



**THE STATES assembled on Friday
6th November 2009, at 09.30 a.m. under
the Presidency of
Mr. Michael Nelson de la Haye,
Greffier of the States.**

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

Senator Stuart Syvret – en défaut

Senator Terence Augustine Le Sueur – excused attendance (arrived in the Chamber at 9.53 a.m.)

Senator Ben Edward Shenton – en défaut

Connétable John Le Sueur Gallichan of Trinity – excused attendance (arrived in the Chamber at 2.15 p.m.)

Connétable Silvanus Arthur Yates of St. Martin – excused attendance

Connétable Graeme Frank Butcher of St. John – excused attendance (arrived in the Chamber at 10.36 a.m.)

Connétable Deidre Wendy Mezbourian of St. Lawrence – excused attendance (arrived in the Chamber at 10.58 a.m.)

Prayers read by the Deputy Greffier of the States

Notification of lodged propositions

‘User Pays’ Charges: States of Jersey Police (P.176/2009) – amendment.

P.176/2009.

Lodged: 6th November 2009.

Amd.

Deputy of St. Martin.

Urgent Oral Question

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the Minister for Treasury and Resources which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“Following the announcement that Jersey Water is opening negotiations with staff representatives in relation to 20 staff whose jobs are said to be at risk of redundancy, would the Minister inform members what consultation, if any, has taken place between the Company and the Minister (as representative of the majority shareholder) in relation to this matter?”

Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- second reading P.86/2009

THE STATES resumed consideration of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- and an amendment of the Economic Affairs Scrutiny Panel to Regulation 5 that –

- (a) at the end of paragraph (1)(c) there should be omitted the word “or” and, after paragraph (1)(d) the following word and sub-paragraph added–
- “or
- (e) is a small trading company.”
- (b) after paragraph (5) the following paragraphs should be added–
- “(6) In this Regulation –
- “employee” has the same meaning as in the Employment (Jersey) Law 2003;
- “small trading company” means a company that –
- (a) is incorporated in Jersey;
- (b) is a trading company; and
- (c) upon the relevant date, satisfies the condition in paragraph (7) or (8);
- “trading company” has the same meaning as in the Income Tax (Jersey) Law 1961.
- (7) The first condition is that the company is not liable to be registered under the Goods and Services Tax (Jersey) Law 2007.
- (8) The second condition is that for at least 6 months in the calendar year preceding the relevant date, the company employed less than 5 employees.”.

THE STATES acceded to a request of the Economic Affairs Scrutiny Panel that the abovementioned amendment to Regulation 5 be withdrawn.

THE STATES adopted Regulation 5 as amended.

THE STATES adopted Regulation 6.

Members present voted as follows –

POUR: 37

CONTRE: 5

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 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 Grouville
 Connétable of St. Brelade
 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 G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy of St. Mary
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)

Deputy of St. Martin
 Deputy R.G. Le Hérisssier (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 of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES noted that Regulation 7 was held over and would be considered later in the debate.

THE STATES commenced consideration of Regulation 8 and rejected an amendment of the Economic Affairs Scrutiny Panel that –

For paragraph (1) there should be substituted the following paragraphs –

- “(1) There is established a Board, called the Jersey Bank Depositors Compensation Board.
- (2) The functions of the Board are –
- (a) to keep eligible depositors and persons who may become eligible depositors informed of the benefits and limitations of the scheme;
 - (b) to advise banks on how the scheme may be promoted;
 - (c) to keep under review international developments in bank depositor compensation and developments in banking business in Jersey;
 - (d) to make recommendations to the Minister in respect of the scheme; and
 - (e) to administer the scheme.”

