



**THE STATES assembled on Thursday
7th July 2011, at 09.30 a.m. under
the Presidency of the Bailiff,
Michael Cameron St. John Birt Esquire.**

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

Senator Terence John Le Main – en défaut (défaut raised at 9.44 a.m.)

Deputy Judith Ann Martin of St. Helier – en défaut

Deputy John Alexander Nicholas Le Fondré of St Lawrence – en défaut (défaut raised at 10.21 a.m.)

Deputy Philip John Rondel of St. John – en défaut (défaut raised at 10.50 a.m.)

Prayers read by the Greffier of the States

Documents presented or laid

Uplifts in land values: Land Development Tax or equivalent mechanism(s) – addendum. P.90/2011.
Presented: 7th July 2011. Add.
Deputy of St. Mary.

Goods and Services Tax: exemption or zero-rating for health foods (P.81/2011) – P.81/2011.
comments. Com.(2)
Presented: 7th July 2011.
Minister for Health and Social Services.

Notification of lodged propositions

Draft Shops (Regulation of Opening) (Jersey) Regulations 201- (P.95/2011): second P.95/2011.
amendment. Amd.(2)
Lodged: 7th July 2011.
Connétable of St. Lawrence.

Draft Shops (Regulation of Opening) (Jersey) Regulations 201- (P.95/2011): third P.95/2011.
amendment. Amd.(3)
Lodged: 7th July 2011.
Deputy A.K.F. Green of St. Helier.

Draft Long-Term Care (Jersey) Law 201- (P.108/2011): amendment. P.108/2011.
Lodged: 7th July 2011. Amd.
Minister for Social Security.

**Composition of the States: further debates before the outcome of the Electoral Commission
P.78/2011**

THE STATES, having resumed consideration of a proposition of Deputy Trevor Mark Pitman of St. Helier, rejected the proposition to refer to their Act dated 15th March 2011 in which they agreed that an Electoral Commission should be established, and to agree that it was undesirable that further proposals seeking to change the composition of the elected membership of the States Assembly, or to overturn decisions already taken in relation to the composition of the elected membership, should be debated by the States until after the findings of the Electoral Commission had been reported to, and considered by, the States (other than any proposition(s) needed to take forward the Commission's recommendations) and to agree that all members should be requested not to lodge any propositions on these matters until the Electoral Commission had concluded its work.

Members present voted as follows –

POUR: 21

Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Brelade
 Connétable of St. Saviour
 Connétable of St. Clement
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 23

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)

ABSTAIN: 2

Connétable of St. Mary
 Deputy A.E. Jeune (B)

Draft States of Jersey (Miscellaneous Provisions) Law 201-: request to Privy Council P.99/2011

THE STATES commenced consideration of a proposition of the Deputy of Grouville regarding a request to Privy Council to withdraw the Draft States of Jersey (Miscellaneous Provisions) Law 201- and rejected a proposition of the Connétable of St. John that, in accordance with the provisions of Standing Order 84, the matter should be put to the vote.

Members present voted as follows –

POUR: 25

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy I.J. Gorst (C)
 Deputy E.J. Noel (L)

CONTRE: 25

Senator A. Breckon
 Senator B.I. Le Marquand
 Connétable of Trinity
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy J.B. Fox (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 1

Deputy of Grouville

THE STATES noted that, as there was an equality of votes, the matter had been determined in the negative in accordance with Article 16(2) of the States of Jersey Law 2005.

THE STATES, having resumed consideration of a proposition of the Deputy of Grouville, rejected her proposition to refer to their Act dated 20th January 2011 in which, subject to the sanction of Her Most Excellent Majesty in Council, they adopted a Law entitled the States of Jersey (Miscellaneous Provisions) Law 201-, and to agree that it was no longer the wish of the Assembly that the Law should receive the sanction of Her Most Excellent Majesty in Council and to charge the Greffier of the States to write to the Clerk of the Council notifying the Clerk that it was the wish of the States of Jersey to withdraw the Law which was transmitted through the official channels under cover of a letter from the Greffier of the States dated 26th January 2011.

