



**THE STATES assembled on Wednesday  
23rd October 2019, at 09.30 a.m. under  
the Presidency of the Bailiff,  
Timothy John Le Cocq, Esquire.**

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

Senator Kristina Louise Moore – en défaut (défaut raised at 10.11 a.m.)  
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.37 a.m.)  
Deputy Scott Michael Wickenden of St. Helier – ill  
Deputy Mary Rose Le Hegarat of St. Helier – ill

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Prayers

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**Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- P.93/2019**

THE STATES resumed consideration of the Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

**POUR: 29**

Senator L.J. Farnham  
Senator S.C. Ferguson  
Senator T.A. Vallois  
Senator K.L. Moore  
Senator S.W. Pallett  
Connétable of St. Helier  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of St. Brelade  
Connétable of St. John  
Connétable of St. Peter  
Connétable of St. Mary  
Connétable of St. Ouen  
Deputy J.A. Martin (H)  
Deputy M. Tadier (B)  
Deputy M.R. Higgins (H)  
Deputy S.J. Pinel (C)  
Deputy of St. Martin  
Deputy of St. Mary  
Deputy G.J. Truscott (B)  
Deputy L.B.E. Ash (C)  
Deputy K.F. Morel (L)  
Deputy G.C.U. Guida (L)  
Deputy of St. Peter  
Deputy of Trinity  
Deputy S.M. Ahier (H)  
Deputy C.S. Alves (H)  
Deputy K.G. Pamplin (S)  
Deputy I. Gardiner (H)

**CONTRE: 17**

Senator I.J. Gorst  
Senator S.Y. Mézec  
Connétable of St. Saviour  
Connétable of Grouville  
Connétable of Trinity  
Connétable of St. Martin  
Deputy G.P. Southern (H)  
Deputy of Grouville  
Deputy K.C. Lewis (S)  
Deputy J.M. Maçon (S)  
Deputy of St. Ouen  
Deputy L.M.C. Doublet (S)  
Deputy R. Labey (H)  
Deputy J.H. Young (B)  
Deputy of St. John  
Deputy J.H. Perchard (S)  
Deputy R.J. Ward (H)

**ABSTAIN: 0**

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 16.

Members present voted as follows –

**POUR: 33**

Senator L.J. Farnham  
 Senator S.C. Ferguson  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Connétable of St. Helier  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Deputy of Grouville  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy J.H. Young (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy S.M. Ahier (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

**CONTRE: 11**

Senator I.J. Gorst  
 Senator S.Y. Mézec  
 Connétable of St. Martin  
 Deputy K.C. Lewis (S)  
 Deputy J.M. Maçon (S)  
 Deputy of St. Ouen  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. John  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)

**ABSTAIN: 0**

THE STATES made Regulations entitled the Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 2019 under Article 4 of the Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010.

Members present voted as follows –

**POUR: 33**

Senator L.J. Farnham  
 Senator S.C. Ferguson  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Connétable of St. Helier  
 Connétable of St. Clement

**CONTRE: 11**

Senator I.J. Gorst  
 Senator S.Y. Mézec  
 Deputy of Grouville  
 Deputy K.C. Lewis (S)  
 Deputy J.M. Maçon (S)  
 Deputy of St. Ouen  
 Deputy L.M.C. Doublet (S)

**ABSTAIN: 0**

Connétable of St. Lawrence	Deputy R. Labey (H)
Connétable of St. Saviour	Deputy of St. John
Connétable of St. Brelade	Deputy J.H. Perchard (S)
Connétable of Grouville	Deputy R.J. Ward (H)
Connétable of St. John	
Connétable of Trinity	
Connétable of St. Peter	
Connétable of St. Mary	
Connétable of St. Ouen	
Connétable of St. Martin	
Deputy M. Tadier (B)	
Deputy M.R. Higgins (H)	
Deputy S.J. Pinel (C)	
Deputy of St. Martin	
Deputy of St. Mary	
Deputy G.J. Truscott (B)	
Deputy J.H. Young (B)	
Deputy L.B.E. Ash (C)	
Deputy K.F. Morel (L)	
Deputy G.C.U. Guida (L)	
Deputy of St. Peter	
Deputy of Trinity	
Deputy S.M. Ahier (H)	
Deputy C.S. Alves (H)	
Deputy K.G. Pamplin (S)	
Deputy I. Gardiner (H)	

### **Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 2) Act 201- P.95/2019**

THE STATES made an Act entitled the Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 2) Act 2019 under Article 119 of the Criminal Procedure (Jersey) Law 2018.