Members present voted as follows –

POUR: 15

Senator A. Breckon
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)

CONTRE: 32

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
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour

ABSTAIN: 0

Deputy D. De Sousa (H)	Connétable of St. Clement
Deputy J.M. Maçon (S)	Connétable of St. Peter
	Connétable of St. Mary
	Deputy R.C. Duhamel (S)
	Deputy J.B. Fox (H)
	Deputy of St. Ouen
	Deputy of St. Peter
	Deputy J.A. Hilton (H)
	Deputy J.A.N. Le Fondré (L)
	Deputy of Trinity
	Deputy S.S.P.A. Power (B)
	Deputy K.C. Lewis (S)
	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 T.A. Vallois (S)
	Deputy A.K.F. Green (H)

Change in Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of the Deputy Bailiff.

Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- second reading P.86/2009

THE STATES resumed consideration of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- and adopted Regulation 8.

THE STATES adopted Regulation 9.

THE STATES commenced consideration of Regulation 10 and an amendment of the Economic Affairs Scrutiny Panel. Following the rejection of earlier amendments to Regulation 8, the Presiding Officer informed the Assembly that paragraph (c) of the Panel's amendment to Regulation 10 was deemed to have been withdrawn.

THE STATES, adopting an amendment of the Economic Affairs Scrutiny Panel, agreed that –

- (a) for paragraphs (1) to (3) there should be substituted the following paragraphs –
 - “(1) The Board must have at least 3 members.
 - (2) The members of the Board shall be appointed by the States on the recommendation of the Minister made after consulting with the Appointments Commission.”;
- (b) in paragraph (4) for the words “The Minister may not appoint as a member of the Board a person who is” there should be substituted the words “A person shall not be eligible for appointment as a member of the Board if the person is”;

Members present voted as follows –

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

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 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 Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 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 of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy of Trinity
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 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)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

THE STATES adopted Regulation 10, as amended.

THE STATES commenced consideration of Regulation 11 and rejected an amendment of the Economic Affairs Scrutiny Panel, that –

- (a) in paragraph (1)(a) for the words “agreed between the person and the Minister” there should be substituted the words “approved by the States”;

- (b) in paragraph (2) for the words “the Minister” there should be substituted the words “the States”.

Members present voted as follows –

POUR: 11

Senator A. Breckon
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy of Grouville
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

CONTRE: 30

Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Senator S.C. Ferguson
Senator A.J.D. Maclean
Senator B.I. Le Marquand
Connétable of Trinity
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Saviour
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 P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy K.C. Lewis (S)
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 A.K.F. Green (H)

ABSTAIN: 0

THE STATES adopted Regulation 11.

THE STATES commenced consideration of Regulation 12 and, adopting an amendment of the Economic Affairs Scrutiny Panel, agreed that –

After paragraph (3) there should be inserted the following paragraph –

- “(4) The Minister must present to the States a copy of any determination made under paragraph (3).”

Members present voted as follows –

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

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator A. Breckon
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 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 Hérisier (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 P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 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 M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Senator S.C. Ferguson

THE STATES adopted Regulation 12, as amended.

Following the rejection of earlier amendments to Regulation 8, the Presiding Officer informed the Assembly that an amendment of the Economic Affairs Scrutiny Panel to insert a new Regulation 12A was deemed to have been withdrawn.

THE STATES adopted Regulation 13.

THE STATES noted that Regulation 14 was not being proposed by the Minister.

THE STATES noted that Regulation 15 was held over and would be considered later in the debate.

THE STATES rejected an amendment of the Economic Affairs Scrutiny Panel that at the beginning of Part 3 of the draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- there should be inserted the following new Regulations –

15A Board must establish standing fund

- (1) The Board must establish and maintain a standing fund.
- (2) The Board must pay into the standing fund annual levies received by the Board under Regulation 25A.
- (3) The Board may, in accordance with these Regulations, pay out of the standing fund –
 - (a) amounts into a fund established, under Regulation 18, in respect of a bank in default;
 - (b) its general administrative costs.
- (4) The Board may invest money standing to the credit of the standing fund.”

