THE STATES assembled on Tuesday 20th November 2007, at 09.30 a.m. under the Presidency of the Bailiff, Sir Philip Bailhache.

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 –

Senator Terence John Le Main— en défaut (défaut raised at 9.38 a.m.)
Connétable Kenneth Priaulx Vibert of St. Ouen— en défaut (défaut raised at 9.59 a.m.)
Connétable Kenneth Alan Le Brun of St. Mary— en défaut (défaut raised at 9.38 a.m.)
Connétable Thomas John du Feu of St. Peter— en défaut (défaut raised at 9.38 a.m.)
Deputy Jacqueline Jeanette Huet of St. Helier— ill
Deputy Shona Pitman of St. Helier en défaut (défaut raised at 10.09 a.m.)

Prayers

60th Wedding Anniversary of Her Majesty The Queen and His Royal Highness Prince Philip, The Duke of Edinburgh

The Bailiff informed the Assembly that a message of congratulations had been sent to Her Majesty The Queen and His Royal Highness Prince Philip, The Duke of Edinburgh on the occasion of their 60th Wedding Anniversary, through His Excellency the Lieutenant Governor, Andrew Peter Ridgway, C.B., C.B.E., in the following terms –

"The Lieutenant Governor, Bailiff, States and people of Jersey join together to send Your Majesty and His Roya Highness the Prince Philip their warmest congratulations on the occasion of your 60th Wedding Anniversary. Your Majesty's loyal subjects in Jersey rejoice with you on this momentous day, give thanks for the example you have set, and pray for your continued future happiness together."

Jersey College for Girls pupils – welcome

The Bailiff, on behalf of all members, welcomed pupils from Jersey College for Girls who were present in the public gallery.

Subordinate enactments tabled

The following enactments were tabled, namely –

Residential Homes (General Provisions) (Amendment No. 14) (Jersey) Order R&

Minister for Health and Social Services.

Nursing Agencies (General Provisions) (Amendment No. 23) (Jersey) Order R&O.140/2007. 2007.

Minister for Health and Social Services.

R&O.139/2007.

Nursing Homes and Mentonson No. 15) (Jersey) Order 20 Minister for Health and S	007.	deneral Provisions) (Amendment	R&O.141/2007.
Dentists (Ancillary Denta Minister for Health and S		rsey) Order 2007.	R&O.142/2007.
Food Safety (Ice-Cream S Minister for Health and S		ent No. 28) (Jersey) Order 2007.	R&O.143/2007.
Cremation (Fees) (Jersey) Minister for Health and S			R&O.144/2007.
	evelopment for and or	ctions No. 7) (Jersey) Order 200 a behalf of the Minister for	77. R&O.145/2007.
Community Provisions (F Chief Minister.	Restrictive Measures -	- Iran) (Jersey) Order 2007.	R&O.149/2007.
Community Provisions (F Chief Minister.	Restrictive Measures -	- Lebanon) (Jersey) Order 2007.	R&O.150/2007.
Community Provisions (F 2007. Chief Minister.	Restrictive Measures -	- North Korea) (Jersey) Order	R&O.151/2007.
Community Provisions (F Order 2007. Chief Minister.	Restrictive Measures -	- Zimbabwe) (No. 6) (Jersey)	R&O.152/2007.
Collective Investment Fur (Jersey) Order 2007. Minister for Economic De	_	tions) (Amendment No. 2)	R&O.153/2007.
Financial Services (Fund (Jersey) Order 2007. Minister for Economic De		ccounts, Audits and Reports))	R&O.154/2007.
Financial Services (Trust (Jersey) Order 2007. Minister for Economic De		Exemptions)) (Amendment No.	2) R&O.155/2007.
Financial Services (Fund Order 2007. Minister for Economic De		egistration and Fees)) (Jersey)	R&O.156/2007.
Financial Services (Invest (Jersey) Order 2007. Minister for Economic De		Services Business Exemption))	R&O.157/2007.
Community Provisions (C (Application) (Amendme Minister for Home Affairs	nt No. 5) (Jersey) Ore	Dual-Use Items and Technology der 2007.	R&O.158/2007.

