article 19 was intended to replace the Import and Export Control (Jersey) Law 1946 and allow an Order to be made under the 1999 Law. However, on the advice of the Attorney General Article 19 was not enacted at the same time as the rest of the Law due to potential problems with the E.U. (European Union) concerning the prohibition of importation of liquid milk. This technicality, however, has now been resolved. Consequently, the Law Officers considered that Article 19 may now be brought into force, together with the part of the fourth schedule to the Law that relates to the repeal of the Import and Export Law 1946. The Customs and Excise Order 2006 will revoke and replace the 1992 Order and will come into force on same day as Article 19 of the Customs Law 1999. Article 4 of the 2006 Order confers a power to grant a licence to import and export goods on the Minister for Home Affairs. But to ensure that the 2006 Order will be in accord with proposed new local export control legislation currently in draft, the Impôts is not included in the Order for this function. However, Article 28(1)(b) of the States of Jersey Law 2005 allows a Minister to delegate wholly or partly functions conferred upon or vested in the Minister by or under this Law or any enactment of the United Kingdom having effect in Jersey to an officer. On the basis of the foregoing, therefore, the Minister's functions relating to licence in Article 4 of the 2006 Order have been delegated to the Agent of the Impôts. Sir, I propose the Act.

**The Greffier of the States (in the Chair):**

Is the Act seconded? [**Seconded**] Does any Member wish to speak?

**7.2 Deputy R.G. Le Hérissier of St. Saviour:**

I am glad of that explanation. My state of confusion has just moved from yesterday to today. I wonder, Sir, in plain terms could the rapporteur tell us what exactly this allows the Minister acting as the Agent or the Agent acting as the Minister to do. Does it give the Minister absolute blanket authority to regulate anything that does not come within other laws? Thank you, Sir.

### **7.3 Deputy S.C. Ferguson:**

Following on from Deputy Le Hérisier: the blanket permission, what goods does it cover? We have heard a glancing comment about milk. Perhaps the Assistant Minister could tell us what goods it is proposed to cover.

### **7.4 The Deputy of St. John:**

It covers all imports and all exports, which is what the Customs and Immigration laws are all about. The Minister has Ministerial responsibility for that area and, yes, she effectively carries the can, Sir. Anything to do with import and export she has legal responsibility under the new Ministerial Law. However, this Act empowers the Agent of the Impôts to carry out some of those duties, Sir. That is the purpose of this Act, or the second part of it, to empower the Agent of the Impôts to undertake some of the Ministerial responsibilities of the Minister, Sir.

### **The Greffier of the States (in the Chair):**

I put the Act. Those Members in favour of adopting it kindly show. Against? The Act is adopted.

## **8. Draft Consumer Safety (Jersey) Law 2006 (Appointed Day) Act 200- (P.122/2006)**

### **The Greffier of the States (in the Chair):**

We come now to the Draft Consumer Safety (Jersey) Law 2006 (Appointed Day) Act 200-. I will ask the Greffier to read the citation to the Act.

### **The Deputy Greffier of the States:**

Draft Consumer Safety (Jersey) Law 2006 (Appointed Day) Act 200-. The States, in pursuance of Article 36 of the Consumer Safety (Jersey) Law 2006, have made the following Act.

### **8.1 Senator P.V.C. Ozouf (Minister of Economic Development):**

This Appointed Day Act will bring into force the Consumer Safety (Jersey) Law 2006 which was adopted unanimously by this Assembly on 27th September 2005. The Law has now received Royal Assent, is registered in the Royal Court and is basically all ready to go. The Law that this Assembly passed strengthens protection for consumers for unsafe goods by replacing the outdated Consumer Protection Law of 1964. It introduces general safety requirements for consumer goods. This will simplify and give flexibility to the legislation without the need for continual additions or amendments as we have seen in the past. It is generally compliant with the general product safety directive and will, for the first time, provide similar consumer protection measures as to those found in the United Kingdom and European Union. Sir, with the Assembly's agreement the Law will come into force on 1st November 2006. I move the Act.