### **Changes in presidency**

The Bailiff retired from the Chamber prior to consideration of the Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 2) Act 201- and the meeting continued under the Presidency of Dr. Mark Egan, Greffier of the States.

### **Draft Criminal Procedure (Transitional Provisions) (Jersey) Regulations 201- (P.96/2019)**

THE STATES commenced consideration of the Draft Criminal Procedure (Transitional Provisions) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

**POUR: 34**

**CONTRE: 0**

**ABSTAIN: 0**

Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator K.L. Moore  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence

Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy G.J. Truscott (B)  
 Deputy L.B.E. Ash (C)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

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 4.

THE STATES made Regulations entitled the Criminal Procedure (Transitional Provisions) (Jersey) Regulations 2019 under Article 115 of the Criminal Procedure (Jersey) Law 2018.

Members present voted as follows –

**POUR: 34**

**CONTRE: 0**

**ABSTAIN: 0**

Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)

Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy G.J. Truscott (B)  
 Deputy L.B.E. Ash (C)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

**Draft Criminal Procedure (Qualifying Offences) (Jersey) Regulations 201- (P.97/2019)**

THE STATES commenced consideration of the Draft Criminal Procedure (Qualifying Offences) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

**POUR: 36**

**CONTRE: 0**

**ABSTAIN: 0**

Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy L.B.E. Ash (C)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter

Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

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 3.

THE STATES made Regulations entitled the Criminal Procedure (Qualifying Offences) (Jersey) Regulations 2019 under Article 115 and paragraph 2(8) of Schedule 2 to the Criminal Procedure (Jersey) Law 2018.

Members present voted as follows –

**POUR: 39**

**CONTRE: 0**

**ABSTAIN: 0**

Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator S.C. Ferguson  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Peter  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 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 L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)

Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

**Draft Criminal Procedure (Form of Oath) (Jersey) Regulations 201- P.98/2019**

THE STATES commenced consideration of the Draft Criminal Procedure (Form of Oath) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

**POUR: 38**

**CONTRE: 0**

**ABSTAIN: 0**

Senator I.J. Gorst  
 Senator S.C. Ferguson  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 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 L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

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 made Regulations entitled the Criminal Procedure (Form of Oath) (Jersey) Regulations 2019 under Article 40 of the Charities (Jersey) Law 2014.

Members present voted as follows –

**POUR: 40**

**CONTRE: 0**

**ABSTAIN: 0**

Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator S.C. Ferguson  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 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 L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

**Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Amendment) (Jersey) Regulations 201- P.99/2019**

THE STATES commenced consideration of the Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Amendment) (Jersey) Regulations 201- and adopted the principles.



THE STATES, having been informed that the relevant review panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 8.

THE STATES made Regulations entitled the Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Amendment) (Jersey) Regulations 2019 under Article 408 of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 and Articles 2, 5A and 5B of the European Union Legislation (Implementation) (Jersey) Law 2014.

**POUR: 40**

**CONTRE: 0**

**ABSTAIN: 0**

Senator I.J. Gorst  
 Senator L.J. Farnham  
 Senator S.C. Ferguson  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

### **Changes in presidency**

Dr. Mark Egan, Greffier of the States, retired from the Chamber prior to consideration of the Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Amendment) (Jersey) Regulations 201- and the meeting continued under the Presidency of the Bailiff.

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

THE STATES noted that, in accordance with Standing Order 34(1), the Deputy of St. Peter had informed the Greffier of the States that his amendment to the amendment of the Economic and International Affairs Scrutiny Panel to the Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.100/2019 Amd.Amd.) was to be withdrawn.

THE STATES noted that, in accordance with Standing Order 34(1), the Deputy of St. Martin had informed the Greffier of the States that his amendment to the Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.100/2019 Amd.(3)) was to be withdrawn.

**Draft Employment (Amendment No. 11) (Jersey) Law 201- P.100/2019**

THE STATES commenced consideration of the Draft Employment (Amendment No. 11) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

**POUR: 37**

Senator I.J. Gorst  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Senator S.Y. Mézec  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Connétable of St. Peter  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy K.C. Lewis (S)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Ouen  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy J.H. Young (B)  
 Deputy K.F. Morel (L)  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)

**CONTRE: 5**

Senator S.C. Ferguson  
 Connétable of St. Brelade  
 Connétable of St. Mary  
 Deputy L.B.E. Ash (C)  
 Deputy of St. Peter

**ABSTAIN: 0**

Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

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.

