

**THE STATES assembled on Monday
8th September 2008, at 09.30 a.m. under
the Presidency of
Mr. Michael Nelson de la Haye,
Greffier of the States.**

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

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

Connétable Kenneth Priaulx Vibert of St. Ouen– en défaut (défaut raised at 2.18 p.m.)
Connétable Alan Simon Crowcroft of St. Helier– en défaut (défaut raised at 11.00 a.m.)
Deputy Geoffrey Peter Southern of St. Helier– en défaut (défaut raised at 9.40 a.m.)
Deputy Patrick John Dennis Ryan of St. Helier– ill
Deputy Guy William John de Faye of St. Helier– en défaut (défaut raised at 9.40 a.m.)

Prayers read by the Deputy Greffier of the States

Subordinate enactments tabled

The following enactments were tabled, namely –

Road Traffic (Pedestrian Crossings) (Amendment No. 2) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.88/2008.
Road Traffic (Saint Saviour) (Amendment No. 3) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.89/2008.
Battle of Flowers (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.90/2008.
Jersey International Air Display (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.91/2008.
Road Racing (Hill Climbs and Sprint) (No. 3) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.92/2008.
Veterinary Surgeons (Jersey) Order 2008. <i>Minister for Planning and Environment.</i>	R&O.93/2008.
Artificial Insemination of Domestic Animals (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.94/2008.
Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008. <i>Minister for Planning and Environment and Minister for Home Affairs.</i>	R&O.95/2008.
Non-Profit Organizations (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.96/2008.
Community Provisions (Restrictive Measures – Burma/Myanmar) (Jersey) Order 2008. <i>Senator T.A. Le Sueur for and on behalf of the Chief Minister.</i>	R&O.97/2008.

Airport Dues (Tariff) (Amendment No. 3) (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.98/2008.
Collective Investment Funds (Unregulated Funds) (Amendment) (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.99/2008.
Financial Services (Amendment of Schedule 2 to Law) (No. 2) (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.100/2008.
Road Traffic (Speed Limits) (Amendment No. 3) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.101/2008.
Traffic Signs (Amendment No. 17) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.102/2008.
Education (Discretionary Grants – General) (Jersey) Order 2008. <i>Minister for Education, Sport and Culture.</i>	R&O.103/2008.
Education (Discretionary Grants – Amounts) (Jersey) Order 2008. <i>Minister for Education, Sport and Culture.</i>	R&O.104/2008.
Planning and Building (General Development) (Jersey) Order 2008. <i>Minister for Planning and Environment.</i>	R&O.105/2008.
Road Racing (Motor Vehicle Rally) (No. 2) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.106/2008.

Documents presented or laid

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.103/2008) – comments. Presented: 8th September 2008. <i>Council of Ministers.</i>	P.103/2008. Com.
Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.103/2008) – amendments (P.103/2008 Amd.)– comments. Presented: 8th September 2008. <i>Council of Ministers.</i>	P.103/2008. Amd.Com.
Bailiff of Jersey: cessation of dual role (P.112/2008) – comments. Presented: 7th August 2008. <i>Privileges and Procedures Committee.</i>	P.112/2008. Com.
Bailiff of Jersey: cessation of dual role (P.112/2008) – comments. Presented: 8th September 2008. <i>Council of Ministers.</i>	P.112/2008. Com.(2)
Annual Business Plan 2009 (P.113/2008): fourth amendment (P.113/2008 Amd.(4))– comments. Presented: 8th September 2008. <i>Public Accounts Committee.</i>	P.113/2008. Amd.(4)Com.
Annual Business Plan 2009 (P.113/2008): eighth amendment (P.113/2008 Amd.(8))– comments. Presented: 8th September 2008. <i>Minister for Health and Social Services.</i>	P.113/2008. Amd.(8)Com.
Planning and Environment: division into 2 ministerial offices (P.114/2008) –	P.114/2008.