Members present voted as follows –

POUR: 25

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson

CONTRE: 26

Senator A. Breckon
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin

ABSTAIN: 1

Deputy T.A. Vallois (S)

Senator A.J.H. Maclean	Deputy R.G. Le Hérisier (S)
Connétable of St. Ouen	Deputy J.B. Fox (H)
Connétable of St. Helier	Deputy G.P. Southern (H)
Connétable of Trinity	Deputy of St. Ouen
Connétable of Grouville	Deputy J.A. Hilton (H)
Connétable of St. Brelade	Deputy P.V.F. Le Claire (H)
Connétable of St. Martin	Deputy J.A.N. Le Fondré (L)
Connétable of St. John	Deputy S.S.P.A. Power (B)
Connétable of St. Peter	Deputy S. Pitman (H)
Connétable of St. Lawrence	Deputy M. Tadier (B)
Deputy of Grouville	Deputy A.E. Jeune (B)
Deputy of St. Peter	Deputy of St. Mary
Deputy of Trinity	Deputy T.M. Pitman (H)
Deputy K.C. Lewis (S)	Deputy A.T. Dupré (C)
Deputy I.J. Gorst (C)	Deputy M.R. Higgins (H)
Deputy of St. John	Deputy A.K.F. Green (H)
Deputy E.J. Noel (L)	Deputy D.J. De Sousa (H)
	Deputy J.M. Maçon (S)

Jersey Harbours and Airport Shadow Board: Terms of Reference P.47/2011

THE STATES, adopting a proposition of the Minister for Economic Development, approved the Terms of Reference of the Jersey Harbours and Airport Shadow Board as outlined in the report of the Minister for Economic Development dated 25th March 2011.

Members present voted as follows –

POUR: 36

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)

CONTRE: 2

Deputy of St. John
 Deputy J.M. Maçon (S)

ABSTAIN: 1

Connétable of St. John

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 M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the 'Jersey Harbours and Airport Shadow Board: Terms of Reference' (P.47/2011) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Health Insurance (Medical Benefit) (Amendment No. 4) (Jersey) Regulations 201-P.71/2011

THE STATES commenced consideration of the Draft Health Insurance (Medical Benefit) (Amendment No. 4) (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 in pursuance of Articles 9 and 36 of the Health Insurance (Jersey) Law 1967, made Regulations entitled the Health Insurance (Medical Benefit) (Amendment No. 4) (Jersey) Regulations 2011.

Members present voted as follows –

POUR: 34

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour

Connétable of St. Clement
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisier (S)
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 11) (Jersey) Regulations 201- P.74/2011

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 11) (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 in pursuance of Articles 2 and 3 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 11) (Jersey) Regulations 2011.

Draft Income Tax (Amendment No. 38) (Jersey) Law 201- P.79/2011

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 38) (Jersey) Law 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 Articles 1 to 10.

Members present voted as follows –

POUR: 41

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator F.E. Cohen
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 2

Senator A. Breckon
 Deputy J.B. Fox (H)

ABSTAIN: 0

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 38) (Jersey) Law 201-.

Members present voted as follows –

POUR: 38

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 3

Senator A. Breckon
 Deputy J.B. Fox (H)
 Deputy G.P. Southern (H)

ABSTAIN: 0

Act declaring that the Income Tax (Amendment No. 38) (Jersey) Law 201- should have immediate effect

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 19 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled the Income Tax (Amendment No. 38) (Jersey) Law 201- (P.79/2011 lodged “au Greffe” on 17th May 2011, by the Minister for Treasury and Resources) should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Arrangement of public business for the present meeting

THE STATES, adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed that Friday 15th July 2011, should be an additional continuation day.

Members present voted as follows –

POUR: 19

Senator P.F. Routier
 Senator A. Breckon
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy G.P. Southern (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy D.J. De Sousa (H)

CONTRE: 17

Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 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 P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

THE STATES adopting a proposition of the Chairman of the Privileges and Procedures Committee, agreed to meet from 9.00 a.m. until 6.00 p.m. for the duration of the continuation meetings.

Members present voted as follows –

POUR: 27

Senator P.F. Routier
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy J.B. Fox (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John

CONTRE: 11

Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier (S)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)

ABSTAIN: 0

Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

THE STATES, adopting a proposition of Deputy Trevor Mark Pitman of St. Helier, agreed under Standing Order 138(4) to grant leave to the Education and Home Affairs Scrutiny Sub-Panel reviewing the BDO Alto report to meet on Friday 15th July 2011.

Members present voted as follows –

POUR: 39

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
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 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy of St. John
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

Adjournment

THE STATES adjourned, having agreed to reconvene on Tuesday 12th July 2011 to consider the outstanding items of public business.

THE STATES rose at 5.59 p.m.

M.N. DE LA HAYE

Greffier of the States