



**THE STATES assembled on Tuesday  
6th October 2009, at 09.30 a.m. under  
the Presidency of the Bailiff,  
Michael Cameron St. John Birt Esquire.**

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**His Excellency the Lieutenant Governor,  
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,  
was present**

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

Senator Stuart Syvret – ill  
Senator Paul Francis Routier – absent on States' business  
Senator Terence John Le Main – absent on States' business  
Senator Alan John Henry Maclean – en défaut (défaut raised at 9.42 a.m.)  
Connétable Daniel Joseph Murphy of Grouville – en défaut (défaut raised at 11.58 a.m.)  
Connétable Len Norman of St. Clement – absent on States' business  
Deputy Jacqueline Ann Hilton of St. Helier – excused attendance  
Deputy Shona Pitman of St. Helier – en défaut (défaut raised at 11.47 a.m.)

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Prayers

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### **Subordinate enactments tabled**

The following enactments were tabled, namely –

Road Racing (Motor Vehicle Rally) (No. 2) (Jersey) Order 2009. <i>Minister for Transport and Technical Services.</i>	R&O.97/2009.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 8) (Jersey) Order 2009. <i>Minister for Social Security.</i>	R&O.98/2009.
Income Support (Transitional Provisions) (Amendment No. 3) (Jersey) Order 2009. <i>Minister for Social Security.</i>	R&O.99/2009.

### **Documents presented or laid**

Wheel Clamping: introduction of legislation (P.119-2009) – comments. Presented: 5th October 2009. <i>Minister for Home Affairs.</i>	P.119/2009. Com.
Rental Deposit Scheme to Protect Tenants' Deposits (P.130-2009): comments. Presented: 2nd October 2009. <i>Minister for Housing.</i>	P.130/2009. Com.

Draft Sex Offenders (Jersey) Law 200- (P.132-2009): comments. P.132/2009.  
Presented: 5th October 2009. Com.  
*Education and Home Affairs Scrutiny Panel.*

Vote of No Confidence: States Employment Board (P.142/2009) – comments. P.142/2009.  
Presented: 5th October 2009. Com.  
*Chief Minister.*

Report by the Government Actuary on the Financial Condition of the Social Security Fund as at 31st December 2006. R.108/2009.  
Presented: 1st October 2009.  
*Minister for Social Security.*

States of Jersey Law 2005: delegation of functions – Assistant Minister for Housing. R.109/2009.  
Presented: 1st October 2009.  
*Minister for Housing.*

States of Jersey Law 2005: delegation of functions – Economic Development. R.110/2009.  
Presented: 5th October 2009.  
*Minister for Economic Development.*

Jersey Development Company. S.R.9/2009.  
Presented: 1st October 2009.  
*Corporate Services Scrutiny Panel.*

### **Notification of lodged propositions**

Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- (P.86/2009): amendment. P.86/2009.  
Lodged: 6th October 2009. Amd.  
*Minister for Economic Development.*

Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- (P.86/2009): second amendment. P.86/2009.  
Lodged: 6th October 2009. Amd.(2)  
*Economic Affairs Scrutiny Panel.*

Draft Gambling Commission (Jersey) Law 200- (P.139/2009): amendment. P.139/2009.  
Lodged: 6th October 2009. Amd.  
*Deputy of St. Martin.*

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.*

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 200-. P.159/2009.  
Lodged: 30th September 2009.  
*Minister for Treasury and Resources.*
- Ratification of the Agreement for the Exchange of Information with Respect to Taxes P.160/2009.  
between the States of Jersey and the Government of Australia.  
Lodged: 1st October 2009.  
*Chief Minister.*
- Ratification of the Agreement for the Exchange of Information with Respect to Taxes P.161/2009.  
between the States of Jersey and the Government of New Zealand.  
Lodged: 1st October 2009.  
*Chief Minister.*
- Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 4) P.162/2009.  
(Jersey) Regulations 200-.  
Lodged: 1st October 2009.  
*Chief Minister.*
- Committee of Inquiry: Reg's Skips Ltd. – appointment of members. P.163/2009.  
Lodged: 2nd October 2009.  
*Chief Minister.*
- Jersey Financial Services Commission – appointment of Commissioners. P.164/2009.  
Lodged: 5th October 2009.  
*Minister for Economic Development.*
- 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.*
- Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (No. 2) (Jersey) P.167/2009.  
Regulations 200-.  
Lodged: 6th October 2009.  
*Minister for Economic Development.*
- Planning and Building Bye-laws: changing provision of disabled toilets/changing rooms. P.168/2009.  
Lodged: 6th October 2009.  
*Deputy A.K.F. Green of St. Helier.*
- 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.*

**Health, Social Security and Housing Scrutiny Panel – appointment of member**

In accordance with Standing Order 125(7) the Chairman of Health, Social Security and Housing Scrutiny Panel nominated the Connétable of St. Lawrence as a member of the Health, Social Security and Housing Scrutiny Panel.