<p>comments. Presented: 8th September 2008. <i>Council of Ministers.</i></p>	<p>Com.</p>
<p>Draft States of Jersey (Amendment No. 5) Law 200 (P.122/2008): comments. Presented: 8th September 2008. <i>Council of Ministers.</i></p>	<p>P.122/2008. Com.</p>
<p>Income support, food costs bonus, income tax allowances and/or exemptions – increases to offset GST on foodstuffs and domestic energy (P.138/2008) – addendum to report. Presented: 8th September 2008. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i></p>	<p>P.138/2008. Add.</p>
<p>Land Transactions under Standing Order 168(3) – (a) Unit Nos. 94-96, Central Market, St. Helier– lease assignment; (b) B006, B006A, B007 and B007A, Jersey Airport, assignment of leases to Fuel Supplies C.I. Ltd. Presented: 23rd July 2008. <i>Minister for Treasury and Resources.</i></p>	<p>R.81/2008.</p>
<p>States of Jersey Complaints Board: findings – Complaint against a decision of the Minister for Housing regarding undue delays throughout 2007 in the processing of rent abatement/rebate claims under the Housing Department scheme. Presented: 23rd July 2008. <i>Privileges and Procedures Committee.</i></p>	<p>R.82/2008.</p>
<p>Deemed rental charge on non-finance non-Jersey-owned companies: Green Paper July 2008. Presented: 25th July 2008. <i>Minister for Treasury and Resources.</i></p>	<p>R.83/2008.</p>
<p>Jersey Overseas Aid Commission: annual report for 2007. Presented: 25th July 2008. <i>Jersey Overseas Aid Commission.</i></p>	<p>R.84/2008.</p>
<p>Land Transactions under Standing Order 168(3) – (a) No. 2 Howard Davis Farm, La Route de la Trinité, Trinity lease; (b) proposed sale of land at York Lane, St. Helier. Presented: 31st July 2008. <i>Minister for Treasury and Resources.</i></p>	<p>R.85/2008.</p>
<p>Wheel clamping: Green Paper July 2008. Presented: 31st July 2008. <i>Minister for Home Affairs.</i></p>	<p>R.86/2008.</p>
<p>States of Jersey Law 2005: delegation of functions – Planning and Environment – States Veterinary Officer. Presented: 8th August 2008. <i>Minister for Planning and Environment.</i></p>	<p>R.87/2008.</p>
<p>Land Transactions under Standing Order 168(3) – (a) Field 533, former Les Creux Farm and other associated land, St. Brelade– drainage rights; (b) Francis Street – proposed acquisition of land for pavement improvement. Presented: 14th August 2008. <i>Minister for Treasury and Resources.</i></p>	<p>R.88/2008.</p>
<p>Children’s Executive: progress report. Presented: 20th August 2008. <i>Minister for Health and Social Services.</i></p>	<p>R.89/2008.</p>

States of Jersey Complaints Board: findings – 3 complaints against decisions of the Minister for Education, Sport and Culture. Presented: 20th August 2008. <i>Privileges and Procedures Committee.</i>	R.90/2008.
Land Transactions under Standing Order 168(3) – Central Stores Warehouse and adjoining land, Five Oaks, St. Saviour– new lease to Jersey Telecom Limited. Presented: 21st August 2008. <i>Minister for Treasury and Resources.</i>	R.91/2008.
States of Jersey Law 2005: delegation of functions – States Employment Board. Presented; 28th August 2008. <i>Chief Minister.</i>	R.92/2008.
Land Transactions under Standing Order 168(3) – St. Ouen's Mill, La Rue de la Campagne, St. Ouen– new lease to the Scout Association Jersey. Presented: 29th August 2008. <i>Minister for Treasury and Resources.</i>	R.93/2008.
Employment Tribunal Side Member: extension of appointment. Presented: 1st September 2008. <i>Minister for Social Security.</i>	R.94/2008.
Land Transactions under Standing Order 168(3) – (a) 14 Le Jardin de la Hauteur, La Rue de la Hauteur, St. Helier Assisted House Purchase Property; (b) No. 1 Howard Davis Farm, La Route de la Trinité, Trinity lease. Presented: 8th September 2008. <i>Minister for Treasury and Resources.</i>	R.95/2008.

