



**THE STATES assembled on Wednesday
20th March 2013, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

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

Senator Philip Francis Cyril Ozouf – en défaut
Connétable Juliette Gallichan of St. Mary – excused attendance (arrived in the Chamber at 11.26 a.m.)
Deputy Judith Ann Martin of St. Helier – ill
Deputy James Gordon Reed of St. Ouen – excused attendance
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – excused attendance (arrived in the Chamber at 4.28 p.m.)
Deputy Sean Seamus Patrick Augustine Power of St. Brelade – en défaut
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.47 a.m.)
Deputy James Patrick Gorton Baker of St. Helier – excused attendance
Deputy John Michael Le Bailly of St. Mary – excused attendance (arrived in the Chamber at 12.20 p.m.)

Prayers read by the Greffier of the States

Minister for Agriculture and Natural Resources, Madeira – welcome

The Bailiff, on behalf of all members, welcomed Mr. Manuel Antonio Rodrigues Correia, Minister for Agriculture and Natural Resources, Madeira, accompanied by Dr. Antonio Trindade, Chief Officer to the Minister and Mr. Goncalo Nuno dos Santos, Director of Immigration.

Filming in the Chamber

The Bailiff advised the Assembly that he had, on behalf of all members, agreed that the Madeiran media would be permitted to film in the Chamber at the beginning of the present meeting.

Notification of lodged propositions

Parish Rates: the States' liability. P.40/2013.
Lodged: 20th March 2013.
Connétable of St. Helier.

Draft Policing of Parks (Amendment No. 5) (Jersey) Regulations 201-. P.41/2013.
Lodged: 20th March 2013.
Minister for Transport and Technical Services.

Draft Control of Housing and Work (Jersey) Law 2012 (Appointed Day) Act 201-. P.42/2013.
Lodged: 20th March 2013.
Chief Minister.

Draft Register of Names and Addresses (Jersey) Law 2012 (Appointed Day) Act 201-. P.43/2013.
 Lodged: 20th March 2013.
Chief Minister.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chief Minister made a statement regarding the progress of negotiations with the United States and United Kingdom relating to Foreign Account Tax Compliance Acts.

Beach House, Green Island, St. Clement: grant of a right to access through the sea wall P.16/2013

THE STATES resumed consideration of a proposition of the Minister for Treasury and Resources, as amended, and, adopting the proposition, agreed that the Public should grant a right of access through the sea wall to the owners of The Beach House from Green Island slip; and authorised the Attorney General and the Greffier of the States to pass any contracts that might be necessary.

Members present voted as follows –

POUR: 38

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Lawrence
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)

CONTRE: 4

Connétable of St. Clement
 Connétable of St. Saviour
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)

ABSTAIN: 0

Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

Changes in Presidency

The Bailiff retired from the Chamber during consideration of the proposition entitled 'Beach House, Green Island, St. Clement: grant of a right to access through the sea wall' (P.16/2013) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Residential Tenancy (Jersey) Law 2011 (Appointed Day) Act 201 P.19/2013

THE STATES, in pursuance of Article 26(2) of the Residential Tenancy (Jersey) Law 2011, made an Act entitled the Residential Tenancy (Jersey) Law 2011 (Appointed Day) Act 2013.

Members present voted as follows –

POUR: 29

CONTRE: 0

ABSTAIN: 1

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of Trinity
 Deputy M. Tadier (B)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin

Connétable of Grouville

Deputy of St. Peter
Deputy R.J. Rondel (H)

In accordance with Standing Order 106(1)(b), the Connétable of St. John declared an interest but remained in the Chamber for the duration of the debate.

Draft Amendment (No. 20) of the Standing Orders of the States of Jersey P.29/2013

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005, made Amendment (No. 20) of the Standing Orders of the States of Jersey.

Draft Companies (Amendment No. 7) (Jersey) Regulations 201- P.20/2013

THE STATES commenced consideration of the Draft Companies (Amendment No. 7) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 28

CONTRE: 2

ABSTAIN: 0

Senator P.F. Routier
Senator A. Breckon
Senator A.J.H. Maclean
Senator F. du H. Le Gresley
Senator I.J. Gorst
Senator P.M. Bailhache
Connétable of Trinity
Connétable of Grouville
Connétable of St. Lawrence
Connétable of St. Mary
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérisier (S)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy of Trinity
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy of St. John
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)

Deputy M. Tadier (B)
Deputy G.C.L. Baudains (C)

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 7.