The cross-heading following Regulation 25 should be substituted and new Regulations inserted as follows –

“Levies on banks

25A Annual levies

- (1) Subject to paragraphs (4) and (5), the Board shall, for each calendar year, calculate an annual levy to be paid by each bank liable to pay an annual levy.
- (2) A bank is liable to pay an annual levy if, on 1st January of the year for which the levy is to be paid, the bank holds eligible deposits.
- (3) The Board may by notice require each bank liable to pay an annual levy to provide it, within 15 working days of receipt of the notice, with such information as it may reasonably require to determine –
 - (a) the total annual levies to be payable in respect of a year; and
 - (b) the amount of that bank’s annual levy.
- (4) The total annual levies payable by the banks liable to pay an annual levy in respect of a year shall not be such that, if they are paid in full, the balance on the standing fund would exceed the standing fund limit.
- (5) Accordingly, if the balance on the standing fund on 1st January in a year equals or is more than the standing fund limit, the Board shall not collect an annual levy.
- (6) The Board may, in its discretion, decide not to collect an annual levy.
- (7) The Board, in deciding the manner in which the liability of a bank liable to pay an annual levy is to be calculated, shall have regard to the prevailing economic conditions in the banking business sector generally and the financial status of the bank in question.

- (8) The Board shall publish the reasons for its decision under paragraph (7) and the manner in which the liability of each bank liable to pay an annual levy is to be calculated.
- (9) The Board shall notify a bank of the amount of the annual levy it is liable to pay and specify in the notice a date when the levy becomes payable.
- (10) A bank to which a notice has been sent under paragraph (9) must pay the annual levy within 15 working days of the date specified in the notice as the date when the amount of the levy becomes payable.
- (11) An annual levy that has become payable is a debt due to the Board and therefore can be sued for accordingly.
- (12) The standing fund limit is £20 million.
- (13) The Board may make recommendations to the Minister regarding the standing fund limit.
- (14) The Minister shall present to the States any recommendations under paragraph (13).

25B Payment from standing fund into fund in respect of bank in default

- (1) This Regulation applies if a bank becomes bankrupt and the Board has published under Regulation 16 a notice specifying the relevant date in respect of the bank.
- (2) The Board must estimate the amount that is necessary to meet –
 - (a) the payment by it of compensation in respect of the bank in default; and
 - (b) its administrative costs in respect of the bank in default.
- (3) The Board must estimate the amount required to pay its general administrative costs for the 12 months following the relevant date.
- (4) For the purposes of this Regulation the net amount of the standing fund is the amount held in that fund on the relevant date net of the amount estimated under paragraph (3).
- (5) The Board must pay from the standing fund into the fund established in respect of a bank in default the amount estimated under paragraph (2) or, if the net amount of the standing fund is less than that amount, the net amount of the standing fund.
- (6) No payment is to be made under paragraph (5) where the amount held in the standing fund is equal to or less than the amount estimated under paragraph (3)."

Members present voted as follows –

POUR: 9

Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy S. Pitman (H)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)

CONTRE: 36

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 A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen

ABSTAIN: 1

Deputy D. De Sousa (H)

Connétable of Trinity
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Peter
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 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 I.J. Gorst (C)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)

Following the rejection of New Regulation 15A and amendments to Regulation 8, the Presiding Officer informed the Assembly that paragraphs (a) and (b) of the amendment of the Economic Affairs Scrutiny Panel to Regulation 18 were deemed to have been withdrawn.

THE STATES adopted Regulations 16 to 22.

Arrangement of Business for the present Meeting

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed to continue the present meeting until 6.30 p.m.

Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- second reading P.86/2009

THE STATES resumed consideration of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- and commenced consideration of Regulation 23.

THE STATES, adopting an amendment of the Minister for Economic Development, agreed that the following paragraphs should be added –

- “(2) Paragraph (1) shall not apply in respect of the Jersey registered company called Community Savings & Credit Ltd.

- (3) The Board shall, instead, pay the company a maximum amount equal to the total of the amount each natural person has in an account with the company except that if any natural person has more than £50,000 in an account with the company the Board shall pay the company a maximum amount of £50,000 in respect of each such person.”,

and the present paragraph of Regulation 23 renumbered as paragraph (1).

