



**THE STATES assembled on Wednesday
17th June 2009, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt Esquire.**

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

Senator Terence John Le Main – en défaut (défaut raised at 9.39 a.m.)
Connétable Kenneth Priaulx Vibert of St. Ouen – en défaut (défaut raised at 10.11 a.m.)
Connétable Daniel Joseph Murphy of Grouville – absent on States business
Connétable Michael Keith Jackson of St. Brelade – absent on States business
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.57 a.m.)
Deputy Ian Joseph Gorst of St. Clement – excused
Deputy Angela Elizabeth Jeune of St. Brelade – absent on States business
Deputy Deborah Jane de Sousa of St. Helier – absent on States business

Prayers read by the Greffier of the States

Documents presented or laid

Managing Migration: New Mechanisms – Part 2: Managing Access to Employment and Housing. R.66/2009.
Presented: 17th June 2009.
Chief Minister.

Notification of lodged propositions

Jersey Financial Services Commission: appointment of Chairman. P.101/2009.
Lodged: 17th June 2009.
Minister for Economic Development.

Arrangement of business for the present meeting

THE STATES, adopting a proposition of the Connétable of St. Mary, agreed that consideration of the proposition of Senator Stuart Syvret entitled ‘Committee of Inquiry into the death of Mrs. Elizabeth Rourke’ (P.76/2009) should be deferred until 30th June 2009.

Members present voted as follows –

POUR: 32

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton

CONTRE: 15

Senator S. Syvret
Senator A. Breckon
Senator S.C. Ferguson
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)

ABSTAIN: 1

Deputy J.A.N. Le Fondré (L)

Senator F.E. Cohen	Deputy G.P. Southern (H)
Senator J.L. Perchard	Deputy of Grouville
Senator A.J.D. Maclean	Deputy P.V.F. Le Claire (H)
Senator B.I. Le Marquand	Deputy S. Pitman (H)
Connétable of St. Ouen	Deputy of St. John
Connétable of St. Helier	Deputy M. Tadier (B)
Connétable of Trinity	Deputy of St. Mary
Connétable of St. Martin	Deputy T.M. Pitman (H)
Connétable of St. John	Deputy M.R. Higgins (H)
Connétable of St. Saviour	Deputy J.M. Maçon (S)
Connétable of St. Clement	
Connétable of St. Peter	
Connétable of St. Lawrence	
Connétable of St. Mary	
Deputy R.C. Duhamel (S)	
Deputy J.B. Fox (H)	
Deputy J.A. Martin (H)	
Deputy of St. Ouen	
Deputy of St. Peter	
Deputy J.A. Hilton (H)	
Deputy of Trinity	
Deputy S.S.P.A. Power (B)	
Deputy K.C. Lewis (S)	
Deputy A.T. Dupré (C)	
Deputy E.J. Noel (L)	
Deputy T.A. Vallois (S)	
Deputy A.K.F. Green (H)	

Public Finances (Jersey) Law 2005: proposed changes P.54/2009

THE STATES, adopting a proposition of the Public Accounts Committee, requested the Minister for Treasury and Resources to bring forward for approval amendments to the Public Finances (Jersey) Law 2005 to expand the remit of the Comptroller and Auditor General in relation to companies that were wholly or majority-owned by the States of Jersey, with the exception of publicly quoted companies, to enable him to exercise similar functions in relation to these entities as those he exercised in relation to States funded bodies.

Members present voted as follows –

POUR: 39

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 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 Trinity
 Connétable of St. Martin

Connétable of St. John
 Connétable of St. Saviour
 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 G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 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)

Rent Control Tribunal: appointment of Chairman and Members P.65/2009

THE STATES, adopting a proposition of the Minister for Housing, agreed in pursuance of paragraph (1) of Article 3 of the Dwelling Houses (Rent Control) (Jersey) Law 1946, as amended, to appoint the following persons to act as Chairman and Members of the Rent Control Tribunal for a period ending on 12th April 2010, namely –

Mr. Eric Henry Le Ruez – Chairman
 Mr. Edward George Trevor MBE
 Mr. Jeremy James Robin Johnson
 Mrs. Mary Margaret Gaiger.

Members present voted as follows –

POUR: 38

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon

CONTRE: 3

Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

Senator S.C. Ferguson
Senator A.J.D. Maclean
Senator B.I. Le Marquand
Connétable of St. Ouen
Connétable of Trinity
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy of St. Mary
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)

States Employees Standing for Election: use of annual leave and time off in lieu P.66/2009

THE STATES, adopting a proposition of Deputy Trevor Mark Pitman of St. Helier, agreed –

- (a) that the Employment of States of Jersey Employees (Jersey) Law 2005 should be amended as necessary to provide that, in addition to the existing right to special unpaid leave, any politically eligible employee who intended to stand for election to the States should also be permitted to use any owed annual leave or time off in lieu before taking unpaid leave in the period between his or her public nomination for office and his or her resignation after the election (if elected to office) or his or her return to work (if unsuccessful); and
- (b) to request the Chief Minister to bring forward for approval the necessary legislation to give effect to the proposal.