Members present voted as follows –

**POUR: 41****CONTRE: 1****ABSTAIN: 0**

Senator I.J. Gorst  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Senator S.Y. Mézec  
 Connétable of St. Helier  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy K.C. Lewis (S)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Ouen  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy J.H. Young (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

Senator S.C. Ferguson

THE STATES commenced consideration of Articles 3 and 4 and rejected an amendment of the Connétable of St. Mary (P.100/2019 Amd.(2)) that –

- (1) before the existing draft Article 15G to be inserted by Article 3, there should be inserted –

**“15G Application of Part 3B**

- (1) Subject to paragraph (2), Articles 15H to 15O do not apply in respect of any employee of an employer where the total number of that employer’s employees is 5 or less.
- (2) Paragraph (1) does not prevent the inclusion, in a contract between an employer and an employee in respect of whom that paragraph applies, of any term or condition conferring a right equivalent to any right conferred by an Article mentioned in that paragraph.
- (3) For the avoidance of doubt, in this Article “employee” includes any person employed by any other person, regardless of the number of hours worked or whether the employment is permanent or temporary or part-time or full-time.”;

- (2) the existing draft Articles 15G to 15N should be renumbered as Articles 15H to 15O;

- (3) After Article 4(2) there should be inserted –

“(3) For the heading to Article 55A, there is substituted –

**“Interpretation and application of Part 5A”.”;**

- (4) the existing Article 4(3) should be renumbered as (4), and after that paragraph there should be inserted –

“(5) After Article 55A(3), there is inserted –

“(4) Except for this paragraph and as provided by paragraphs (5) to (7), the provisions of this Part do not apply in respect of any employee of an employer where the total number of that employer’s employees is 5 or less.

(5) In respect of the employees of such an employer as mentioned in paragraph (4), this Part applies as though it had not been amended by Article 4(1), (2), (4) and (6) to (13) of the Employment (Amendment No. 11) (Jersey) Law 201-, but as though instead –

(a) in Article 55D –

- (i) sub-paragraph (2)(a) and paragraphs (3) to (5) were deleted, and
- (ii) in sub-paragraph (2)(b) after “employment” there were inserted “, except terms and conditions about remuneration,”;

(b) in Article 55K –

- (i) sub-paragraph (4A)(b) and paragraphs (4B) to (4D) were deleted, and
- (ii) in sub-paragraph (4A)(c) after “employment” there were inserted “, except terms and conditions about remuneration,”; and

(c) Chapter 5, and references in Chapter 6 to parental leave and rights to such leave as conferred by that Chapter, were deleted.

(6) Paragraphs (4) and (5) do not prevent the inclusion, in a contract between an employer and an employee in respect of whom paragraph (4) applies, of any term

or condition conferring a right equivalent to any right conferred by a provision of this Part as it applies without the derogation made by paragraph (4) and without any such modification as made by paragraph (5).

- (7) For the avoidance of doubt and for the purposes of paragraphs (4) to (6), “employee” in those paragraphs includes any person employed by any other person, regardless of the number of hours worked or whether the employment is permanent or temporary or part-time or full-time.”; and

- (5) the existing paragraphs (4) to (11) of Article 4 should be renumbered accordingly.

Members present voted as follows –

**POUR: 4**

Senator S.C. Ferguson  
Connétable of St. Peter  
Connétable of St. Mary  
Deputy of St. Peter

**CONTRE: 40**

Senator I.J. Gorst  
Senator L.J. Farnham  
Senator T.A. Vallois  
Senator K.L. Moore  
Senator S.W. Pallett  
Senator S.Y. Mézec  
Connétable of St. Helier  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of St. Saviour  
Connétable of Grouville  
Connétable of St. John  
Connétable of Trinity  
Connétable of St. Martin  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville  
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 of St. Ouen  
Deputy L.M.C. Doublet (S)  
Deputy R. Labey (H)  
Deputy of St. Mary  
Deputy G.J. Truscott (B)  
Deputy J.H. Young (B)  
Deputy L.B.E. Ash (C)  
Deputy K.F. Morel (L)  
Deputy G.C.U. Guida (L)  
Deputy of Trinity  
Deputy of St. John  
Deputy S.M. Ahier (H)  
Deputy J.H. Perchard (S)  
Deputy R.J. Ward (H)  
Deputy C.S. Alves (H)  
Deputy K.G. Pamplin (S)  
Deputy I. Gardiner (H)

**ABSTAIN: 1**

Connétable of St. Brelade

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(b), Senator Ian Joseph Gorst, the Connétable of St. Saviour, the Connétable of St. Brelade, the Connétable of St. John, the Connétable of St. Ouen and Deputy Inna Gardiner of St. Helier declared an interest, but remained in the Chamber for the duration of the debate on the amendment of the Connétable of St. Mary (P.100/2019 Amd.(2)) to the Draft Employment (Amendment No. 11) (Jersey) Law 201-.