THE STATES adopted Regulation 23, as amended.

THE STATES adopted Regulations 24 to 28.

THE STATES commenced consideration of Regulation 29 of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- and rejected an amendment of the Economic Affairs Scrutiny Panel that for Regulation 29 there should be substituted the following Regulation –

“29 Limitation on amount the Board may expend in respect of bank in default

The maximum amount that the Board may expend, in respect of a bank in default, by way of compensation and to meet the Board’s administrative costs in respect of the bank in default, is £65 million.”

Members present voted as follows –

POUR: 9

Deputy of St. Martin
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

CONTRE: 37

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 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 Grouville
Connétable of St. Brelade
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 Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy of St. Ouen
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)

ABSTAIN: 0

Deputy K.C. Lewis (S)
 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 T.A. Vallois (S)
 Deputy A.K.F. Green (H)

THE STATES adopted Regulation 29.

Following the rejection of earlier amendments, the Presiding Officer informed the Assembly that the amendments of the Economic Affairs Scrutiny Panel to Regulations 30, 31, 32, 33 and 36 were deemed to have been withdrawn.

THE STATES adopted Regulations 30 to 38.

THE STATES resumed consideration of the Regulations which had been deferred earlier in the debate and, following the rejection of earlier amendments, the Presiding Officer informed the Assembly that the amendments of the Economic Affairs Scrutiny Panel to Regulations 7 and 15 were deemed to have been withdrawn.

THE STATES, adopting an amendment of the Economic Affairs Scrutiny Panel to Regulation 1 of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200-, agreed that –

(c) after the definition “administrator” there should be inserted the following definition –

“ ‘Appointments Commission’ means the Commission established under Article 17 of the Employment of States of Jersey Employees (Jersey) Law 2005;”

THE STATES adopted Regulation 1, as amended.

THE STATES adopted Regulation 7.

THE STATES adopted Regulation 15.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Banking Business (Depositors Compensation) (Jersey) Regulations 200-.

Members present voted as follows –

POUR: 42

CONTRE: 3

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 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

Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)

Connétable of Grouville
 Connétable of St. Brelade
 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 of St. Ouen
 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 I.J. Gorst (C)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Arrangement of Business for present meeting

THE STATES, adopting a proposition of Senator Philip Francis Cyril Ozouf, agreed that the meeting should continue beyond 6.30 p.m. if necessary, in order that the following propositions could be considered by the Assembly –

- | | |
|---|------------|
| Draft Banking (Depositors Compensation) (Jersey) Regulations 200-.
Lodged: 2nd June 2009.
<i>Minister for Economic Development.</i> | P.87/2009. |
| Draft Income Tax (Amendment No. 32) (Jersey) Law 200-.
Lodged: 2nd June 2009.
<i>Minister for Treasury and Resources.</i> | P.81/2009. |
| Strategic Reserve Fund: use for Bank Depositors' Compensation Scheme.
Lodged: 2nd June 2009.
<i>Minister for Treasury and Resources.</i> | P.84/2009. |
| Draft Public Finances (Depositors Compensation) (Jersey) Regulations 200-.
Lodged: 2nd June 2009.
<i>Minister for Treasury and Resources.</i> | P.85/2009. |

Draft Banking (Depositors Compensation) (Jersey) Regulations 200- P.87/2009

THE STATES commenced consideration of the Draft Banking (Depositors Compensation) (Jersey) Regulations 200- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had already scrutinised the draft legislation, adopted Regulations 1 to 6.

THE STATES, in pursuance of the Order in Council dated 28th March 1771, made Regulations entitled the Banking (Depositors Compensation) (Jersey) Regulations 2009.

Members present voted as follows –

POUR: 40

CONTRE: 0

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 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 Grouville
 Connétable of St. Brelade
 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 Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 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. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Draft Income Tax (Amendment No. 32) (Jersey) Law 200- P.81/2009

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 32) (Jersey) Law 200- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had scrutinised the draft legislation, adopted Articles 1 to 6.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 32) (Jersey) Law 200-.