### **The Greffier of the States (in the Chair):**

Is the Act seconded? **[Seconded]** Does any Member wish to speak on the draft Act? If not I put the Act. Those Members in favour of adopting it kindly show. Against? The Act is adopted.

## **9. Draft Waste Management (OECD Revised Decision) (Jersey) Regulations 200- (P97/2006)**

### **The Greffier of the States (in the Chair):**

The Assembly may now revert to the 3 items that were deferred earlier in the sitting. The first of which is the Draft Waste Management (OECD Revised Decision) (Jersey) Regulations 200-. I will ask the Greffier to read the citation.

### **The Deputy Greffier of the States:**

Draft Waste Management (OECD Revised Decision) (Jersey) Regulations 200-. The States, in pursuance of Articles 108 and 110 of the Waste Management (Jersey) Law 2005, have made the following Regulations.

### **9.1 Senator F.E. Cohen (The Minister for Economic Development):**

Firstly I must apologise to the House for my late arrival this morning and thank the House for rearranging the schedule so that this was not deferred. The draft Waste Management (OECD Revised Decision) (Jersey) Regulations 200- will amend the Waste Management (Jersey) Law 2005 which, though enacted, is not yet in force. The reasons for the amendments are twofold. First, the principal Law will implement the OECD (Organisation for Economic Co-operation and Development) decision on waste management which is binding on the Island. This was implemented after the Law had been lodged. This decision mainly merges 2 categories of waste into one. These were previously the hazardous and the very hazardous categories. Secondly, the opportunity has been taken to make a few minor drafting corrections to the principal Law. I propose the Regulations.

### **The Greffier of the States (in the Chair):**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles to the Regulations? If not I put the principles. Those Members in favour of adopting kindly show. Those against? The principles are adopted. Chairman of the Environment Scrutiny Panel?

### **Connétable K.A. Le Brun of St. Mary:**

We do not wish to scrutinise, Sir.

### **The Greffier of the States (in the Chair):**

It is not a matter you wish to look at. How do you wish to propose the Regulations, Minister, en bloc? Is that seconded? **[Seconded]** Does any Member wish to speak on any of Regulations 1 to 6?

### **9.2 Connétable A.S. Crowcroft of St. Helier:**

A couple of questions if I may, Sir? First of all under 3 there is a reference to waste end-of-life motor vehicles. I understand that they should not contain liquids that would be hazardous like petrol and acid but it says other hazardous components and I wondered what that was referring to.

Could the Minister also advise us whether he is in a discussion with the Minister for Transport and Technical Services over the whole matter of what to do with our cars when they are broken-up and to what extent Jersey is leading the way, or not, in the export of motor vehicle parts for re-use and recovery. The second question relates to paragraph (f) of the same part, just to check he has done his homework really: "Waste, edible fats and oils that do not exhibit an annex 3 characteristic." I have looked in vain to find out what an annex 3 characteristic is and it is not recorded in the papers so perhaps he could tell us, Sir.

### **9.3 Senator F.E. Cohen:**

It is important to realise that the reason for these Regulations, and for the Appointed Day Act that follows, is that we are presently in a position where we are unable to export hazardous materials that have been stockpiled at Bellozanne. It is quite simply that if we do not enact effectively copycat legislation that satisfies the O.E.C.D., D.E.F.R.A. (Department of Environment Food and Rural Affairs) and in compliance with the Basel Convention, we will simply be stuck. So these Regulations have effectively been lifted from the O.E.C.D. decision, which was dated, I think, 2004 and they are as they are. I do not have specific answers to the detailed questions the Constable of St. Helier put but I will get the questions answered and we will circulate those within 48 hours.