Documents presented or laid

Criminal Justice Policy (P.118/2007): amendment (P.118/2007 Amd.)—comments. Presented: 19th November 2007. Minister for Home Affairs.	P.118/2007. Amd.Com.
Health Insurance Exemption cards: free bus travel and Active cards (P.145/2007) – comments. Presented: 16th November 2007. Minister for Education, Sport and Culture.	P.145/2007. Com.(2)
Criminal Justice Policy: audit of the need for a prosecution service (P.161/2007) – comments. Presented: 19th November 2007. Minister for Home Affairs.	P.161/2007. Com.
Goods and Services Tax: Zero-Rating for Foodstuffs, Books, Newspapers and Magazines (P.169/2007) – comments. Presented: 19th November 2007. Minister for Treasury and Resources.	P.169/2007. Com. (re-issue)
Goods and Services Tax: Zero-Rating for Foodstuffs, Books, Newspapers and Magazines (P.169/2007) – amendment (P.169/2007 Amd.)– comments. Presented: 20th November 2007. Minister for Treasury and Resources.	P.169/2007. Amd.Com.
Machinery of government review. Presented: 9th November 2007. Privileges and Procedures Committee.	R.105/2007.
Land Transactions under Standing Order 168(3) – Albert Pier Vivier Unit A5–new lease to Southern Rock Fisheries Limited. Presented: 15th November 2007. Minister for Treasury and Resources.	R.106/2007.
Land Transactions under Standing Order 168(3) – Seaton Place Youth Centre, Seaton Place, St. Helier–sale. Presented: 20th November 2007. Minister for Treasury and Resources.	R.107/2007.
The Rôle of the Centenier in the Magistrate's Court (S.R.18/2007): response of the Minister for Home Affairs. Presented: 19th November 2007. Minister for Home Affairs.	S.R.18/2007. Res.
Corporate Services Scrutiny Panel Fourth Report: Review of the Zero/Ten Tax Proposals: Draft Shareholder Legislation (S.R.20/2007) – response of the Minister for Treasury and Resources. Presented: 16th November 2007. Minister for Treasury and Resources.	S.R.20/2007. Res.

Notification of lodged propositions

Lodged: 13th November 2007. Amd.(2)Deputy A. Breckon of St. Saviour. Budget 2008 (P.164/2007): third amendment. P.164/2007. Lodged: 20th November 2007. Amd.(3)Deputy of St. Ouen. Goods and Services Tax: Zero-Rating for Foodstuffs, Books, Newspapers and P.169/2007. Magazines (P.169/2007) – amendment. Amd. Lodged: 13th November 2007. Deputy K.C. Lewis of St. Saviour. Goods and Services Tax: de minimiswaiver. P.171/2007. Lodged: 14th November 2007. Minister for Treasury and Resources. P.172/2007. Draft Community Provisions (Wire Transfers) (Amendment) (Jersey) Regulations Lodged: 15th November 2007. Minister for Treasury and Resources. Draft States of Jersey (Amendment No. 4) (Amendment) (Jersey) Law 200. P.173/2007. Lodged: 19th November 2007. Chief Minister. Draft Companies (Amendment No. 9) (Jersey) Law 200. P.174/2007. Lodged: 19th November 2007. Minister for Economic Development. Draft Companies (Amendment No. 2) (Jersey) Regulations 200. P.175/2007. Lodged: 19th November 2007. Minister for Economic Development. Flu pandemic funding. P.176/2007. Lodged: 20th November 2007. Minister for Treasury and Resources. Inquiry by Mr. Andrew Williamson: removal of administrative involvement of the P.177/2007.

Withdrawal of lodged propositions

Senator S. Syvret.

Chief Minister's Department. Lodged: 20th November 2007.

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

Energy from Waste Facility: Public Enquiry.

P.159/2007.

Lodged: 15th October 2007. *Connétable of St. Helier.*

Written Questions

(see Official Report)

The Minister for Health and Social Services tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the cost of MRI scans.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding composting costs.

The Minister for Social Security tabled an answer to a question asked by Deputy J.A. Martin of St. Heliei regarding the amount of doctors' visits and prescriptions payments made in 2006 from the Health Insurance Scheme.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the Strategic Reserve.

Oral Questions

(see Official Report)

THE STATES rejected a proposition of Senator Stuart Syvret that his oral question number 18 should be taken as the first question of the day.