Members present voted as follows –

POUR: 40

CONTRE: 0

ABSTAIN: 1

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 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 Grouville
 Connétable of St. Brelade
 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 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.E. Jeune (B)

Deputy T.A. Vallois (S)

Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 19 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled the Income Tax (Amendment No. 32) (Jersey) Law 200- (P.81/2009 lodged "au Greffe" on 2nd June 2009, by the Minister for Treasury and Resources) should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Members present voted as follows –

POUR: 39**CONTRE: 0****ABSTAIN: 1**

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 A. Breckon
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 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 A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)

Deputy T.A. Vallois (S)

Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

Strategic Reserve Fund: use for Bank Depositors' Compensation Scheme P.84/2009

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed –

to refer to their Act dated 5th December 2006 in which they approved a revised policy for the use of the Strategic Reserve Fund established under Article 4 of the Public Finances (Jersey) Law 2005 and agreed that the Fund should be a permanent reserve, where the capital value was only to be used in exceptional circumstances to insulate the Island's economy from severe structural decline such as the sudden collapse of a major Island industry or from major natural disaster, and –

- (a) to vary that policy to enable the Strategic Reserve Fund to also be used, if necessary, for the purposes of providing funding for the Bank Depositors Compensation Scheme to be established under the Banking Business (Depositors Compensation) (Jersey) Regulations 200-; and
- (b) that monies from the Strategic Reserve Fund, up to a maximum combined total not exceeding £100 million, should be made available if required to meet the States contribution to the Bank Depositors Compensation Scheme and/or to meet any temporary cash flow funding requirements of the Scheme.

Members present voted as follows –

POUR: 35

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
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)

CONTRE: 5

Senator A. Breckon
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)
 Deputy D. De Sousa (H)

ABSTAIN: 0

Deputy J.A. Martin (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. John
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 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)

Draft Public Finances (Depositors Compensation) (Jersey) Regulations 200- P.85/2009

THE STATES commenced consideration of the Draft Public Finances (Depositors Compensation) (Jersey) Regulations 200- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had scrutinised the draft legislation, adopted Regulations 1 to 3.

Members present voted as follows –

POUR: 35

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
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 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 P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity

CONTRE: 4

Senator A. Breckon
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)

ABSTAIN: 0

Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 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)

THE STATES, in pursuance of Article 23 of the Public Finances (Jersey) Law 2005, made Regulations entitled the Public Finances (Depositors Compensation) (Jersey) Regulations 2009.

Members present voted as follows –

POUR: 34**CONTRE: 4****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 J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 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 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. John
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 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)

Senator A. Breckon
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)

Arrangement of public business for future meetings

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that its next meeting would continue, if necessary, on Wednesday 18th, Thursday 19th, Friday 20th and Tuesday 24th November 2009.

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

17th November 2009

Public Holidays and Bank Holidays: designation of 26th December 2009. Lodged: 15th October 2009. <i>Deputy S. Pitman of St. Helier.</i>	P.173/2009.
Public Holidays and Bank Holidays: designation of 26th December 2009 (P.173/2009) – comments. Presented: 30th October 2009. <i>Council of Ministers.</i>	P.173/2009. Com.
Manual Workers' Joint Council: membership. Presented: 12th October 2009. <i>Chief Minister.</i>	P.172/2009.
Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others. Lodged: 23rd June 2009. <i>Deputy M.R. Higgins of St. Helier.</i>	P.104/2009.
Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.104/2009) – comments. Presented: 16th October 2009. <i>Minister for Treasury and Resources.</i>	P.104/2009. Com.
Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.104/2009) – amendment. Lodged: 20th October 2009. <i>Deputy J.B. Fox of St. Helier.</i>	P.104/2009. Amd.
Draft Gambling Commission (Jersey) Law 200-. Lodged: 8th September 2009. <i>Minister for Economic Development.</i>	P.139/2009.
Draft Gambling Commission (Jersey) Law 200- (P.139/2009): amendment. Lodged: 6th October 2009. <i>Deputy of St. Martin.</i>	P.139/2009. Amd.
Draft Gambling (Gaming and Lotteries) (Amendment No. 15) (Jersey) Regulations 200-. Lodged: 8th September 2009. <i>Minister for Economic Development.</i>	P.140/2009.