### **The Greffier of the States (in the Chair):**

I put the Regulations 1 to 6. Those Members in favour of adopting them kindly show. Against? The Regulations are adopted in Second Reading. Do you want to propose them in Third Reading, Minister? Is that seconded. [**Seconded**] Does any Member wish to speak?

### **9.4 The Deputy of St. John:**

It is just concerning a minor point. It is regarding effectively recycling. Members may be interested to know that at Home Affairs we are looking at the possibility of taking in the likes of white goods - that is fridges, freezers that sort of thing - into the prison, having them stripped down and the component parts being sorted. Then things like chrome - which is mentioned in the Act here - will be exported, more of it, which has some commercial value which will go back into education and training programmes at the prison. The Minister of the Environment may be interested in that. We are looking at it at the moment.

### **9.5 Senator F.E. Cohen:**

That information is most useful, but I must reiterate that these measures are designed very specifically to ensure that we can get on with ensuring compliance so that we can get on and export what I understand is approximately 40 tons of hazardous waste that has been stockpiled. That is 4 container loads.

### **The Greffier of the States (in the Chair):**

I put the Regulations in Third Reading. Those Members in favour of adopting, kindly show? Against? The Regulations are adopted in Third Reading.

## **10. Draft Waste Management (Jersey) Law 2005 (Appointed Day) Act 200- (P.98/2006)**

### **The Greffier of the States (in the Chair):**

We come now to Draft Waste Management (Jersey) Law 2005 (Appointed Day) Act 200-. I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Waste Management (Jersey) Law 2005 (Appointed Day) Act 200-. The States, in pursuance of Article 113 of the Waste Management (Jersey) Law 2005, have made the following Act.

**10.1 Senator F.E. Cohen:**

The Waste Management (Jersey) Law 2005 was adopted by the States of Jersey on 8th June 2004. It was sanctioned by the Privy Council on 9th February 2005. It was registered in the Royal Court on 4th March 2005. Article 113 of the Law requires this Appointed Day Act. I therefore propose the Appointed Day Act.

**The Greffier of the States (in the Chair):**

Is that seconded? [**Seconded**] Does anyone wish to speak on the draft Act? I put the Act. Those members in favour of adopting it kindly show. Against? The Act is adopted.

**11. Draft Weights and Measures (Amendment) (Jersey) Law 200- (P.103/2006)**

**The Greffier of the States (in the Chair):**

We come finally under Public Business to the Draft Weights and Measures (Amendment) (Jersey) Law 200-and ask the Greffier to read the citation to the Law.

**The Deputy Greffier of the States:**

Draft Weights and Measures (Amendment) (Jersey) Law 200-. A Law to amend the Weights and Measures (Jersey) Law 1967.

**11.1 Senator P.F.C. Ozouf (The Minister for Economic Development):**

This could be described as a red letter day for the red tape review. The Weights and Measures Law is a very complicated piece of legislation, the Constable of St. Helier will be delighted to know that I have a full copy of it in front of me for all definitions of very important issues such as the definition of a Jersey perch - *pied de perche* : 11 imperial inches - and the whole issues which guide effectively the sale of goods and the quantity, length, size of goods, et cetera. It is an absolutely vital piece of legislation for consumers for certainty in terms of selling a variety of issues. But there is, however, an article in it that requires this Assembly in certain circumstances to approve some Orders made under the Law. The last time this Assembly debated a change to this was in 2000. I tried to look for it, and I have looked for some of the previous ones but they are all fairly straightforward minor bits of legislation; for example, changing the intoxicating liquors measurements, weighing scales and the rest of it. The red tape review which was carried out by the Chief Minister's Department suggested that this was the kind of decision that was best dealt with by simple Order as opposed to by involvement with the States. Of course any Order that is made by any Minister is laid before the States and can be challenged by the States within a set period of time. So therefore it is suggested that the Law is amended and changes under this legislation, which follows effectively best practice from elsewhere; that we are not going to start changing the definition of what an inch is or a perch is or a vergée but it simply means there is a streamlined

decision making process when we are making decisions under this legislation. Sir, I move the amendment.