Notification of lodged propositions

Historic Child Abuse Enquiry: Funding (P.91/2008) – amendment. Lodged: 13th August 2008. <i>Minister for Treasury and Resources.</i>	P.91/2008. Amd.
Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.103/2008) – amendments. Lodged: 26th August 2008. <i>Senator L. Norman.</i>	P.103/2008. Amd.
Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy (P.103/2008) – second amendment. Lodged: 3rd September 2008. <i>Deputy S. Pitman of St. Helier.</i>	P.103/2008. Amd.(2)
Annual Business Plan 2009 (P.113/2008): amendment. Lodged: 29th August 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.113/2008. Amd.
Annual Business Plan 2009 (P.113/2008): second amendment. Lodged: 1st September 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.113/2008. Amd.(2).
Annual Business Plan 2009 (P.113/2008): third amendment. Lodged: 2nd September 2008. <i>Deputy of St. Ouen.</i>	P.113/2008. Amd.(3).

Annual Business Plan 2009 (P.113/2008): fourth amendment. Lodged: 2nd September 2008. <i>Council of Ministers.</i>	P.113/2008. Amd.(4).
Annual Business Plan 2009 (P.113/2008): fourth amendment (P.113/2008 Amd.(4))– amendment. Lodged: 2nd September 2008. <i>Senator F.E. Cohen.</i>	P.113/2008. Amd.(4). Amd.
Annual Business Plan 2009 (P.113/2008): fifth amendment. Lodged: 2nd September 2008. <i>Public Accounts Committee.</i>	P.113/2008. Amd.(5).
Annual Business Plan 2009 (P.113/2008): sixth amendment. Lodged: 2nd September 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.113/2008. Amd.(6).
Annual Business Plan 2009 (P.113/2008): seventh amendment. Lodged: 2nd September 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.113/2008. Amd.(7).
Annual Business Plan 2009 (P.113/2008): eighth amendment. Lodged: 2nd September 2008. <i>Deputy C.J. Scott Warren of St. Saviour.</i>	P.113/2008. Amd.(8).
Annual Business Plan 2009 (P.113/2008): ninth amendment. Lodged: 2nd September 2008. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.113/2008. Amd.(9).
Annual Business Plan 2009 (P.113/2008): tenth amendment. Lodged: 2nd September 2008. <i>Deputy of St. Ouen.</i>	P.113/2008. Amd.(10).
Annual Business Plan 2009 (P.113/2008): eleventh amendment. Lodged: 2nd September 2008. <i>Deputy of St. Ouen.</i>	P.113/2008. Amd.(11).
Draft Amendment (No. 8) of the Standing Orders of the States of Jersey. Lodged: 23rd July 2008. <i>Chairmen's Committee.</i>	P.115/2008.
Public Lotteries Board: appointment of Members. Lodged: 28th July 2008. <i>Minister for Economic Development.</i>	P.116/2008.
Draft Police Force (Amendment No. 11) (Jersey) Law 200. Lodged: 28th July 2008. <i>Comité des Connétables.</i>	P.117/2008.
Draft Criminal Procedure (Connétables and Centeniers) (Amendment) (Jersey) Law 200-. Lodged: 28th July 2008. <i>Comité des Connétables.</i>	P.118/2008.
Draft Proceeds of Crime (Amendment of Schedule 2) (Jersey) Regulations 200. Lodged: 28th July 2008. <i>Minister for Treasury and Resources.</i>	P.119/2008.
Draft Proceeds of Crime (Amendment of Schedule 2) (Jersey) Regulations 200 (P.119/2008): amendments. Lodged: 26th August 2008.	P.119/2008. Amd.