Members present voted as follows –

POUR: 45**CONTRE: 0****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 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 St. Martin
Connétable of St. John
Connétable of St. Saviour
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 G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy M. Tadier (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 M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)

Insolvency: Temporary Scheme for Compensatory Payment – Extension P.67/2009

THE STATES, adopting a proposition of Deputy Geoffrey Peter Southern of St. Helier, agreed to refer to their Act dated 25th March 2009 in which they requested the Minister for Social Security to establish an easily accessible and well-publicised system within the Social Security Department to deliver payments on a similar basis to all Jersey workers made redundant by insolvency from 4th February 2009, and to maintain this system of payments until an Insolvency Scheme was in place; and requested the Minister to extend the scheme (details of which were presented to the States by the Minister on 29th April 2009) to enable the Minister, in consultation with the Viscount, to use discretion to make payments to workers who had been made redundant without the payment of statutory notice by businesses that had stopped trading even if the businesses had not yet been declared insolvent.

Members present voted as follows –

POUR: 41**CONTRE: 1****ABSTAIN: 0**

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator 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 St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 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 G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy T.A. Vallois (S)

Deputy J.A.N. Le Fondré (L)

Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 2009 (Appointed Day) Act 200-P.90/2009

THE STATES, in pursuance of Article 25(2) of the Companies (Takeovers and Mergers Panel) (Jersey) Law 2009, made an Act entitled the Companies (Takeovers and Mergers Panel) (Jersey) Law 2009 (Appointed Day) Act 2009.

States of Jersey Complaints Panel: appointment of members P.92/2009

THE STATES, adopting a proposition of the Privileges and Procedures Committee, agreed, in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, to appoint the following persons as members of the States of Jersey Complaints Panel, from whom members of Complaints Boards can be drawn, for a period of 3 years –

Chairman

Mrs. Carol Elizabeth Canavan

Deputy Chairmen

Mr. Nigel Peter Edgar Le Gresley
 Advocate Richard John Renouf

Members

Mr. John Geoffrey Davies
 Mrs. Mary Le Gresley
 Mr. Thomas Siouville Perchard
 Miss Christine Vibert
 Mr. David James Watkins.

Withdrawal of lodged propositions

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

States Members’ remuneration for 2009.

P.24/2009.

Lodged: 19th February 2009.

Connétable of St. Peter.

Arrangement of public business for future meetings

THE STATES, adopting a proposition of Senator Philip Francis Cyril Ozouf, agreed that consideration of the proposition of the Deputy of St. John entitled ‘Esplanade Quarter and Waterfront development: deferral’ (P.77/2009) should be deferred until 14th July 2009.

Members present voted as follows –

POUR: 33

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)

CONTRE: 12

Senator A. Breckon
 Connétable of St. John
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of St. John
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that the meeting scheduled to commence on 14th July 2009 would now begin a day earlier on 13th July 2009 and would continue, if necessary, for 5 days.

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

30th June 2009

Committee of Inquiry into the death of Mrs. Elizabeth Rourke.
 Lodged: 29th May 2009.
Senator S. Syvret.

P.76/2009.

Committee of Inquiry into the death of Mrs. Elizabeth Rourke (P.76/2009): comments. Presented: 16th June 2009. <i>Minister for Health and Social Services.</i>	P.76/2009. Com.
Child abuse compensation claims: freedom of expression for survivors. Lodged: 6th April 2009. <i>Senator S. Syvret.</i>	P.49/2009.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – comments. Presented: 11th May 2009. <i>Council of Ministers.</i>	P.49/2009. Com.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – amendment. Lodged: 29th April 2009. <i>Council of Ministers.</i>	P.49/2009. Amd.
States Employees: pay increase for 2009/2010 Lodged: 12th May 2009. <i>Deputy of St. John.</i>	P.68/2009.
States Employees: pay increase for 2009/2010 (P.68/2009) – amendment. Lodged: 19th May 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.68/2009. Amd.
States Employees: pay increase for 2009/2010 (P.68/2009) – second amendment. Lodged: 12th June 2009. <i>Connétable of St. Peter.</i>	P.68/2009. Amd.(2)
Jersey Mutual Insurance Society Incorporated: alteration of Fundamental Rules – Petition. Lodged: 19th May 2009. <i>Connétable of St. Saviour.</i>	P.71/2009.
Draft Employment (Amendment No. 4) (Jersey) Law 2009 (Appointed Day) Act 200- Lodged: 21st May 2009. <i>Minister for Social Security.</i>	P.73/2009.
Suspension of States Employees: Composition of Review Panel. Lodged: 3rd June 2009. <i>Deputy of St. Martin.</i>	P.98/2009.
Draft Court of Appeal (Amendment No. 8) (Jersey) Law 2008 (Appointed Day) Act 200- Lodged: 4th June 2009. <i>Chief Minister.</i>	P.99/2009.
<u>13th July 2009</u>	
Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937. Lodged: 24th March 2009. <i>Senator A. Breckon.</i>	P.41/2009.

Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009) – comments. Presented: 27th April 2009. <i>Minister for Economic Development.</i>	P.41/2009. Com.
Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009) – amendment. Lodged: 26th May 2009. <i>Senator A. Breckon.</i>	P.41/2009. Amd.
Ann Court Site, St. Helier: use for sheltered social housing for the over-55s. Lodged: 27th March 2009. <i>Deputy J.A. Martin of St. Helier.</i>	P.43/2009.
Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200-. Lodged: 14th April 2009. <i>Minister for Economic Development.</i>	P.56/2009.
Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200-. Lodged: 14th April 2009. <i>Minister for Economic Development.</i>	P.57/2009.
Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-. Lodged: 14th April 2009. <i>Minister for Economic Development.</i>	P.58/2009.
Television Licences for persons over 75. Lodged: 16th June 2009. <i>Deputy M. Tadier of St. Brelade.</i>	P.100/2009.
Draft Social Security (Television Licence Benefit) (Jersey) Regulations 200-. Lodged: 5th May 2009. <i>Minister for Social Security.</i>	P.64/2009.
Draft Social Security (Television Licence Benefit) (Jersey) Regulations 200- (P.64/2009): amendment. Lodged: 2nd June 2009. <i>Minister for Social Security.</i>	P.64/2009. Amd.
Composition and election of the States: revised structure. Lodged: 19th May 2009. <i>Privileges and Procedures Committee.</i>	P.72/2009.
Draft Residential Tenancy (Jersey) Law 200-. Lodged: 21st May 2009. <i>Minister for Housing.</i>	P.74/2009.
Draft Amendment (No. 11) of the Standing Orders of the States of Jersey. Lodged: 27th May 2009. <i>Privileges and Procedures Committee.</i>	P.75/2009.

- Esplanade Quarter and Waterfront development: deferral. P.77/2009.
Lodged: 29th May 2009.
Deputy of St. John.
- Annual Business Plan 2009: variation in respect of pay freeze. P.78/2009.
Lodged: 29th May 2009.
Minister for Treasury and Resources.
- Draft Income Tax (Amendment No. 32) (Jersey) Law 200-. P.81/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Draft Income Tax (Amendment No. 33) (Jersey) Law 200-. P.82/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Public Finances (Jersey) Law 2005: funding requests under Article 11(8). P.83/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Strategic Reserve Fund: use for Bank Depositors' Compensation Scheme. P.84/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Draft Public Finances (Depositors Compensation) (Jersey) Regulations 200-. P.85/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.
- Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200-. P.86/2009.
Lodged: 2nd June 2009.
Minister for Economic Development.
- Draft Banking (Depositors Compensation) (Jersey) Regulations 200-. P.87/2009.
Lodged: 2nd June 2009.
Minister for Economic Development.
- Draft Foundations (Amendment) (Jersey) Regulations 200-. P.88/2009.
Lodged: 2nd June 2009.
Minister for Economic Development.
- Draft Foundations (Continuance) (Jersey) Regulations 200-. P.89/2009.
Lodged: 2nd June 2009.
Minister for Economic Development.
- Draft Companies (Takeovers and Mergers Panel) (Amendment of Law) (Jersey) P.91/2009.
Regulations 200-.
Lodged: 2nd June 2009.
Minister for Economic Development.
- Draft Income Support (Amendment No. 4) (Jersey) Regulations 200-. P.93/2009.
Lodged: 2nd June 2009.
Minister for Social Security.

Ratification of the Agreement for the exchange of information relating to tax matters between the States of Jersey and France. P.94/2009.
 Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Ratification of the Agreement for the exchange of information relating to tax matters between the States of Jersey and Ireland. P.95/2009.
 Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Ratification of the Agreement for the exchange of information relating to tax matters between the States of Jersey and the United Kingdom. P.96/2009.
 Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 3) (Jersey) Regulations 200-. P.97/2009.
 Lodged: 3rd June 2009.
Chief Minister.
Cannot be debated until 15th July 2009

Jersey Financial Services Commission: appointment of Chairman. P.101/2009.
 Lodged: 17th June 2009.
Minister for Economic Development.

8th September 2009

Property and Infrastructure Regeneration: the States of Jersey Development Company Limited. P.79/2009.
 Lodged: 2nd June 2009.
Council of Ministers.

Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009) – amendment. P.79/2009.
 Lodged: 8th June 2009. Amd.
Connétable of St. Helier.

THE STATES rose at 12.12 p.m.

M.N. DE LA HAYE

Greffier of the States