THE STATES, resuming consideration of Articles 3 and 4, rejected part 1 of an amendment of the Economic and International Affairs Scrutiny Panel (P.100/2019 Amd.) that in the substituted Article 55D(1) for “52” there should be substituted “26”.

Members present voted as follows –

**POUR: 16**

Senator S.C. Ferguson  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. Peter  
 Deputy K.C. Lewis (S)  
 Deputy of St. Martin  
 Deputy of St. Mary  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. Peter  
 Deputy S.M. Ahier (H)

**CONTRE: 29**

Senator L.J. Farnham  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator S.Y. Mézec  
 Connétable of St. Helier  
 Connétable of St. John  
 Connétable of Trinity  
 Connétable of St. Mary  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Ouen  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy G.J. Truscott (B)  
 Deputy J.H. Young (B)  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

**ABSTAIN: 0**

THE STATES resumed consideration of Articles 3 and 4 and, adopting parts 2 to 4 of an amendment of the Economic and International Affairs Scrutiny Panel, agreed that –

In the substituted Article 55F –

- (a) in sub-paragraphs (2)(a) and (b) for “28” in each place there should be substituted “42”;
- (b) for sub-paragraphs (4)(b) and (c) there should be substituted –

“(b) the characteristics of the employer such as the nature and size of the employer’s business;

- (c) the implications in relation to other employees of the employer; and

- (d) the requirement under Article 55D(5)(b) that the intended second and third parental leave periods must take place within the entitlement period.”;

In the substituted Article 55G(2), in sub-paragraphs (a) and (b) for “28” in each place there should be substituted “42”; and

In the substituted Article 55K(1) and (3) for “28” in each place there should be substituted “42”.

Members present voted as follows –

**POUR: 37**

Senator L.J. Farnham  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Connétable of St. Helier  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Connétable of St. Peter  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy of Grouville  
 Deputy K.C. Lewis (S)  
 Deputy M.R. Higgins (H)  
 Deputy J.M. Maçon (S)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Ouen  
 Deputy L.M.C. Doublet (S)  
 Deputy R. Labey (H)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)  
 Deputy J.H. Young (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy G.C.U. Guida (L)  
 Deputy of Trinity  
 Deputy of St. John  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

**CONTRE: 7**

Senator S.Y. Mézec  
 Connétable of St. Mary  
 Deputy G.P. Southern (H)  
 Deputy M. Tadier (B)  
 Deputy of St. Peter  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)

**ABSTAIN: 0**

**Changes in presidency**

The Bailiff briefly retired from the Chamber during consideration of the Draft Employment (Amendment No. 11) (Jersey) Law 201- and the meeting continued under the Presidency of Dr. Mark Egan, Greffier of the States, until his return.

**Adjournment**

THE STATES, adopting a proposition of Senator Lyndon John Farnham, adjourned, having agreed to reconvene on Thursday 24th October 2019 to continue consideration of the Draft Employment (Amendment No. 11) (Jersey) Law 201- and the other outstanding items of public business.

Members present voted as follows –

**POUR: 34**

Senator L.J. Farnham  
 Senator S.C. Ferguson  
 Senator J.A.N. Le Fondré  
 Senator T.A. Vallois  
 Senator K.L. Moore  
 Senator S.W. Pallett  
 Senator S.Y. Mézec  
 Connétable of St. Lawrence  
 Connétable of St. Saviour  
 Connétable of St. Brelade  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of Trinity  
 Connétable of St. Mary  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy M.R. Higgins (H)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy of St. Ouen  
 Deputy L.M.C. Doublet (S)  
 Deputy of St. Mary  
 Deputy J.H. Young (B)  
 Deputy L.B.E. Ash (C)  
 Deputy K.F. Morel (L)  
 Deputy of Trinity  
 Deputy S.M. Ahier (H)  
 Deputy J.H. Perchard (S)  
 Deputy R.J. Ward (H)  
 Deputy C.S. Alves (H)  
 Deputy K.G. Pamplin (S)  
 Deputy I. Gardiner (H)

**CONTRE: 10**

Connétable of St. Helier  
 Connétable of St. Peter  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy J.M. Maçon (S)  
 Deputy R. Labey (H)  
 Deputy G.J. Truscott (B)  
 Deputy G.C.U. Guida (L)  
 Deputy of St. John

**ABSTAIN: 1**

Deputy of St. Peter

THE STATES rose at 6.01 p.m.

**DR. M. EGAN**

*Greffier of the States*