<i>Minister for Treasury and Resources.</i>	
Draft Financial Services Commission (Amendment No. 5) (Jersey) Law 200. Lodged: 29th July 2008. <i>Minister for Economic Development.</i>	P.120/2008.
Draft Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (Jersey) Regulations 200-. Lodged: 29th July 2008. <i>Minister for Economic Development.</i>	P.121/2008.
Draft Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (Jersey) Regulations 200- (P.121/2008): amendments. Lodged: 26th August 2008. <i>Minister for Economic Development.</i>	P.121/2008. Amd.
Draft States of Jersey (Amendment No. 5) Law 200. Lodged: 29th July 2008. <i>Privileges and Procedures Committee.</i>	P.122/2008.
Draft Financial Regulation (Miscellaneous Provisions) (Jersey) Law 200-. Lodged: 29th July 2008. <i>Minister for Economic Development.</i>	P.123/2008.
Draft Terrorism (Amendment No. 3) (Jersey) Law 200. Lodged: 29th July 2008. <i>Minister for Home Affairs.</i>	P.124/2008.
Draft Drug Trafficking Offences (Amendment No. 2) (Jersey) Law 200. Lodged: 29th July 2008. <i>Minister for Treasury and Resources.</i>	P.125/2008.
Draft Proceeds of Crime (Amendment No. 2) (Jersey) Law 200. Lodged: 29th July 2008. <i>Minister for Treasury and Resources.</i>	P.126/2008.
Draft Public Elections (Expenditure and Donations) (Amendment) (Jersey) Regulations 200-. Lodged: 30th July 2008. <i>Privileges and Procedures Committee.</i>	P.127/2008.
“Jersey Royal/Jersey Royals” and the Jersey Royal logo: Introduction of charges for the use of the certification (trade) mark. Lodged: 1st August 2008. <i>Minister for Economic Development.</i>	P.128/2008.
Draft Companies (Annual Returns – Additional Charge) (Jersey) Regulations 200-. Lodged: 4th August 2008. <i>Minister for Economic Development.</i>	P.129/2008.
Draft Companies (Annual Returns – Additional Charge) (Jersey) Regulations 200- (P.129/2008): amendment. Lodged: 3rd September 2008. <i>Minister for Economic Development.</i>	P.129/2008. Amd.
Draft Police Procedures and Criminal Evidence (Amendment of Schedule 1) (No. 1) (Jersey) Regulations 200-. Lodged: 4th August 2008. <i>Minister for Home Affairs.</i>	P.130/2008.
Draft Policing of Parks (Amendment) (Jersey) Regulations 200-.	P.131/2008.

Lodged: 12th August 2008. <i>Minister for Transport and Technical Services.</i>	
Jersey Air Cadets' HQ, La Rue Carrée, St. Brelade- proposed Deed of Arrangement. Lodged: 14th August 2008. <i>Minister for Treasury and Resources.</i>	P.132/2008.
Composting site, La Collette, St. Helier: cessation of operation. Lodged: 18th August 2008. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.133/2008.
Draft Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 (Appointed Day) Act 200- Lodged: 26th August 2008. <i>Minister for Economic Development.</i>	P.134/2008.
Artificial Insemination of Bovines: fees. Lodged: 26th August 2008. <i>Minister for Planning and Environment.</i>	P.135/2008.
Energy From Waste Facility: Public Inquiry. Lodged: 28th August 2008. <i>Connétable of St. Helier.</i>	P.136/2008.
Rental Deposit Scheme to Protect Tenants' Deposits. Lodged: 29th August 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.137/2008.
Income support, food costs bonus, income tax allowances and/or exemptions – increases to offset GST on foodstuffs and domestic energy. Lodged: 2nd September 2008. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i>	P.138/2008.
Committee of Inquiry: Energy from Waste plant procurement process. Lodged: 4th September 2008. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.139/2008.
Draft Amendment (No. 9) of the Standing Orders of the States of Jersey. Lodged: 5th September 2008. <i>Privileges and Procedures Committee.</i>	P.140/2008.
Machinery of Government: modifications. Lodged: 8th September 2008. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.141/2008.
Draft Employment (Amendment No. 4) (Jersey) Law 200. Lodged: 8th September 2008. <i>Minister for Social Security.</i>	P.142/2008.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged "au Greffe" had informed the Greffier of the States that they had been withdrawn –

Draft Water (Amendment No. 3) (Jersey) Law 200. Lodged: 11th April 2008. <i>Minister for Planning and Environment.</i>	P.58/2008.
Draft Public Elections (Expenditure and Donations) (Amendment) (Jersey) Regulations 200-.	P.127/2008.

Lodged: 30th July 2008.
Privileges and Procedures Committee.

“Jersey Royal/Jersey Royals” and the Jersey Royal logo: Introduction of charges for the use of the certification (trade) mark. P.128/2008.
Lodged: 1st August 2008.
Minister for Economic Development.

