



**THE STATES assembled on Tuesday  
20th March 2018, at 09.30 a.m. under  
the Presidency of  
Dr. Mark Egan, Greffier of the States.**

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**His Excellency the Lieutenant Governor,  
Air Chief Marshall Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S.,  
C.C.M.I. was present.**

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

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.50 a.m.)  
Senator Lyndon John Farnham – en défaut (défaut raised at 9.34 a.m.)  
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.50 a.m.)  
Deputy John Alexander Nicholas Le Fondré – en défaut (défaut raised at 9.50 a.m.)  
Deputy Montfort Tadier of St. Brelade – en défaut (défaut raised at 2.16 p.m.)  
Deputy Roderick Gordon Bryans of St. Helier – ill  
Deputy Louise Mary Catherine Doublet of St. Saviour – ill  
Deputy Murray Julian Norton of St. Brelade – en défaut (défaut raised at 10.17 a.m.)  
Deputy Peter Derek McLinton of St. Saviour – en défaut (défaut raised at 10.06 a.m.)

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Prayers

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### **Documents presented**

Draft Sexual Offences (Jersey) Law 201- (P.18/2018): second amendment  
(P.18/2018 Amd.(2)) – comments.  
Presented: 20th March 2018.  
*Minister for Home Affairs.*

P.18/2018.  
Amd.(2).  
Com.

### **Draft Criminal Procedure (Jersey) Law 201- P.118/2017**

THE STATES, resuming consideration of the Draft Criminal Procedure (Jersey) Law 201-, the principles having been adopted on 16th January 2018, adopted Articles 1 to 35.

THE STATES commenced consideration of Article 36.

THE STATES commenced consideration of an amendment of the Minister for Home Affairs (P.118/2017 Amd.(2)) and, adopting the amendment, agreed that –

#### Paragraph 1

In paragraph (3) of Article 36, for the words “imposable by the Magistrate under Article 16” there should be substituted the words “imposed by the Magistrate or which the Magistrate could have imposed under Article 16.”

#### Paragraph 2

In paragraph (3) of Article 39, after the words “Viscount, if” there should be inserted the word “he”.

Paragraph 3

After paragraph (2) of Article 50, there should be inserted the following paragraph –

“(3) Where, under paragraph (2), the trial court has communicated its view of the facts to the sentencing court, the sentencing court may sentence the defendant on the basis of the facts so communicated.”

and the existing paragraph (3) should be renumbered as paragraph (4).

Paragraph 4

In paragraph (2)(i) of Article 63, the words “who, in the 12 months immediately before being summoned for jury service, has participated in any criminal proceedings” should be deleted.

Paragraph 5

For paragraph (8) of Article 66, there should be substituted the following paragraphs –

“(8) A reserve juror must be called to serve on the jury if, at any time up to the point that the Bailiff concludes his or her summing up of the case, the number of jurors is reduced.

(9) The Bailiff –

- (a) may discharge a reserve juror from jury service if he or she is not required to serve on the jury immediately before the commencement of the Bailiff’s summing up of the case; or
- (b) must, when the jury retires to consider its verdict, discharge a reserve juror from jury service.”.

Paragraph 6

In paragraph (1) of Article 68, for the words “a husband and a wife” there should be substituted the words “2 persons married to each other”.

Paragraph 7

For paragraph (4) of Article 75, there should be substituted the following paragraph –

“(4) The Judicial Greffier must ask the juror selected under Article 72(6) –

- (a) when the jury is ready to deliver its verdict, whether the defendant is guilty or not guilty of the offence (or each offence, if more than one) charged in the indictment;
- (b) when the verdict has been delivered in respect of the offence (or each offence) –
  - (i) if the Bailiff has invited the Judicial Greffier to do so, whether the jury is ready to deliver a verdict in respect of an alternative or lesser offence than that charged in the indictment,
  - (ii) whether the jury’s verdict was agreed unanimously or by a majority, and
  - (iii) in the case of a majority guilty verdict, how many jurors were in favour of convicting and how many jurors were in favour of acquitting the defendant.”.