**The Greffier of the States (in the Chair):**

Is the principle seconded? [**Seconded**] Does any Member wish to speak on the principles to the Law?

**11.2 Deputy R.G. Le Hérissier:**

Just on the principle: are there any other major red tape initiatives to be announced? Thank you, Sir.

**11.3 Senator P.F.C. Ozouf:**

We are in fact, in Regulation of Undertakings. In the whole of Economic Development we looking at the way we interface with our administrative responsibilities. The major initiative I would say is bringing together the workings of the Housing Department under the Population Office in relation to Reg. of Uns. and we are looking at the whole way in which we interface with business. A couple of days ago we announced some new products for businesses in terms of what we are doing. I would hope that the red tape review of making the States more efficient is something which is happening across the board. I have got a new telephone on my desk as of yesterday which means I can call people directly in the States without incurring a telephone cost. Sorry, Jersey Telecoms. But the red tape review simplifying streamlining and making the States more efficient is a whole part of it, not quite part of this proposition but as the Deputy asked me I take the opportunity of saying that we are doing quite a lot and trying to save £20 million. Sir, I move the principles.

**The Greffier of the States (in the Chair):**

I put the principles to the Law. Those Members in favour of adopting them kindly show. Against? The principles are adopted. I turn to the Economic Affairs Scrutiny Panel, I do not imagine this is high on your agenda?

**Deputy J.A. Martin:**

No, sir, we do not want to scrutinise this, thank you.

**The Greffier of the States (in the Chair):**

Very well, propose Articles 1 and 2, Minister?

**11.4 Senator P.F.C. Ozouf:**

*En bloc*, if I may.

**The Greffier of the States (in the Chair):**

Are they seconded? [**Seconded**] Does any Member wish to speak on Articles 1 or 2? I put the Articles. Those Members in favour of adopting them kindly show. Against? The Articles are adopted. Do you propose the draft Law in Third Reading, Minister?

**Senator P.F.C. Ozouf:**

Please.



**The Greffier of the States (in the Chair):**

Seconded? **[Seconded]** Does any Member wish to speak? I put the draft Law in Third Reading. Those Members in favour of adopting it kindly show. Against? The Law is adopted in Third Reading.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**12. The Greffier of the States (in the Chair):**

The Assembly comes finally to the Arrangement of Public Business for Future Meetings as set out under section M on the Consolidated Order Paper with some additions and I invite the Chairman of P.P.C. to address the Assembly.

**12.1 Connétable D.F. Gray of St. Clement (Chairman of the Privileges and Procedures Committee):**

There are 4 additions which I draw Members attention to. On 7th November, which is the next meeting, when the “Waterfront Enterprise Board: appointment of Chairman - publication of transcript of in camera debate” (P.119/2006) has an amendment brought forward by the Connétable of St. Helier. So that will be included on that day. On 5th December there are 4 additional items. They are P.136 - “Draft Public Employees Contribution Retirement Scheme New Members (Amendment No. 11)”; P.137, which is “Amendment No. 8”; P.138 - “Draft Amendment No. 31 of the Tariff of Harbours and Light Dues”; and P.139 - “the Regulations Amendment No. 40 to the same regulations”. So I propose the adoption of the items on the pink Order Paper plus the 5 items I have just mentioned. Thank you, Sir.

**The Greffier of the States (in the Chair):**

Are there any matters Member wish to raise under the arrangement of future business?

**The Deputy of Grouville:**

I attended a meeting this week with the Minister of Home Affairs, among other people, whereby she confirmed that the “Policing commercial and profit-making events@ new ‘user pays’ charge” (P.94/2006) proposition would be withdrawn from the agenda. I am wondering if she could confirm that she is willing to do this. Thank you.

