

**THE STATES assembled on Wednesday
25th February 2009, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

Senator Stuart Syvret – en défaut (défaut raised at 10.59 a.m.)
Senator Paul Francis Routier – en défaut (défaut raised at 2.16 p.m.)
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.57 a.m.)
Senator Terence John Le Main – en défaut (défaut raised at 9.57 a.m.)
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.57 a.m.)
Connétable Alan Simon Crowcroft of St. Helier – en défaut (défaut raised at 10.38 a.m.)
Connétable Silvanus Arthur Yates of St. Martin – en défaut (défaut raised at 9.57 a.m.)
Connétable Peter Frederick Maurice Hanning of St. Saviour – en défaut (défaut raised at 9.57 a.m.)
Deputy Collin Hedley Egré of St. Peter – ill

Prayers read by the Greffier of the States

Energy from Waste facility: rescindment P.8/2009

THE STATES, having resumed consideration of a proposition of the Deputy of St. Mary concerning the proposed rescindment of the Energy from Waste facility, as amended, rejected a proposition of Senator James Leslie Perchard that, in accordance with the provisions of Standing Order 84, the debate be closed.

Members present voted as follows –

POUR: 22

Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Senator B.I. Le Marquand
Connétable of Trinity
Connétable of Grouville
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Peter
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)

CONTRE: 27

Senator S. Syvret
Senator P.F. Routier
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.D. Maclean
Connétable of St. Ouen
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy I.J. Gorst (C)
Deputy M. Tadier (B)
Deputy of St. Mary

ABSTAIN: 1

Connétable of St. Brelade

Deputy E.J. Noel (L)

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

THE STATES rejected a proposition of the Deputy of St. Mary, as amended, to–

refer to their Act dated 9th July 2008, in which they referred to their Act dated 13th July 2005 relating to the approval of a new solid waste strategy; and then approved the replacement of the Bellozanne incinerator by an Energy from Waste facility, as set out in sections 8 and 10.1 of the Report of the Transport and Technical Services Department dated 20th May 2008 (P.72/2008), and authorised the Minister for Transport and Technical Services to accept the tender of the preferred bidder subject to the approval of the withdrawal from the Consolidated Fund of an additional £102,810,000 for that department's capital expenditure; and

- (a) rescind their decision relating to the Energy from Waste facility and to request the Minister for Transport and Technical Services to take immediate action to cancel the contract for the plant which was signed and sealed on 14th November 2008 with CSBC (Jersey) Limited;
- (b) request the Minister for Transport and Technical Services, in conjunction with the Minister for Treasury and Resources, to take all necessary steps to reduce the financial consequences of cancellation in the best manner possible for the States and the Island; and,
- (c) request the Minister for Transport and Technical Services to present to the Assembly as soon as possible, and in any case no later than 3 months from the date of approval of this proposition, a plan setting out in outline options for dealing with the Island's solid waste in an environmentally-sound, publicly acceptable and cost-effective way.

Members present voted as follows –

POUR: 17

Senator S. Syvret
Senator A. Breckon
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisssier
(S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

CONTRE: 35

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.D. Maclean
Senator B.I. Le Marquand
Connétable of St. Ouen
Connétable of Trinity
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
Connétable of St. Lawrence

ABSTAIN: 0

Connétable of St. Mary
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré
(L)
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 E.J. Noel (L)
Deputy T.A. Vallois (S)

Changes in Presidency

The Bailiff retired from the Chamber during consideration of the proposition of the Deputy of St. Mary concerning the 'Energy from Waste facility: rescindment', as amended (P.8/2009) and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States. The States reassembled after the lunch adjournment under the Presidency of the Bailiff, who retired from the Chamber later in the afternoon during the continued consideration of P.8/2009 and the meeting continued under the presidency of Mr. Michael Nelsor de la Haye, Greffier of the States.

Arrangement of business for the present meeting

THE STATES, adopting a proposition of Senator Stuart Syvret, agreed to defer the remaining items of public business scheduled for the present meeting until 10th March 2009, with the exception of P.11/2009 (Draft Limited Partnerships (Amendment) (Jersey) Law 2009 (Appointed Day) Act 200-) and P.22/2009 (Law Revision Board: appointment of member).

Draft Limited Partnerships (Amendment) (Jersey) Law 2009 (Appointed Day) Act 200- P.11/2009

THE STATES, in pursuance of in pursuance of Article 15 of the Limited Partnerships (Amendment) (Jersey) Law 2009, made an Act entitled the Limited Partnerships (Amendment) (Jersey) Law 2009 (Appointed Day) Act 2009.

Members present voted as follows –

POUR: 48

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

CONTRE: 1

Deputy of St. John

ABSTAIN: 0

Senator A. Breckon
Senator S.C.
Ferguson
Senator A.J.D.
Maclean
Senator B.I.
Le Marquand
Connétable of
St. Ouen
Connétable of
St. Helier
Connétable of Trinity
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
Connétable of
St. Lawrence
Connétable of
St. Mary
Deputy R.C.
Duhamel (S)
Deputy of St. Martin
Deputy R.G.
Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin
(H)
Deputy of St. Ouen
Deputy of Grouville
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 M. Tadier (B)
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 J.M. Maçon
(S)

Law Revision Board: appointment of member P.22/2009

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed in accordance with Article 2(1)(a) of the Law Revision (Jersey) Law 2003, to appoint Deputy Montfort Tadier of St. Brelade as member of the Law Revision Board.

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 –

Waterfront Enterprise Board: revised Memorandum and Articles of Association. P.12/2009.
Lodged: 27th January 2009.
Council of Ministers.