Paragraph 8

In the cross-heading immediately following Article 79(4), for the words “and discontinuance, withdrawal or” there should be substituted the words “, discontinuance or”.

Paragraph 9

In paragraph (4)(b) of Article 81, the words “where the proceedings are in the Magistrate’s Court,” should be deleted.

In paragraph (5) of Article 81 –

- (a) after the words “Magistrate’s Court” there should be inserted the words “or Royal Court (as the case may be)”; and
- (b) for the number “35” there should be substituted the number “14”.

In paragraph (6)(a) of Article 81 after the word “Magistrate” there should be inserted the words “or Judicial Greffier”.

Paragraph 10

For Article 82 there should be substituted the following Article –

**“82 Continuation of previous proceedings**

- (1) The Attorney General may, at any time, with leave of the court or Court of Appeal progress previously halted criminal proceedings.
- (2) The reference to halted criminal proceedings is a reference to proceedings in relation to offences which the court has, at the request of the prosecution, ordered to be “left on file”.
- (3) Where leave is sought from a court other than the Court of Appeal, unless the court which made the order halting the previous proceedings has expressly ordered otherwise, nothing in this Article shall be taken to prevent the Attorney General from applying for leave of a court other than the one which made the order halting the previous proceedings.”.

Paragraph 11

In paragraph (2) of Article 83, for the words “paragraph (1)” there should be substituted the words “this Article”.

For paragraph (3) of Article 83, there should be substituted the following paragraph –

- “(3) Unused prosecution material must not be disclosed under this Article where, on an application by the prosecution, it appears to the Magistrate or the Bailiff that it is not in the public interest to disclose it, and he or she makes an order to that effect.”.

In paragraph (5) of Article 83 –

- (a) for the word “defendant’ ” there should be substituted the word “defendant’s”; and

- (b) sub-paragraph (b) should be deleted and sub-paragraph (c) renumbered as sub-paragraph (b).

#### Paragraph 12

For paragraph (3) of Article 84, there should be substituted the following paragraph –

- “(3) If the defendant has no legal representative the court may, on the application of the defendant or of the court’s own motion, dispense with the requirement to give a defence case statement.”.

For paragraphs (5) and (6) of Article 84, there should be substituted the following paragraphs –

- “(5) If it appears to the Magistrate or Bailiff that the defendant has not given a defence case statement in accordance with paragraph (1), or one which complies with the requirements set out in paragraph (2), the Magistrate or Bailiff (as the case may be) may order that –

- (a) the defendant’s legal representatives; or
- (b) a defendant in person (where he or she is unrepresented),

pay such of the prosecution’s costs as are attributable to the defendant’s failure to comply with paragraph (1) or (2).

- (6) A determination under paragraph (5) shall be made as soon as practicable after the date directed by the court, under paragraph (2)(d), for service of the defence case statement has expired.”.

In paragraph (8) of Article 84 –

- (a) for the word “defendant’ ” there should be substituted the word “defendant’s”; and
- (b) sub-paragraph (b) should be deleted and sub-paragraph (c) renumbered as sub-paragraph (b).

#### Paragraph 13

After paragraph (3) of Article 98, there should be added the following paragraph –

- “(4) The court may order the arrest of a person who fails to attend before the court on the day and at the time so warned, and a person so arrested may be remanded by the court, in custody or on bail, until such time as the court may appoint for receiving his or her evidence.”.

#### Paragraph 14

In paragraph (10)(b) of Article 108, clause (ii) should be deleted and the subsequent clauses renumbered.

#### Paragraph 15

In substituted Article 82G(1) of Schedule 3, the words “it is evidence that” should be deleted.

THE STATES, having resumed consideration of the Draft Criminal Procedure (Jersey) Law 201-, adopted Article 36, as amended.

THE STATES adopted Articles 37 to 74, as amended.