Draft Gambling (Gaming and Lotteries) (Amendment No. 15) (Jersey) Regulations 200- (P.140/2009): amendment. Lodged: 6th October 2009. <i>Deputy of St. Martin.</i>	P.140/2009. Amd.
Draft Gambling (2010 Fees) (Jersey) Regulations 200-. Lodged: 8th September 2009. <i>Minister for Economic Development.</i>	P.141/2009.
Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P.141/2009): amendment. Lodged: 6th October 2009. <i>Deputy of St. Martin.</i>	P.141/2009. Amd.
Draft Data Protection (Amendment No. 2) (Jersey) Law 200-. Lodged: 16th September 2009. <i>Minister for Treasury and Resources.</i>	P.147/2009.
Young Offenders: naming by the media. Lodged: 17th September 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.148/2009.
Young Offenders: naming by the media (P.148/2009) – comments. Presented: 28th October 2009. <i>Education and Home Affairs Scrutiny Panel.</i>	P.148/2009. Com.
Young Offenders: naming by the media (P.148/2009) – amendment. Lodged: 14th October 2009. <i>Senator B.E. Shenton.</i>	P.148/2009. Amd.
Draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 200-. Lodged: 22nd September 2009. <i>Minister for Treasury and Resources.</i>	P.152/2009
Social Security Fund: research into alternative funding mechanisms. Lodged; 23rd September 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.153/2009. (re-issued)
Channel Islands Lottery: allocation of profits for 2009–2010. Lodged: 24th September 2009. <i>Minister for Economic Development.</i>	P.155/2009.
Ratification of the Agreement for the Exchange of Information with Respect to Taxes between the States of Jersey and the Government of Australia. Lodged: 1st October 2009. <i>Chief Minister.</i>	P.160/2009.
Ratification of the Agreement for the Exchange of Information with Respect to Taxes between the States of Jersey and the Government of New Zealand. Lodged: 1st October 2009. <i>Chief Minister.</i>	P.161/2009.

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 4) (Jersey) Regulations 200-. P.162/2009.
Lodged: 1st October 2009.
Chief Minister.

Draft Digital Switchover (Disclosure of Information) (Jersey) Law 200-. P.165/2009.
Lodged: 5th October 2009.
Minister for Economic Development.

Draft Proceeds of Crime (Amendment of Schedule 2) (No. 2) (Jersey) Regulations 200-. P.166/2009.
Lodged: 6th October 2009.
Minister for Economic Development.

Draft Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (No. 2) (Jersey) Regulations 200-. P.167/2009.
Lodged: 6th October 2009.
Minister for Economic Development.

Draft Foundations (Winding up) (Jersey) Regulations 200-. P.169/2009.
Lodged: 6th October 2009.
Minister for Economic Development.

Draft Foundations (Mergers) (Jersey) Regulations 200-. P.170/2009.
Lodged: 6th October 2009.
Minister for Economic Development.

Employment of States of Jersey Employees Law – proposed changes. P.175/2009.
Lodged: 16th October 2009.
Deputy of St. Martin.

1st December 2009

Pension Schemes: dealing with the past service liability. P.110/2009.
Lodged: 1st July 2009.
Senator B.E. Shenton.

Pension Schemes: dealing with the past service liability (P.110/2009) – comments. P.110/2009.
Presented: 3rd November 2009. Com.
Minister for Treasury and Resources.

Plémont Holiday Village: acquisition by the Public. P.144/2009.
Lodged: 9th September 2009.
Connétable of St. Ouen.