Waterfront Enterprise Board: appointment of States director. P.13/2009.
Lodged: 28th January 2009.
Senator B.E. Shenton.

Arrangement of public business for future meetings

THE STATES, adopting a proposition of the Minister for Social Security, agreed, in accordance with Standing Order 26(7), to reduce the minimum lodging period in respect of the proposition concerning the Draft Employment (Amendment No. 5) (Jersey) Law 200 (P.27/2009) lodged 'au Greffe' on 24th February 2009, which was a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate. This matter would now be considered at the meeting on 31st March 2009.

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that his proposition 'Public Elections (Jersey) Law 2002: rescindment of Article 39A' (P.18/2009) be listed for debate on 10th March 2009.

Members present voted as follows –

POUR: 11

CONTRE: 34

ABSTAIN: 3

Senator S. Syvret
Senator A. Breckon
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy A.K.F. Green (H)

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Senator S.C. Ferguson
Senator A.J.D. Maclean
Senator B.I. Le Marquand
Connétable of St. Ouen
Connétable of Trinity
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
Connétable of St. Lawrence
Connétable of St. Mary
Deputy of St. Martin
Deputy R.G. Le Hérisssier
(S)
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré
(L)
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.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy J.M. Maçon (S)

Connétable of St. Helier
Deputy of St. Mary
Deputy M.R. Higgins (H)

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) –

10th March 2009

Draft Amendment (No. 10) of the Standing Orders of the States of Jersey. P.179/2008.
Lodged: 5th December 2008.
Privileges and Procedures Committee.

Voisinage and customary law: review. P.1/2009.
Lodged: 5th January 2009.
Senator B.E. Shenton.

Property sold by the public: restriction on renting back. P.7/2009.
Lodged: 20th January 2009.
Deputy P.V.F. Le Claire of St. Helier.

Jersey Consumer Council: appointment of Chairman. Lodged: 23rd January 2009. <i>Minister for Economic Development.</i>	P.10/2009. (re-issue)
Public Employees Contributory Retirement Scheme: membership of the Committee of Management. Lodged: 29th January 2009. <i>Chief Minister.</i>	P.14/2009.
Manual Workers' Joint Council: Employers' Side membership. Lodged: 29th January 2009. <i>Chief Minister.</i>	P.15/2009.
Appointments Commission: re-appointment of member. Lodged: 11th February 2009. <i>Chief Minister.</i>	P.23/2009.
States Members' remuneration for 2009. Lodged: 19th February 2009. <i>Connétable of St. Peter.</i>	P.24/2009.
Social Security Tribunal: appointment of members. Lodged: 24th February 2009. <i>Minister for Social Security.</i>	P.25/2009.
Draft Companies (Takeovers and Mergers Panel) (Jersey) Law 2009 (Appointed Day) Act 200-. Lodged: 24th February 2009. <i>Minister for Economic Development.</i>	P.26/2009.

24th March 2009

Ratification of the Agreements for the Exchange of Information Relating to Tax Matters between the States of Jersey and the Nordic countries (Denmark, the Faroes, Finland, Greenland, Iceland, Norway and Sweden). Lodged: 10th February 2009. <i>Chief Minister.</i>	P.20/2009.
Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 2) (Jersey) Regulations 200. Lodged: 10th February 2009. <i>Chief Minister.</i>	P.21/2009.

31st March 2009

Rates: the States' liability. Lodged: 16th September 2008. <i>Connétable of St. Helier.</i>	P.147/2008.
Rates: the States' liability (P.147/2008) – comments. Presented: 16th January 2009. <i>Minister for Treasury and Resources.</i>	P.147/2008. Com.
Draft Income Tax (Amendment No. 32) (Jersey) Law 200. Lodged: 21st October 2008. <i>Minister for Treasury and Resources.</i>	P.161/2008.

Draft Income Tax (Amendment No. 32) (Jersey) Law 200 (P.161/2008): comments. Presented: 25th November 2008. <i>Corporate Services Scrutiny Panel.</i>	P.161/2008. Com.
Ministerial government: review. Lodged: 10th December 2008. <i>Deputy of St. John.</i>	P.181/2008.
La Pouquelaye old school site: provision of youth and community facilities. Lodged: 24th December 2008. <i>Connétable of St. Helier.</i>	P.187/2008.
Williamson Report: Implementation Plan – funding. Lodged: 4th February 2009. <i>Minister for Treasury and Resources.</i>	P.17/2009.
Draft Royal Court (Amendment No. 12) (Jersey) Law 200. Lodged: 9th February 2009. <i>Chief Minister.</i>	P.19/2009.
Draft Employment (Amendment No. 5) (Jersey) Law 200. Lodged: 24th February 2009. <i>Minister for Social Security.</i>	P.27/2009.
Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy. Lodged: 24th February 2009. <i>Deputy of Grouville.</i>	P.28/2009.
 <u>28th April 2009</u>	
 <u>12th May 2009</u>	
Public Elections (Jersey) Law 2002: rescindment of Article 39A. Lodged: 4th February 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.18/2009.
 <u>16th June 2009</u>	
Ann Court Site, St. Helier: use for sheltered social housing for the over55s. Lodged: 23rd December 2008. <i>Deputy J.A. Martin of St. Helier.</i>	P.184/2008. (re-issue)
Natural gas pipeline: strategic study. Lodged: 29th January 2009. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.16/2009.

THE STATES rose at 5.57 p.m.

M.N. DE LA HAYE

Greffier of the States