THE STATES, commencing consideration of Article 75, adopted an amendment of the Education and Home Affairs Scrutiny Panel that –

Paragraph 1

For paragraphs (8) and (9) of Article 75, there should be substituted the following paragraphs –

- “(8) If, following such period of time for deliberation as the Bailiff thinks reasonable having regard to the nature and complexity of the case, the jury is unable to deliver a verdict upon which the majority of jurors are agreed, the Bailiff shall discharge –
- (a) the jury from the proceedings and from the custody of the Viscount; and
  - (b) the defendant from the proceedings provided he or she is not convicted of another offence charged in the indictment.
- (9) The Bailiff may, upon formally discharging the defendant from the proceedings, make such other orders or directions as may be required in relation to the discharged proceedings, or in relation to any other criminal proceedings pending before the Royal Court in respect of that defendant.”.

Paragraphs (10) and (11) of Article 75 should be deleted and paragraph (12) renumbered as paragraph (10).

Paragraph 2

Article 76 should be deleted and the subsequent Articles and any cross-references to those Articles renumbered.

Members present voted as follows –

**POUR: 26**

Senator P.M. Bailhache  
 Senator S.C. Ferguson  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.Y. Mézec (H)  
 Deputy of St. Ouen  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)

**CONTRE: 19**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator A.K.F. Green  
 Connétable of St. Helier  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Deputy J.A. Hilton (H)  
 Deputy of Trinity  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Peter  
 Deputy R.J. Rondel (H)  
 Deputy A.D. Lewis (H)  
 Deputy M.J. Norton (B)

**ABSTAIN: 0**

Deputy S.M. Brée (C)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

THE STATES, having resumed consideration of Article 75, as amended, adopted the Article, as amended.

Members present voted as follows –

**POUR: 37**

Senator P.F. Routier  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Senator S.C. Ferguson  
 Connétable of St. Helier  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy K.C. Lewis (S)  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Peter  
 Deputy S.Y. Mézec (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy R. Labey (H)  
 Deputy S.M. Brée (C)  
 Deputy M.J. Norton (B)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

**CONTRE: 2**

Connétable of St. Martin  
 Deputy J.A. Hilton (H)

**ABSTAIN: 1**

Senator P.F.C. Ozouf

THE STATES adopted Articles 77 to 83, as amended.

THE STATES adopted Articles 84 and 85, as amended.

Members present voted as follows –

**POUR: 32**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Senator S.C. Ferguson  
 Connétable of St. Helier  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Connétable of Trinity  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy S.J. Pinel (C)  
 Deputy of St. Peter  
 Deputy S.M. Wickenden (H)  
 Deputy M.J. Norton (B)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

THE STATES adopted Article 86.

THE STATES adopted Article 87.

Members present voted as follows –

**POUR: 33**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Senator S.C. Ferguson  
 Connétable of St. Helier  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary

**CONTRE: 12**

Connétable of St. John  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.Y. Mézec (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy R. Labey (H)  
 Deputy S.M. Brée (C)

**ABSTAIN: 0****CONTRE: 11**

Connétable of St. John  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.Y. Mézec (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy S.M. Brée (C)

**ABSTAIN: 0**

Connétable of St. Ouen  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Connétable of Trinity  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy S.J. Pinel (C)  
 Deputy of St. Peter  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)  
 Deputy M.J. Norton (B)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

THE STATES adopted Articles 88 to 120, as amended, and Schedules 1 to 5, as amended.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Procedure (Jersey) Law 201-.

Members present voted as follows –

**POUR: 44**

**CONTRE: 2**

**ABSTAIN: 0**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Senator S.C. Ferguson  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)

Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)



Deputy of Trinity  
 Deputy K.C. Lewis (S)  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Peter  
 Deputy S.Y. Mézec (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)  
 Deputy S.M. Brée (C)  
 Deputy M.J. Norton (B)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

### **Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201- P.1/2018**

THE STATES, resuming consideration of the Draft Criminal Procedure (Jersey) Law 201-, the principles having been adopted on 16th January 2018, adopted Articles 1 and 2.