Carbon Intensity of Imported Electricity: review. P.156/2009.
Lodged: 30th September 2009.
Deputy P.V.F. Le Claire of St. Helier.

Natural Gas Pipeline: strategic study. P.157/2009.
Lodged: 30th September 2009.
Deputy P.V.F. Le Claire of St. Helier.

Planning and Building Bye-laws: provision of disabled toilets/changing rooms. Lodged: 6th October 2009. <i>Deputy A.K.F. Green of St. Helier.</i>	P.168/2009. (re-issued)
Provision of States Members' lunches at certain meetings and car parking. Lodged: 7th October 2009. <i>Senator S.C. Ferguson.</i>	P.171/2009.
Provision of States Members' lunches at certain meetings and car parking (P.171/2009): comments. Presented: 3rd November 2009. <i>Privileges and Procedures Committee.</i>	P.171/2009. Com.
H1N1 Influenza Pandemic Funding: expenditure approval. Lodged: 15th October 2009. <i>Minister for Treasury and Resources.</i>	P.174/2009.
'User Pays' Charges: States of Jersey Police. Lodged: 19th October 2009. <i>Minister for Home Affairs.</i>	P.176/2009.
'User Pays' Charges: States of Jersey Police (P.176/2009) – amendment. Lodged: 6th November 2009. <i>Deputy of St. Martin.</i>	P.176/2009. Amd.
Draft Companies (Amendment No. 4) (Jersey) Regulations 200-. Lodged: 20th October 2009. <i>Minister for Economic Development.</i>	P.177/2009
Draft Tariff of Harbour Dues. Lodged: 20th October 2009. <i>Minister for Economic Development.</i>	P.178/2009.
Blackberries: costs for Ministers and Assistant Ministers and use in the Assembly. Lodged: 29th October 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.186/2009.
Move to Next Item: repeal of Standing Order 85. Lodged: 3rd November 2009. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.187/2009.
<u>8th December 2009</u>	
Budget Statement 2010. Lodged: 27th October 2009. <i>Minister for Treasury and Resources.</i>	P.179/2009.
Draft Finance (2010 Budget) (Jersey) Law 200-. Lodged: 27th October 2009. <i>Minister for Treasury and Resources.</i>	P.180/2009.

Draft Income Tax (Amendment No. 34) (Jersey) Law 200-. P.181/2009.
Lodged: 27th October 2009.
Minister for Treasury and Resources.

Draft Goods and Services Tax (Amendment No. 2) (Jersey) Law 200-. P.182/2009.
Lodged: 27th October 2009.
Minister for Treasury and Resources.

Draft Goods and Services Tax (Amendment) (Jersey) Regulations 200-. P.183/2009.
Lodged: 27th October 2009.
Minister for Treasury and Resources.

Draft Taxation (Land Transactions) (Jersey) Law 2009 (Appointed Day) Act 200-. P.158/2009.
Lodged: 30th September 2009.
Minister for Treasury and Resources.

Draft Taxation (Land Transactions) (Amendment of Law) (Jersey) Regulations P.159/2009.
200-.
Lodged: 30th September 2009.
Minister for Treasury and Resources.

'User Pays' Charges: pathology. P.185/2009.
Lodged: 27th October 2009.
Minister for Health and Social Services.

Draft Health Insurance (Medical Benefit) (Amendment No. 2) (Jersey) Regulations P.184/2009.
200-.
Lodged: 27th October 2009.
Minister for Social Security.

19th January 2010

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

Fort Regent: establishment of a working group. P.188/2009.
Lodged: 3rd November 2009.
Education and Home Affairs Scrutiny Panel.

Draft Planning and Building (Amendment No. 5) (Jersey) Law 200-. P.189/2009.
Lodged: 3rd November 2009.
Minister for Planning and Environment.

THE STATES rose at 7.18 p.m.

A.H. HARRIS

Deputy Greffier of the States