Written Questions

(see Official Report/Hansard)

The Chairman of the Comité des Connétables tabled an answer to a question asked by Senator B.E. Shenton regarding the consideration of alternative composting sites.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the Elizabeth Castle amphibious vehicles.

The Minister for Economic Development tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the Elizabeth Castle amphibious vehicles.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the quality of road surfaces and pavements.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the need for supplementary fuel for the proposed new incinerator and the composting plant.

The Chief Minister tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the redevelopment of the Esplanade Quarter.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy S. Pitman of St. Helier regarding 1(1)(k) residents.

Oral Questions

(see Official Report/Hansard)

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Home Affairs regarding the delay in implementing the Jersey Sex Offenders register.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the effectiveness of Income Support in lifting couples with children out of relative poverty.

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

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Transport and Technical Services regarding the progress made in preparing legislation introducing rear seat-belt laws for passengers and children.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Social Security regarding payments within the Income Support system for dental treatment.

The Connétable of Grouville asked a question of the Minister for Planning and Environment regarding lifting restrictions on the replacement of windows in older properties.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Chief Minister regarding the victims of historical abuse committed whilst in the States' care.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Treasury and Resources regarding

Income Tax revenues from 1(1)(k) residents.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Home Affairs regarding increasing the penalties to anyone knowingly supplying alcohol and cigarettes to people under the age of 18.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Treasury and Resources answered questions without notice from members.

The Minister for Economic Development answered questions without notice from members.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200-second reading P.36/2008

THE STATES resumed consideration of the Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200-, the principles of which had been adopted on 29th April 2008.

THE STATES adopted Regulations 1 to 4.

Members present voted as follows –

POUR: 33

Senator W. Kinnard
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
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. John
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy C.J. Scott Warren
(S)
Deputy R.G. Le Hérisssier (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 D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)

CONTRE: 2

Deputy R.C. Duhamel (S)
Deputy G.C.L. Baudains
(C)

ABSTAIN: 0

Deputy of St. Mary

THE STATES, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994, made Regulations entitled the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 2008.

Change of Presidency

Mr. Michael Nelson de la Haye, Greffier of the States, retired from the Chair during consideration of the Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 2008 and the meeting continued under the Presidency of the Bailiff.

Flu pandemic funding P.67/2008

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

- (a) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005, the expenditure approval for 2008 approved by the States on 18th September 2007 in respect of the Health and Social Services Department head of expenditure would be amended, to permit the withdrawal of up to an additional £1,230,000 from the consolidated fund for its net revenue expenditure in order to fund preparations for pandemic flu;
- (b) in principle, they would approve an additional allocation of £590,000 to the Health and Social Services Department in the event of an outbreak of pandemic flu.

Draft European Communities Legislation (Bluetongue) (Jersey) Regulations 2008 P.71/2008

THE STATES commenced consideration of the Draft European Communities Legislation (Bluetongue) (Jersey) Regulations 2008 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 and 2.

THE STATES, in pursuance of Article 2(1) to (3) of the European Communities Legislation (Implementation) (Jersey) Law 1996, made Regulations entitled the European Communities Legislation (Bluetongue) (Jersey) Regulations 2008.

Draft Supply of Goods and Services (Jersey) Law 2008 P.77/2008

THE STATES commenced consideration of the Draft Supply of Goods and Services (Jersey) Law 2008 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 to 96.

THE STATES subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Supply of Goods and Services (Jersey) Law 2008.

Change of Presidency

The Bailiff retired from the Chair during consideration of the Draft Supply of Goods and Services (Jersey) Law 2008 and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Mental Health (Amendment No. 2) (Jersey) Law 2008 P.83/2008

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

Members present voted as follows –

POUR: 38

CONTRE: 2

ABSTAIN: 0

Senator F.H. Walker

Deputy G.C.L. Baudains
(C)

Senator W. Kinnard

Deputy R.G. Le Hérisssier
(S)

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator B.E. Shenton

Senator J.L. Perchard

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of Trinity

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

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 of St. Ouen

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

Deputy P.V.F. Le Claire (H)

Deputy D.W. Mezbourian
(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. Mary

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 Mental Health (Amendment No. 2) (Jersey) Law 200.