THE STATES commenced consideration of Article 3.

THE STATES, commencing consideration of an amendment of the Chief Minister (P.1/2018 Amd.(2)), adopted an amendment of the Chairmen’s Committee (P.1/2018 Amd.(2)Amd.) that –

In paragraph (b)(i) of Part 1 for the words “paragraphs (2), (3) and (4)”, there should be substituted the words “paragraphs (2), (3), (4) and (5)”;

In paragraph (c) of Part 1, after the inserted paragraph (4), there should be inserted the following paragraph –

“(5) The PAO must not appoint an accountable officer for a body which is an independently audited States body or a States aided independent body unless that body is specified in paragraph (10).”; and

For paragraph (d) of Part 1, there should be substituted the following paragraph –

“(d) after paragraph (6) (renumbered as paragraph (9)) insert the following paragraphs –

“(10) For the purpose of paragraph (5), the specified bodies are –

- (a) Andium Homes Limited, registered on 13th May 2014 under registration number 115713;
- (b) Jersey Post International Limited, registered on 22nd September 2005 under registration number 91247;
- (c) JT Group Limited, registered on 22nd October 2002, under registration number 84230 (including its subsidiary companies);

- (d) Jersey Overseas Aid Commission, established under the Jersey Overseas Aid Commission (Jersey) Law 2005;
- (e) Ports of Jersey Ltd, established under the Air and Sea Ports (Incorporation) (Jersey) Law 2015;
- (f) States of Jersey Development Company Limited, registered on 21st February 1996 under registration number 64345 (including its subsidiary companies).

(11) The Minister may, by Order, amend paragraph (10).” ”.

THE STATES, having resumed consideration of an amendment of the Chief Minister (P.1/2018 Amd.(2)), as amended, adopted Parts 1 and 2 of the amendment and thereby agreed that –

### Part 1

In the substituted Article 38 of the Public Finances Law –

- (a) in paragraph (1) after the words “is answerable to the States” there should be inserted “and is accountable to the Council of Ministers”;
- (b) in paragraph (1)(c) –
  - (i) for the words “paragraph (2)” there should be substituted the words “paragraphs (2), (3), (4) and (5)”,
  - (ii) in clause (i) after the words “Article 37(1)(a) to (c)” there should be inserted the words “(other than non-Ministerial States funded bodies)”;
- (c) after paragraph (2) there should be inserted the following paragraphs and the remaining paragraphs re-numbered accordingly –
  - “(3) An appointment of an accountable officer under paragraph (1)(c) for a body included in Article 37(1)(a) shall be with the concurrence of either –
    - (a) the Minister responsible for that body; or
    - (b) the Council of Ministers.
  - (4) In determining the functions of an accountable officer for a body included in Article 37(1)(a), under paragraph (1)(d), the PAO must consult with either –
    - (a) the Minister responsible for that body; or
    - (b) the Council of Ministers.
  - (5) The PAO must not appoint an accountable officer for a body which is an independently audited States body or a States aided independent body unless that body is specified in paragraph (10).”;
- (d) after paragraph (6) (renumbered as paragraph (9)) there should be inserted the following paragraphs –

“(10) For the purpose of paragraph (5), the specified bodies are –

- (a) Andium Homes Limited, registered on 13th May 2014 under registration number 115713;
- (b) Jersey Post International Limited, registered on 22nd September 2005 under registration number 91247;
- (c) JT Group Limited, registered on 22nd October 2002, under registration number 84230 (including its subsidiary companies);
- (d) Jersey Overseas Aid Commission, established under the Jersey Overseas Aid Commission (Jersey) Law 2005;
- (e) Ports of Jersey Ltd, established under the Air and Sea Ports (Incorporation) (Jersey) Law 2015;
- (f) States of Jersey Development Company Limited, registered on 21st February 1996 under registration number 64345 (including its subsidiary companies).