There being no other nominations, the Bailiff declared that the Connétable of St. Lawrence had been duly appointed as a member as a member of the Health, Social Security and Housing Scrutiny Panel.

**Written Questions**

*(see Official Report/Hansard)*

The Chief Minister tabled an answer to a question asked by Senator J.L. Perchard regarding the combined annual salaries paid to the management and staff of the Waterfront Enterprise Board.

The Minister for Treasury and Resources tabled an answer to a question asked by Senator B.E. Shenton regarding the value of the assets transferred to the Waterfront Enterprise Board.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the future of Fort Regent swimming pool.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding recent incidents of anti social behaviour amongst young people.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the number of commuter parking spaces in St. Helier.

The Minister for Home Affairs tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding measures to counteract vandalism within the Island.

The Chairman of the Health and Social Security and Housing Scrutiny Panel tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the enquiry into the management of the Health and Social Services Department.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the waiting list for certain cancer treatments.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding staffing shortages at the hospital.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding recruitment of nurses.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the cost of living in Jersey compared to the United Kingdom.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the registration of non trading or other companies in Hong Kong to avoid EU Savings Tax.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Mary regarding the number of meetings of the Emergencies Council held in the last 3 years.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding the protection of the marine environment at the Castle Quays development.

The Minister for Planning and Environment tabled an answer to a question asked by the Deputy of St. Mary regarding car parking sites within the ring road in St. Helier.

The Minister for Economic Development tabled an answer to a question asked by the Deputy of St. Mary regarding the criteria applied to applications under the Regulations and Undertaking (Jersey) Law 1973.

The Minister for Housing tabled an answer to a question asked by the Deputy of St. Mary regarding the criteria built into the Housing (Jersey) Law 1949 and Housing (General Provisions) (Jersey) Regulations 1970 concerning 'J' Category consents.

### **Oral Questions**

*(see Official Report/Hansard)*

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding pay freezes in the private sector.

The Deputy of St. Mary asked a question of the Minister for Planning and Environment regarding the construction of a large house at La Coupe, St. Martin.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding statistics for 2006, 2007 and 2008 illustrating arrests/convictions for violence related crime linked to alcohol consumption.

The Deputy of St. John asked a question of the Minister for Economic Development regarding the company leased to run the duty free shopping area in the Airport departure hall.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Economic Development regarding applications for subsidy or grant aid from an existing ferry operator or a new entrant into the local car and freight passenger market.

Deputy M. Tadier of St. Brelade ask the following question of the Minister for Economic Development regarding scope for attracting film-makers to the Island.

Deputy T.A. Vallois of St. Saviour asked a question of the Minister for Treasury and Resources regarding the proposed increase in the maximum limit for currency in Jersey to £100 million.

The Deputy of St. Martin asked a question of the Minister for Health and Social Services regarding staff suspensions.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Home Affairs regarding his stance on knife crime.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Health and Social Services regarding the availability of out-of-hours psychiatric services.

Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding tax evasion claims made in a recent Panorama programme.

The Deputy of St. John asked a question of the Minister for Home Affairs regarding the current number of police officers in the States of Jersey Police.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Health and Social Services regarding current vacancy rates across the Health service.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Assistant Minister for Housing regarding the availability of the Whitehead Report on Social Housing.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Economic Development regarding FlyBe check-in facilities.

The Deputy of St. Martin asked a question of the Assistant Minister for Treasury and Resources regarding the future of Haut de la Garenne.

Deputy J.M. Maçon of St. Saviour asked a question of the Minister for Economic Development regarding the definition of 'sustainable Economic growth'.

### **Oral Questions without notice**

*(see Official Report/Hansard)*

The Minister for Social Security answered questions without notice from members.

The Minister for Planning and Environment answered questions without notice from members.

### **Millennium Town Park: funding from the Stabilisation Fund P.135/2009**

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Minister for Treasury and Resources to lodge a proposition in accordance with Article 4(3) of the Public Finances (Jersey) Law 2005 asking the States to agree to transfer £10 million from the interest on the Strategic Reserve Fund to the Consolidated Fund so that the States could then be requested, during the debate on a future Annual Business Plan, to allocate these funds to meet the capital cost of creating the Millennium Town Park.