**Senator W. Kinnard:**

We had a very constructive meeting and, in fact, I passed a note to the Greffier only yesterday and Members will note it will not be on the next agenda paper because it will be replaced by a new proposition at some point soon. Thank you.

**The Greffier of the States (in the Chair):**

So you are formally informing the Assembly, Minister, that P.94/2006: “Policing commercial and profit-making events...” is withdrawn and you will replace it with a different one. Senator Ozouf?

**Senator P.F.C. Ozouf:**

Can I just seek confirmation that the “Code of Practice for Scrutiny Panels and the Public Accounts Committee” (P.101/2006) will be going ahead on 7th November. I understand from the Chairman of the Chairmen’s Panel that there may be some last minute changes again and, just for good order’s sake, this morning I understand we were told at the last minute something was being withdrawn. Could he confirm his firm intention for it to go ahead on P.101 or is it likely that he is going to come to this Assembly on the day or the day before and say that the thing has been put off again?

**Deputy R.C. Duhamel of St. Saviour (Chairman of the Chairmen’s Panel):**

Members will recall that the reasons for postponing the debate on the Code of Practice was on the grounds that a decision had been taken by the Chairmen’s Panel that consideration of other legal issues to do with the States of Jersey Law needed to be considered by all Members of this House as part of the Code of Practice for Scrutiny Panels Report. We were given assurances by the Attorney General that information in answer to those questions would be forthcoming and, indeed, Sir, although I have received personally a copy of that reply I am not at present at liberty to release it to any other Members. Discussions are underway to see if we can resolve this impasse because it is of fundamental importance that all States’ Members have these questions answered before we would be in a satisfactory position to discuss adequately the Code of Practice for Scrutiny Panel Report. Those discussions are taking place at lunchtime. There is a further Chairmen’s Committee meeting tomorrow at which we will review the situation and if the answers to the questions can be passed around to other Members of this House, as was the intention, then indeed that will have a direct bearing on whether or not a request is made to go ahead with the proposed date of 7th November or, indeed, whether or not a further postponement will be called for, or, indeed, perhaps a withdrawal of the proposition. So, until those discussions have been made clear, Sir, I am not in a position to advise the House any further.

**The Greffier of the States (in the Chair):**

You will keep Members informed as soon as possible?

**Deputy R.C. Duhamel:**

I will do.

**The Greffier of the States (in the Chair):**

Thank you. Constable of St. Helier?

**The Connétable of St. Helier:**

Members will note that the first item of business set down for the next meeting is P.60/2006: “Provision of Pedestrian Crossings.” I was intending to organise a site visit for Members but unfortunately the width of the pavements and the traffic speeds and volumes does not allow it. I would merely ask Members to familiarise themselves with the 2 locations - the Mulcaster Street junction with Wharf Street and the junction of Burrard Street with Halkett Place outside a popular café. If Members would familiarise themselves with these locations before the next sitting I would be very grateful. Thank you, Sir.

**The Greffier of the States (in the Chair):**

If there are no further matters arising it is taken that the arrangement of business is approved. Senator Ozouf?

**Senator P.F.C. Ozouf:**

In the roll call this morning - and I realise there is nothing that should be done about it - one Member has asked me to confirm the reason why Deputy Maclean, who is en défaut... We have a visit of His Excellency and Deputy Maclean has been with His Excellency this morning. He is on a visit on Economic Development matters. I apologise on behalf of Deputy Maclean for not being here. He is deputising for the Constable of St. Lawrence and myself. I realise there is probably nothing we can do but he is not here just because he is in contempt of this Assembly. I hope that Members would understand that.

**The Greffier of the States (in the Chair):**

I am sure Members will note that. Although it is only fair to point out it is the third scheduled day of the meeting which of course obviously one was aware when the visit was arranged. That concludes the business of the Assembly.

**ADJOURNMENT**

**The Greffier of the States (in the Chair):**

The meeting is closed. The Assembly will reconvene on 7th November.