

**THE STATES assembled on Wednesday
26th September 2007, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

Senator Stuart Syvret – en défaut (défaut raised at 9.40 a.m.)
Connétable Alan Simon Crowcroft of St. Helier– excused attendance
Connétable Daniel Joseph Murphy of Grouville – excused attendance
Connétable Silvanus Arthur Yates of St. Martin– ill
Connétable Graham Frank Butcher of St. John– ill
Deputy Roy George Le Hérissier– absent on States business
Deputy James Gordon Reed of St. Ouen– absent on States business
Deputy Patrick John Dennis Ryan of St. Helier– en défaut (défaut raised at 9.42 a.m.)
Deputy Andrew John Lewis of St. John– en défaut (défaut raised at 9.56 a.m.)
Deputy Juliette Gallichan of St. Mary– absent on States business

Prayers

**Draft High Hedges (Jersey) Law 200- P.51/2007
Amendment**

THE STATES commenced consideration of the Draft High Hedges (Jersey) Law 200- and adopted the principles.

THE STATES adopted Articles 1 to 22 as amended by an amendment of the Minister for Planning and Environment that for Article 6(4) there be substituted the following paragraph–

- “(4) In doing so the Minister must first take into account every relevant consideration, including –
- (a) whether the hedge existed at the time the complainant acquired an interest in the domestic or residential property specified in the complaint and, if it did, the height of the hedge at that time; and
 - (b) any extent to which the hedge –
 - (i) adds to the privacy and enjoyment of the neighbouring land, or
 - (ii) contributes to the amenity of the neighbourhood,
- and then, having done so, must consider the height to which the hedge could be reduced that would still afford reasonable protection to the interests of the occupier of the neighbouring land.”

Members present voted as follows –

POUR: 39

CONTRE: 0

ABSTAIN: 0

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

Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (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 D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)

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

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), Deputy Jacqueline Jeanette Huet of St. Helier declared an interest and withdrew from the Chamber for the duration of the debate.

Planning Applications Panel – appointment of members P.119/2007

THE STATES, adopting a proposition of the Minister for Planning and Environment, and in accordance with Article 9A(2) of the Planning and Building (Jersey) Law 2002, as amended, on the recommendation of the Minister for Planning and Environment, appointed the following persons as members of the Planning Applications Panel with immediate effect for a period of 3 years –

The Connétable of St. Saviour;
Deputy Gerard Clifford Lemmens Baudains of St. Clement;
The Deputy of St. Peter;
The Deputy of St. Mary.

Fiscal Policy Panel: appointment of members P.123/2007

THE STATES, adopting a proposition of the Minister for Treasury and Resources, referred to their Act dated 5th December 2006 in which they agreed to establish a Stabilisation Fund and further agreed to the establishment of a new independent Fiscal Policy Panel and appointed the following persons as members of the Fiscal Policy Panel for a period of 3 years –

Mr. Christopher Allsopp CBE,
Ms. Marian Bell CBE, and
Mr. Joly Dixon CMG.

Draft Road Traffic (No. 58) (Jersey) Regulations 200 P.87/2007

THE STATES, in pursuance of the Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956, made Regulations entitled the Road Traffic (No. 58) (Jersey) Regulations 2007.

Draft Public Elections (Amendment No. 2) (Jersey) Law 200 P. 94/2007

THE STATES commenced consideration of the Draft Public Elections (Amendment No. 2) (Jersey) Law 200 and adopted the principles.

Members present voted as follows –

POUR: 26

Senator S. Syvret

Senator W. Kinnard
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator F.E. Cohen
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Brelade
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)

CONTRE: 15

Senator L. Norman

Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Peter
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Saviour
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy K.C. Lewis (S)

ABSTAIN: 1

Deputy G.C.L. Baudains
(C)

THE STATES, having adopted Articles 1 and 2 and subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Elections (Amendment No. 2) (Jersey) Law 200.

Deputies: extension of terms of office to 4 years P.98/2007
Comments

THE STATES, adopting a proposition of Deputy Peter Nicholas Troy of St. Brelade, agreed that the term of office for all Deputies should be extended from 3 years to 4 years with effect from the Deputies' elections in the autumn of 2008 and requested the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the proposal.

Members present voted as follows –

POUR: 22

Senator L. Norman
Senator F.H. Walker
Senator T.J. Le Main
Senator B.E. Shenton
Connétable of St. Mary
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy G.P. Southern (H)

Deputy S.C. Ferguson (B)
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 A.J.D. Maclean (H)

CONTRE: 18

Senator S. Syvret
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Clement
Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian
(L)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)

ABSTAIN: 0

Retail Strategy: Impact Assessment P.84/2007

THE STATES, adopting a proposition of the Economic Affairs Scrutiny Panel, requested the Minister for Economic Development to exercise his power under Article 6(4) of the Competition Regulatory Authority (Jersey) Law 2001 to request the Jersey Competition Regulatory Authority to carry out a full economic impact assessment on the addition of a third supermarket entrant on the retail sector, based upon the correct data now available on market size and household expenditure.

Members present voted as follows –

POUR: 38

Senator L. Norman
Senator W. Kinnard

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), Senator Ben Edward Shenton declared an interest and withdrew from the Chamber for the duration of the debate.