(11) The Minister may, by Order, amend paragraph (10).”.

## Part 2

For the substituted Article 38A(3) of the Public Finances Law, there should be substituted the following paragraph –

“(3) Except to the extent that an enactment specifies otherwise, an accountable officer is answerable to –

- (a) the States; and
- (b) in the case of a body included in Article 37(1)(a), the Minister responsible for that body, for the exercise of the functions that apply to that accountable officer under paragraph (2).”.

THE STATES, having resumed consideration of Article 3, as amended, adopted the Article.

THE STATES adopted Articles 4 to 7 and the Schedule.

THE STATES, having commenced consideration of Article 8, adopted Part 3 of an amendment of the Chief Minister (P.1/2018 Amd.(2)) that –

In paragraph (a) of Article 8, for the words “following paragraph” there should be substituted the words “following paragraphs”.

After the inserted paragraph (1B) of Article 18 of the Public Finances Law, there should be added the following paragraph –

“(1C) Before giving notice under paragraph (1B), the Minister shall, in relation to any States funded body, consult the Minister responsible for that body.”.

THE STATES, having resumed consideration of Article 8, as amended, adopted Article 8, as amended.

THE STATES, having commenced consideration of Articles 9 to 11, rejected an amendment of Senator Sir Philip Martin Bailhache (P.1/2018 Amd.) that –

In Part 4 –

- (a) the heading and sub-heading of Part 4 should be deleted;
- (b) Articles 9 to 11 inclusive should be deleted;
- (c) Article 12 should be moved to follow immediately after the existing Article 16;
- (d) the Parts and Articles following the deleted Article 11 should be renumbered accordingly.

In the sub-heading of Part 5 (renumbered Part 4) the word “other” should be deleted.

For paragraphs (1), (2) and (3) of the renumbered Article 16, there should be substituted the following text –

“This Law may be cited as the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201- and shall come into force 7 days after it is registered.”.

Members present voted as follows –

**POUR: 22**

Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator S.C. Ferguson  
 Connétable of St. Ouen  
 Connétable of St. Saviour  
 Connétable of St. John  
 Deputy G.P. Southern (H)  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy S.Y. Mézec (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy S.M. Brée (C)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)

**CONTRE: 24**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator A.K.F. Green  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of Grouville  
 Connétable of Trinity  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy of Trinity  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy of St. Peter  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)  
 Deputy M.J. Norton (B)  
 Deputy P.D. McLinton (S)

**ABSTAIN: 0**

THE STATES, resuming consideration of Articles 9 to 11, adopted Parts 4 to 8 of an amendment of the Chief Minister (P.1/2018 Amd.(2)) that –

In Article 9, in the substituted Article 26 of the States of Jersey Law –

- (a) in the heading for the words “Jersey Ministers” there should be substitute the words “the Government of Jersey”;

- (b) in paragraphs (1), (2), (3) and (5) for the words “Jersey Ministers” there should be substituted the words “Government of Jersey”;
- (c) in paragraph (2)(e) for the words “their functions as Ministers” there should be substituted the words “its functions”;
- (d) in paragraph (4) for the words “of the Jersey Ministers shall be exercisable by any of them” there should be substituted the words “referred to in paragraph (3) shall be exercisable by any Minister”;
- (e) in paragraph (6) –
  - (i) for the words “Jersey Ministers” in the first place they appear there should be substituted the words “Government of Jersey”, and
  - (ii) for the words “Jersey Ministers’ ” there should be substituted the words “Government of Jersey’s”.

In Article 9, in the substituted Article 26 of the States of Jersey Law –

- (a) in paragraph (4) after the words “Assistant Minister” the words “if, in the case of an Assistant Minister, those functions have been delegated to him or her under paragraph (5)” should be added;
- (b) after paragraph (4) the following paragraph should be inserted –
 

“(5) Functions referred to in paragraph (3) may be delegated to an Assistant Minister and any reference in this Law or any other enactment to any act (however described) of an Assistant Minister refers to an Assistant Minister acting in the course of exercising such delegated functions.”;

and the remaining paragraphs re-numbered accordingly.