THE STATES, in pursuance of Articles 85A and 220 of the Companies (Jersey) Law 1991, made Regulations entitled the Companies (Amendment No. 7) (Jersey) Regulations 2013.

Changes in Presidency

Mr. Michael Nelson de la Haye, Greffier of the States, retired from the Chair during consideration of the Draft Companies (Amendment No. 7) (Jersey) Regulations 201- (P.20/2013) and the meeting continued under the Presidency of the Bailiff.

Channel Islands Lottery: allocation of profits for 2012 P.21/2013

THE STATES, adopting a proposition of the Minister for Economic Development, agreed, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, that all monies standing to the credit of the Channel Islands Lottery (Jersey) Fund which had not already been set aside by the Minister (representing 100% of the total Jersey portion of the profits of the Channel Islands Lottery for 2012) should be paid to the Association of Jersey Charities for the benefit of the community and the charitable needs of the Island.

Members present voted as follows –

POUR: 31

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Senator P.M. Bailhache
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.H. Young (B)

Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy R.J. Rondel (H)

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Brazil P.22/2013

THE STATES ratified the Agreement between the Government of Jersey and the Government of the Federative Republic of Brazil on the exchange of information relating to tax matters, as set out in the Appendix to the report of the Chief Minister dated 30th January 2013.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Latvia P.23/2013

THE STATES ratified the Agreement between the Government of Jersey and the Government of the Republic of Latvia on the exchange of information relating to tax matters, as set out in the Appendix to the report of the Chief Minister dated 30th January 2013.

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 6) (Jersey) Regulations 201- P.24/2013

THE STATES commenced consideration of the Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 6) (Jersey) Regulations 201- 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) of the Taxation (Implementation) (Jersey) Law 2004 and following the decision of the States, taken on the day these Regulations were made, to adopt Projet 22 of 2013 and Projet 23 of 2013, made Regulations entitled the Taxation (Exchange of Information with Third Countries) (Amendment No. 6) (Jersey) Regulations 2013.

Independent Planning Appeals Tribunal: establishment P.26/2013

THE STATES, adopting a proposition of Deputy John Hilary Young of St. Brelade, agreed –

- (a) that an Independent Planning Appeals Tribunal should be established with full jurisdiction to determine appeals against decisions of the Minister for Planning and Environment made under the Planning and Building (Jersey) Law 2002 entirely on their planning merits, with the exception of deciding points of law arising from such appeals, with the new Tribunal to replace the present provisions in the Planning and Building (Jersey) Law 2002 which require all appeals to be decided by the Royal Court;

- (b) to request the Minister for Planning and Environment to bring forward for approval by the States detailed proposals for the establishment of the new Tribunal by the end of June 2013 and to further request the Minister, if the proposals were adopted, to bring forward for approval the necessary amendments to legislation to give effect to the proposals by the end of 2013 with a view to enabling the Tribunal to be operational by June 2014 at the latest;
- (c) to request the Minister for Treasury and Resources to assess the relevant budgets of the Planning and Environment and Law Officers Departments, and those of the Bailiff's Chambers and the Judicial Greffe, in relation to the existing resources allocated to these departments to deal with planning appeals with a view to reallocating these existing resources to the operation of the Independent Planning Appeals Tribunal in 2014, with the Tribunal then being accountable to the Chief Minister for public finance and manpower purposes.

Members present voted as follows –

POUR: 21

Senator S.C. Ferguson
 Senator F. du H. Le Gresley
 Connétable of St. John
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy of St. Peter

CONTRE: 18

Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy of St. Mary
 Deputy R.J. Rondel (H)

ABSTAIN: 0**Liberty Bus: reinstatement of Route 18 to Le Squez and Le Marais P.28/2013**

THE STATES rejected a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement to request the Minister for Transport and Technical Services to take the necessary steps to reinstate the No. 18 bus service to Le Squez/Le Marais as soon as possible.