Human Rights Committee and Statements of Compatibility P.78/2008

THE STATES commenced consideration of a proposition of the Deputy of St. Martin concerning the establishment of a Human Rights Committee and Statements of Compatibility and adopted an amendment of the

Chairmen's Committee that in paragraph (c) of the proposition, for the words "to agree that" there should be substituted the words "to request the Privileges and Procedures Committee to consider whether", and that paragraph (d) should be deleted.

Members present voted as follows –

POUR: 29

Senator L. Norman
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. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren
(S)
Deputy R.G. Le Hérisier (S)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
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 K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

CONTRE: 8

Connétable of St. Ouen
Connétable of St. Helier
Connétable of St. Martin
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy G.C.L. Baudains
(C)
Deputy J.A. Martin (H)
Deputy S. Pitman (H)

ABSTAIN: 0

THE STATES rejected a proposition of the Deputy of St. Martin, as amended, that–

- (a) a Committee to be called the Committee on Human Rights should be established, consisting of members of the States and persons who were not, with the Committee having responsibility for the oversight of human rights and equality issues;
- (b) the Privileges and Procedures Committee should be requested to bring forward for approval –
 - (i) the necessary amendments to the Standing Orders of the States to give effect to the proposal, and
 - (ii) funding proposals in the Annual Business Plan to cover the cost of operation of the Committee;
- (c) the Privileges and Procedures Committee should be requested to consider whether Article 16 of the Human Rights (Jersey) Law 2000 should be amended to require Ministers to state what Articles of the European Convention on Human Rights, if any, had been considered in relation to the legislation being brought forward and the grounds on which the Minister considered that the proposed legislation was, or was not, compatible with the Convention rights.

Members present voted as follows –

POUR: 16

Senator S. Syvret
Senator B.E. Shenton
Connétable of St. Mary
Connétable of St. Helier
Connétable of St. Martin
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren
(S)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

CONTRE: 32

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen

Senator J.L. Perchard
Connétable of St. Ouen
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville

Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

ABSTAIN: 0

Change of Presidency

The Bailiff retired from the Chair during consideration of the proposition of the Deputy of St. Martin concerning the establishment of a Human Rights Committee and Statements of Compatibility, and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Historic Child Abuse Enquiry: Funding P.91/2008

THE STATES, adopting a proposition of the Minister for Treasury and Resources, as amended, concerning the funding of the Historic Child Abuse Enquiry, agreed that –

- (a) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005, the expenditure approval for 2008 approved by the States on 18th September 2007 in respect of the Treasury and Resources Department should be amended to permit the withdrawal of up to an additional £7,500,000 from the consolidated fund to be reallocated for the net revenue expenditure of a number of departments in order to fund the Historic Child Abuse Enquiry;
- (b) that funding up to a maximum of £7,500,000 should only be made available to departments from the allocation to the Treasury and Resources Department by public ministerial decision of the

Minister for Treasury and Resources based on adequately documented evidence of actual additional costs incurred, or to be incurred, as a result of the Historic Child Abuse Enquiry.

Committee of Inquiry: Toxic Incinerator Ash Dumping in the St. Helier Waterfront Land Reclamation Schemes P.96/2008

THE STATES commenced consideration of a proposition of Senator Stuart Syvret concerning the establishment of a Committee of Inquiry into the dumping of Toxic Incinerator Ash in the St. Helier Waterfront Land Reclamation Schemes.

Change of Presidency

The Greffier of the States retired from the Chair during consideration of the proposition of Senator Stuart Syvret concerning the establishment of a Committee of Inquiry into the dumping of Toxic Incinerator Ash in the St. Helier Waterfront Land Reclamation Schemes, and the meeting continued under the Presidency of Mrs. Anne Helen Harris, Deputy Greffier of the States.

Adjournment

THE STATES adjourned, having agreed to reconvene on Tuesday 9th September 2008, to continue the consideration of the proposition of Senator Stuart Syvret concerning the establishment of a Committee of Inquiry into the dumping of Toxic Incinerator Ash in the St. Helier Waterfront Land Reclamation Scheme: (P.96/2008) and the outstanding items of public business.

THE STATES rose at 5.35 p.m.

A.H. HARRIS

Deputy Greffier of the States