In Article 9, in the substituted Article 26A of the States of Jersey Law, in the heading and in paragraphs (1), (2), (3), (4) and (6), for the words “Jersey Ministers” there should be substituted the words “Government of Jersey”.

In Article 9, in the substituted Article 26B of the States of Jersey Law, in paragraph (1) for the words “Jersey Ministers” there should be substituted the words “Government of Jersey”.

In Article 11, in the substituted Article 28 of the States of Jersey Law –

- (a) in the heading for the words “Jersey Ministers” there should be substituted the words “the Government of Jersey”;
- (b) in paragraph (1) (in both places) and in paragraph (3) for the words “the Jersey Ministers” there should be substituted the words “the Government of Jersey”;
- (c) in paragraph (2) for the words “Jersey Ministers” there should be substituted the words “The Government of Jersey”;
- (d) in paragraph (3) for the words “by Jersey Ministers” there should be substituted the words “by the Government of Jersey”.

THE STATES resumed consideration of Articles 9 to 11, as amended, and adopted Articles 9 to 11, as amended.

Members present voted as follows –

**POUR: 30**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator A.K.F. Green  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy of Trinity  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Peter  
 Deputy A.D. Lewis (H)  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)  
 Deputy M.J. Norton (B)  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

**CONTRE: 16**

Senator P.M. Bailhache  
 Senator S.C. Ferguson  
 Connétable of St. Ouen  
 Connétable of St. Saviour  
 Deputy G.P. Southern (H)  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.Y. Mézec (H)  
 Deputy of St. Ouen  
 Deputy S.M. Brée (C)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary

**ABSTAIN: 0**

THE STATES commenced consideration of Articles 12 to 19, and adopted Parts 9 and 10 of an amendment of the Chief Minister (P.1/2018 Amd.(2)) that –

In Article 13, for the words from “In Article 18(3A)” to the end of that sentence, there should be substituted the following text –

“In Article 18(3A) of the States of Jersey Law, for sub-paragraph (a) substitute the following sub-paragraph –

‘(a) for the purpose of reaching policy decisions, provide policy direction to officers, having given fair consideration and due weight to informed and impartial advice from such officers; and’.”

In Article 15, in the substituted Article 29, after the words “office to another” there should be inserted the words “, provided that, before the date of such notice, not less than 6 months have elapsed after the date Ministers are appointed to office under Article 19(7)”.

THE STATES, having resumed consideration of Articles 12 to 19, as amended, adopted Article 12.

Members present voted as follows –

**POUR: 42**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy E.J. Noel (L)  
 Deputy of St. John  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Peter  
 Deputy S.Y. Mézec (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)  
 Deputy S.M. Brée (C)  
 Deputy M.J. Norton (B)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

**CONTRE: 4**

Senator S.C. Ferguson  
 Connétable of St. Saviour  
 Deputy of St. Martin  
 Deputy T.A. McDonald (S)

**ABSTAIN: 0**

THE STATES adopted Article 13, as amended, and Article 14.

Members present voted as follows –

**POUR: 41**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean

**CONTRE: 5**

Connétable of St. Saviour  
 Deputy G.P. Southern (H)  
 Deputy M. Tadier (B)