Members present voted as follows –

#### **POUR: 13**

Senator A. Breckon  
Deputy of St. Martin  
Deputy R.G. Le Hérissier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
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 D. De Sousa (H)

#### **CONTRE: 31**

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

#### **ABSTAIN: 0**

Connétable of St. John  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy J.B. Fox (H)  
 Deputy of St. Peter  
 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 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)  
 Deputy J.M. Maçon (S)

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

**Draft Honorary Police (Repeals) (Jersey) Law 200- P.114/2009**

THE STATES commenced consideration of the Draft Honorary Police (Repeals) (Jersey) Law 200- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 and 2.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Honorary Police (Repeals) (Jersey) Law 200-.

Members present voted as follows –

**POUR: 39**

**CONTRE: 0**

**ABSTAIN: 0**

Senator P.F.C. Ozouf  
 Senator B.E. Shenton  
 Senator F.E. Cohen  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of St. Brelade  
 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 of Grouville  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy S. Pitman (H)  
 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 A.K.F. Green (H)  
 Deputy D. De Sousa (H)  
 Deputy J.M. Maçon (S)

**Draft Honorary Police (Amendment) (Jersey) Regulations 200- P.115/2009**

THE STATES commenced consideration of the Draft Honorary Police (Amendment) (Jersey) Regulations 200– and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 5.

THE STATES, in pursuance of Article 4 of the Police Force (Jersey) Law 1974, made Regulations entitled the Honorary Police (Amendment) (Jersey) Regulations 2009.

Members present voted as follows –

**POUR: 39**

**CONTRE: 0**

**ABSTAIN: 0**

Senator P.F.C. Ozouf  
 Senator B.E. Shenton  
 Senator F.E. Cohen  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of Trinity  
 Connétable of St. Brelade  
 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 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 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)

### **Wheel clamping: introduction of legislation P.119/2009**

THE STATES commenced consideration of a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier and, adopting an amendment of the Minister for Transport and Technical Services, agreed that for the words “the Minister for Transport and Technical Services, in consultation with the Minister for Home Affairs,” there should be substituted the words “the Minister for Home Affairs”.

THE STATES rejected an amendment of Deputy Montfort Tadier of St. Brelade that for the words “to make the practice of wheel clamping illegal unless specifically authorized by law” there should be substituted the words “to make vehicle immobilization a criminal offence”.

Members present voted as follows –

#### **POUR: 15**

Senator A. Breckon  
 Senator B.I. Le Marquand  
 Connétable of St. Saviour  
 Deputy R.C. Duhamel (S)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy P.V.F. Le Claire (H)

#### **CONTRE: 29**

Senator T.A. Le Sueur  
 Senator P.F.C. Ozouf  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A.J.D. Maclean  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity

#### **ABSTAIN: 0**

Deputy S. Pitman (H)	Connétable of St. Brelade
Deputy of St. John	Connétable of St. Martin
Deputy M. Tadier (B)	Connétable of St. John
Deputy of St. Mary	Connétable of St. Peter
Deputy T.M. Pitman (H)	Connétable of St. Lawrence
Deputy M.R. Higgins (H)	Connétable of St. Mary
Deputy D. De Sousa (H)	Deputy of St. Martin
	Deputy R.G. Le Hérisssier (S)
	Deputy J.B. Fox (H)
	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 A.E. Jeune (B)
	Deputy A.T. Dupré (C)
	Deputy E.J. Noel (L)
	Deputy A.K.F. Green (H)
	Deputy J.M. Maçon (S)

THE STATES, having resumed consideration of the proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, as amended, agreed to request the Minister for Home Affairs, to bring forward for approval legislation to make the practice of wheel clamping illegal unless specifically authorized by law.

Members present voted as follows –

**POUR: 35**

**CONTRE: 7**

**ABSTAIN: 0**

Senator T.A. Le Sueur	Connétable of St. John
Senator P.F.C. Ozouf	Deputy J.B. Fox (H)
Senator B.E. Shenton	Deputy J.A.N. Le Fondré (L)
Senator J.L. Perchard	Deputy A.E. Jeune (B)
Senator A. Breckon	Deputy E.J. Noel (L)
Senator A.J.D. Maclean	Deputy A.K.F. Green (H)
Senator B.I. Le Marquand	Deputy J.M. Maçon (S)
Connétable of St. Ouen	
Connétable of St. Helier	
Connétable of Trinity	
Connétable of St. Brelade	
Connétable of St. Martin	
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 Hérisssier (S)	
Deputy G.P. Southern (H)	
Deputy of St. Peter	

Deputy J.A. Hilton (H)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy 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 M.R. Higgins (H)  
Deputy D. De Sousa (H)

**Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 7th October 2009 to consider the outstanding items of public business.

THE STATES rose at 5.41 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*