Members present voted as follows –

POUR: 12

Connétable of St. Lawrence
 Connétable of St. Brelade

CONTRE: 26

Senator S.C. Ferguson
 Senator A.J.H. Maclean

ABSTAIN: 0

Deputy R.C. Duhamel (S)	Senator B.I. Le Marquand
Deputy G.P. Southern (H)	Senator F. du H. Le Gresley
Deputy S. Pitman (H)	Senator L.J. Farnham
Deputy M. Tadier (B)	Connétable of St. Helier
Deputy T.M. Pitman (H)	Connétable of Trinity
Deputy M.R. Higgins (H)	Connétable of St. Mary
Deputy J.M. Maçon (S)	Connétable of St. John
Deputy G.C.L. Baudains (C)	Connétable of St. Martin
Deputy S.J. Pinel (C)	Connétable of St. Saviour
Deputy of St. Mary	Deputy R.G. Le Hérisssier (S)
	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 T.A. Vallois (S)
	Deputy A.K.F. Green (H)
	Deputy of St. John
	Deputy J.H. Young (B)
	Deputy of St. Martin
	Deputy R.G. Bryans (H)
	Deputy of St. Peter
	Deputy R.J. Rondel (H)

Arrangement of public business for future meetings

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

16th April 2013

Jersey Innovation Fund: establishment, funding and operation. Lodged: 20th November 2012. <i>Minister for Treasury and Resources.</i>	P.124/2012.
Starter Home Deposit Loan Scheme. Lodged: 4th December 2012. <i>Minister for Treasury and Resources.</i>	P.131/2012.
Island Plan 2011: wind-farms. Lodged: 12th February 2013. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.27/2013.
Draft Taxation (Implementation) (Amendment) (Jersey) Law 201-. Lodged: 22nd February 2013. <i>Chief Minister.</i>	P.30/2013.
Committee of Inquiry: costs for local businesses. Lodged: 25th February 2013. <i>Senator A. Breckon.</i>	P.31/2013.

Jersey Competition Regulatory Authority: re-appointment of Chairman. P.32/2013.
Lodged: 28th February 2013.
Minister for Economic Development.

Draft States of Jersey (Amendment No. 6) Law 201-. P.34/2013.
Lodged: 5th March 2013.
Chief Minister.

Draft Register of Names and Addresses (Register Entries) (Jersey) Regulations 201-. P.35/2013.
Lodged: 5th March 2013.
Chief Minister.

Living Wage for Jersey: investigation. P.37/2013.
Lodged: 18th March 2013.
Deputy G.P. Southern of St. Helier.

Referendum on States reform: minimum turnout threshold. P.39/2013.
Lodged: 19th March 2013.
Deputy J.M. Maçon of St. Saviour.

Parish Rates: the States' liability. P.40/2013.
Lodged: 20th March 2013.
Connétable of St. Helier.
(Cannot be debated before 17th April 2013)

30th April 2013

Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) P.17/2013.
Regulations 201-.
Lodged: 6th February 2013.
Minister for Health and Social Services.

Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201-. P.18/2013.
Lodged: 7th February 2013.
Minister for Health and Social Services.

The Reform of Social Housing. P.33/2013.
Lodged: 4th March 2013.
Council of Ministers.

Jersey Music Service: introduction of 'user pays' charges. P.36/2013.
Lodged: 8th March 2013.
Minister for Education, Sport and Culture.

Draft Wills and Successions (Amendment No. 2) (Jersey) Law 201-. P.38/2013.
Lodged: 19th March 2013.
Chief Minister.

Draft Policing of Parks (Amendment No. 5) (Jersey) Regulations 201-. P.41/2013.
Lodged: 20th March 2013.
Minister for Transport and Technical Services.

Draft Control of Housing and Work (Jersey) Law 2012 (Appointed Day) Act 201-. P.42/2013.
Lodged: 20th March 2013.
Chief Minister.

Draft Register of Names and Addresses (Jersey) Law 2012 (Appointed Day) Act P.43/2013.
201-.
Lodged: 20th March 2013.
Chief Minister.

14th May 2013

Code of Conduct for Elected Members: Commissioner for Standards. P.4/2013.
Lodged: 14th January 2013.
Privileges and Procedures Committee.

Draft Discrimination (Jersey) Law 201-. P.6/2013.
Lodged: 15th January 2013.
Minister for Social Security.

THE STATES rose at 5.35 p.m.

M.N. DE LA HAYE

Greffier of the States

Re-issue Note

These States Minutes are re-issued because there was an error in the page numbering of the original version.