**ABSTAIN: 0**

Senator I.J. Gorst	Deputy of St. Martin
Senator L.J. Farnham	Deputy T.A. McDonald (S)
Senator P.M. Bailhache	
Senator A.K.F. Green	
Senator S.C. Ferguson	
Connétable of St. Helier	
Connétable of St. Clement	
Connétable of St. Peter	
Connétable of St. Lawrence	
Connétable of St. Mary	
Connétable of St. Ouen	
Connétable of St. Brelade	
Connétable of St. Martin	
Connétable of Grouville	
Connétable of St. John	
Connétable of Trinity	
Deputy J.A. Martin (H)	
Deputy of Grouville	
Deputy J.A. Hilton (H)	
Deputy J.A.N. Le Fondré (L)	
Deputy of Trinity	
Deputy K.C. Lewis (S)	
Deputy E.J. Noel (L)	
Deputy of St. John	
Deputy M.R. Higgins (H)	
Deputy J.M. Maçon (S)	
Deputy S.J. Pinel (C)	
Deputy of St. Peter	
Deputy S.Y. Mézec (H)	
Deputy A.D. Lewis (H)	
Deputy of St. Ouen	
Deputy R. Labey (H)	
Deputy S.M. Wickenden (H)	
Deputy S.M. Brée (C)	
Deputy M.J. Norton (B)	
Deputy of St. Mary	
Deputy G.J. Truscott (B)	
Deputy P.D. McLinton (S)	

THE STATES adopted Article 15, as amended.

Members present voted as follows –

**POUR: 26**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence

**CONTRE: 19**

Senator S.C. Ferguson  
 Connétable of St. Saviour  
 Connétable of St. John  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy of St. John

**ABSTAIN: 1**

Deputy R. Labey (H)



Connétable of St. Mary	Deputy M.R. Higgins (H)
Connétable of St. Ouen	Deputy J.M. Maçon (S)
Connétable of St. Brelade	Deputy of St. Martin
Connétable of St. Martin	Deputy S.Y. Mézec (H)
Connétable of Grouville	Deputy of St. Ouen
Connétable of Trinity	Deputy S.M. Brée (C)
Deputy of Trinity	Deputy T.A. McDonald (S)
Deputy E.J. Noel (L)	Deputy of St. Mary
Deputy S.J. Pinel (C)	
Deputy of St. Peter	
Deputy A.D. Lewis (H)	
Deputy S.M. Wickenden (H)	
Deputy M.J. Norton (B)	
Deputy G.J. Truscott (B)	
Deputy P.D. McLinton (S)	

THE STATES adopted Article 16.

Members present voted as follows –

**POUR: 26**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of Grouville  
 Connétable of Trinity  
 Deputy of Trinity  
 Deputy E.J. Noel (L)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Peter  
 Deputy A.D. Lewis (H)  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)  
 Deputy M.J. Norton (B)  
 Deputy P.D. McLinton (S)

**CONTRE: 20**

Senator S.C. Ferguson  
 Connétable of St. Saviour  
 Connétable of St. John  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy of St. John  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy of St. Martin  
 Deputy S.Y. Mézec (H)  
 Deputy of St. Ouen  
 Deputy S.M. Brée (C)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)

**ABSTAIN: 0**

THE STATES adopted Articles 17 to 19.

Members present voted as follows –

**POUR: 43****CONTRE: 3****ABSTAIN: 0**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator P.M. Bailhache  
 Senator A.K.F. Green  
 Senator S.C. Ferguson  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy E.J. Noel (L)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Peter  
 Deputy S.Y. Mézec (H)  
 Deputy A.D. Lewis (H)  
 Deputy of St. Ouen  
 Deputy R. Labey (H)  
 Deputy S.M. Wickenden (H)  
 Deputy S.M. Brée (C)  
 Deputy M.J. Norton (B)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy P.D. McLinton (S)

Connétable of St. Saviour  
 Deputy of St. John  
 Deputy T.A. McDonald (S)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201-.