Goods and Services Tax: price marking legislation P.99/2007
Comments

THE STATES, adopting a proposition of Senator Leonard Norman, requested the Minister for Treasury and Resources to take no steps to bring forward for approval an Appointed Day Act in respect of the Goods and Services Tax (Jersey) Law 200- until the States had debated legislation relating to the price marking of goods and, in particular, relating to the inclusion or exclusion of goods and services tax in the marked price of items offered for sale.

Draft Financial Services (Amendment No. 3) (Jersey) Law 200 P.100/2007

THE STATES commenced consideration of the Draft Financial Services (Amendment No. 3) (Jersey) Law 200 and adopted the principles.

THE STATES adopted Articles 1 to 16 and Schedules 1 and 2.

Members present voted as follows –

POUR: 27

CONTRE: 0

ABSTAIN: 0

Senator W. Kinnard
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy S.C. Ferguson (B)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John

THE STATES subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Financial Services (Amendment No. 3) (Jersey) Law 200.

Draft Air Transport Permits (Repeals) (Jersey) Law 200- P. 101/2007

THE STATES commenced consideration of the Draft Air Transport Permits (Repeals) (Jersey) Law 200- and adopted the principles.

THE STATES adopted Articles 1 and 2.

Members present voted as follows –

POUR: 34

CONTRE: 1

ABSTAIN: 0

Senator L. Norman
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Deputy G.P. Southern (H)

Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy S.C. Ferguson (B)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)

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

Change of Presidency

The Bailiff retired from the Chamber following consideration of the Air Transport Permits (Repeals) (Jersey) Law 200- and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Licensing (Licence Fees) (Jersey) Regulations 200- P.104/2007

THE STATES, in pursuance of Article 11 of the Licensing (Jersey) Law 1974, made Regulations entitled the Licensing (Licence Fees) (Jersey) Regulations 2007.

Licensing (Jersey) Law 1974: review of fee structure P.117/2007

THE STATES, adopting a proposition of the Deputy of St. Martin, requested the Minister for Economic Development –

- (a) to review the structure of the current liquor licence fees charged annually for each category of licence under the Licensing (Jersey) Law 1974, with a view to introducing a more equitable licensing structure;

- (b) to finalise the review and publish its findings no later than 1st August 2008 or before any requests were made for further increases in licensing fees.

Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 9) (Jersey) Regulations 200- P. 105/2007

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 9) (Jersey) Regulations 2007.

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(c), Deputy Sarah Craig Ferguson of St. Brelade and Deputy John Benjamin Fox of St. Helier had declared an interest but remained for the duration of the debate.

Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 12) (Jersey) Regulations 200- P. 106/2007

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 12) (Jersey) Regulations 2007.

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(c), Deputy Sarah Craig Ferguson of St. Brelade and Deputy John Benjamin Fox of St. Helier had declared an interest but remained for the duration of the debate.

Draft States of Jersey (Amendment No. 4) Law 200- P.107/2007

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the States of Jersey (Amendment No. 4) Law 200.

Draft Employment of States of Jersey Employees (Amendment No. 2) (Jersey) Regulations 200- P.109/2007

THE STATES, in pursuance of Article 30 of the Employment of States of Jersey Employees (Jersey) Law 2005 made Regulations entitled the Employment of States of Jersey Employees (Amendment) (Jersey) Regulations 2007.

Draft Employment of States of Jersey Employees (Amendment) (Jersey) Regulations 200- P.108/2007

THE STATES, in pursuance of Article 30 of the Employment of States of Jersey Employees (Jersey) Law 2005, made Regulations entitled the Employment of States of Jersey Employees (Amendment No. 2) (Jersey) Regulations 2007.

Draft Criminal Justice (Community Service Orders) (Amendment) (Jersey) Law 200- P.110/2007

THE STATES commenced consideration of the Draft Criminal Justice (Community Service Orders) (Amendment) (Jersey) Law 200- and adopted the principles.

Members present voted as follows –

POUR: 34

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)

CONTRE: 5

Senator S. Syvret
Deputy J.J. Huet (H)
Deputy J.A. Hilton (H)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)

ABSTAIN: 0

THE STATES, having adopted Articles 1 to 5 and subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Community Service Orders) (Amendment) (Jersey) Law 200-.

Notification of lodged propositions

Income Support Scheme: deferral of introduction. P.143/2007.
Lodged: 26th September 2007.
Health, Social Security and Housing Scrutiny Panel.

Draft Community Provisions (Ship and Port Facility – Security) (Amendment) P.144/2007.
(Jersey) Regulations 200-.
Lodged: 26th September 2007.

Minister for Economic Development.

Health Insurance Exemption cards: free bus travel and Active cards.

P.145/2007.

Lodged: 26th September 2007.

Health, Social Security and Housing Scrutiny Panel.

Arrangement of public business

THE STATES rejected a proposition of Deputy John Alexander Nicholas Le Fondré of St. Lawrence that the remaining outstanding items of public business should be deferred until 9th October 2007.

THE STATES adjourned, having agreed to reconvene at 9.30 a.m. on Thursday 27th September 2007, in order to consider the outstanding items of public business.

THE STATES rose at 5.45 p.m.

M.N. DE LA HAYE

Greffier of the States