Members present voted as follows –

**POUR: 34****CONTRE: 11****ABSTAIN: 0**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean

Connétable of St. Saviour  
 Deputy G.P. Southern (H)  
 Deputy J.A. Hilton (H)

Senator I.J. Gorst	Deputy K.C. Lewis (S)
Senator L.J. Farnham	Deputy M. Tadier (B)
Senator P.M. Bailhache	Deputy of St. John
Senator A.K.F. Green	Deputy M.R. Higgins (H)
Senator S.C. Ferguson	Deputy J.M. Maçon (S)
Connétable of St. Helier	Deputy S.Y. Mézec (H)
Connétable of St. Clement	Deputy S.M. Brée (C)
Connétable of St. Peter	Deputy T.A. McDonald (S)
Connétable of St. Lawrence	
Connétable of St. Mary	
Connétable of St. Ouen	
Connétable of St. Brelade	
Connétable of St. Martin	
Connétable of Grouville	
Connétable of St. John	
Connétable of Trinity	
Deputy J.A. Martin (H)	
Deputy of Grouville	
Deputy of Trinity	
Deputy E.J. Noel (L)	
Deputy S.J. Pinel (C)	
Deputy of St. Martin	
Deputy of St. Peter	
Deputy A.D. Lewis (H)	
Deputy of St. Ouen	
Deputy R. Labey (H)	
Deputy S.M. Wickenden (H)	
Deputy M.J. Norton (B)	
Deputy of St. Mary	
Deputy G.J. Truscott (B)	
Deputy P.D. McLinton (S)	

### **Changes in Presidency**

Dr. Mark Egan, Greffier of the States, retired from the Chair prior to consideration of the Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201-, and the meeting continued under the Presidency of the Deputy Bailiff.

### **Arrangement of public business for the present meeting**

THE STATES rejected the proposition of Senator Sir Philip Martin Bailhache that consideration of the proposition of Senator Sarah Craig Ferguson entitled 'Committee of Inquiry: actions taken by the R.N.L.I. and the Jersey Government which led to the removal of the All Weather Lifeboat' (P.36/2018) should be taken as the first item of public business on Wednesday 21st March 2018.

Members present voted as follows –

#### **POUR: 11**

Senator P.M. Bailhache  
 Senator S.C. Ferguson  
 Connétable of St. Clement  
 Connétable of St. Ouen  
 Connétable of St. Saviour

#### **CONTRE: 33**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator I.J. Gorst  
 Senator L.J. Farnham

#### **ABSTAIN: 0**

Deputy J.A. Martin (H)	Senator A.K.F. Green
Deputy J.A.N. Le Fondré (L)	Connétable of St. Helier
Deputy A.D. Lewis (H)	Connétable of St. Peter
Deputy R. Labey (H)	Connétable of St. Lawrence
Deputy S.M. Brée (C)	Connétable of St. Mary
Deputy T.A. McDonald (S)	Connétable of St. Brelade
	Connétable of St. Martin
	Connétable of Grouville
	Connétable of Trinity
	Deputy G.P. Southern (H)
	Deputy of Grouville
	Deputy of Trinity
	Deputy K.C. Lewis (S)
	Deputy M. Tadier (B)
	Deputy E.J. Noel (L)
	Deputy of St. John
	Deputy M.R. Higgins (H)
	Deputy J.M. Maçon (S)
	Deputy S.J. Pinel (C)
	Deputy of St. Martin
	Deputy of St. Peter
	Deputy S.Y. Mézec (H)
	Deputy of St. Ouen
	Deputy S.M. Wickenden (H)
	Deputy M.J. Norton (B)
	Deputy of St. Mary
	Deputy G.J. Truscott (B)
	Deputy P.D. McLinton (S)

THE STATES, adopting a proposition of Senator Sir Philip Martin Bailhache, agreed that consideration of the proposition of Senator Sarah Craig Ferguson entitled ‘Committee of Inquiry: actions taken by the R.N.L.I. and the Jersey Government which led to the removal of the All Weather Lifeboat’ (P.36/2018) should be taken after consideration of the Draft Sexual Offences (Jersey) Law 201-.

### **Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 21st March 2018 to continue consideration of the outstanding items of public business.

THE STATES rose at 9.22 p.m.

**W. MILLOW**

*Acting Greffier of the States*