Senator W. Kinnard

Members present voted as follows –

POUR: 10 CONTRE: 37 ABSTAIN: 1

Senator S. Syvret Senator B.E. Shenton Connétable of St. Helier Deputy C.J. Scott Warren (S) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of St. Ouen Deputy of Grouville

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

Deputy of St. John

Senator L. Norman Senator F.H. Walker 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. 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. John Connétable of St. Saviour Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy of St. Martin Deputy G.C.L. Baudains (C)

Deputy P.N. Troy (B) Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy of St. Peter Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (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) Deputy of St. Mary

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Planning and Environment regarding the structures and processes in place to ensure that the Minister and the Planning Department operated at arm's length from developers promoting the development of sites on the Waterfront.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Social Security regarding the Ministers' 'Guide to Income Support' circulated to members on 25th September 2007.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Economic Development regarding measures being taken to improve the employment prospects of the unemployed in Jersey.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the number of staff required to support the Director to the Civil Aviation Authority and the annual overall staffing and administration costs.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Health and Social Services as to whether any concerned parent had contacted him alleging gross professional misconduct by the Children's Service.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Economic Development regarding the potential relaxation of the Regulation and Undertakings Law to enable small local businesses to take on more staff.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Assistant Minister for Economic Development regarding the tendering process for the stevedoring contract at the Port of St. Helier.

Deputy S.C. Ferguson of St. Brelade asked a question of the Minister for Planning and Environment regarding arrangements for disabled parking at the Weighbridge when the area was redeveloped.

Deputy R.C. Duhamel of St. Saviour asked a question of the Minister for Transport and Technical Services regarding the progress in finding alternative composting sites and the potential investigation of kitchen waste recycling systems.

Deputy R.C. Duhamel of St. Saviour asked a question of the Minister for Treasury and Resources regarding advertising for further expressions of interest in the development of the Jersey College for Girls site.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Assistant Minister for Economic Development regarding revisions to the Harbour and Light Dues (Jersey) Law 1947, as amended.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Home Affairs regarding succession planning for the post of Chief Officer of the States of Jersey Police.

Deputy G.C.L. Baudains of St. Clement asked a question of the Chief Minister regarding the route by which representations to the enquiry into child protection in Jersey could be made.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Transport and Technical Services regarding the progress made in commencing the Millennium Town Park project.

Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding the 150 year leases to be granted on the new proposed Waterfront/Jardins de la Mer project.

Senator S. Syvret asked a question of the Chief Minister regarding the enquiry into child protection in Jersey.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the recent police investigation into the activities of the Customs Service.

Oral Questions without notice

(see Official Report)

The Minister for Education, Sport and Culture answered questions without notice from members.

The Minister for Planning and Environment answered questions without notice from members.

Partnership agreement with Ille et Vilaine – statement

The Chief Minister made a statement regarding a partnership agreement with the Département d'Ille et Vilaine, France.

Draft Income Tax (Amendment No. 29) (Jersey) Law 200 P.156/2007

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 29) (Jersey) Law 200 and adopted the principles.

Members present voted as follows -

POUR: 41 CONTRE: 4 ABSTAIN: 0

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 J.L. Perchard

Connétable of St. Ouen

Connétable of St. Mary

Connétable of St. Peter

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

Connétable of St. Saviour Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy of St. Martin

Deputy C.J. Scott Warren (S)

Deputy J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy S.C. Ferguson (B)

Deputy G.C.L. Baudains (C) Deputy G.P. Southern (H)

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

Deputy S. Pitman (H)

Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (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 of St. John Deputy I.J. Gorst (C) Deputy of St. Mary

THE STATES commenced consideration of Articles 1 to 55 and adopted the following amendments proposed by the Corporate Services Scrutiny Panel that –

in Article 33, paragraph (b)-

- (a) in the inserted paragraph (6)
 - (i) for the words "an unlisted financial services company" there should be substituted the words "a Jersey financial services company",
 - (ii) for the words "unlisted trading company" there should be substituted the words "Jersey trading company";
- (b) in the inserted paragraph (7)
 - (i) for the words "unlisted financial services company" there should be substituted the words "Jersey financial services company";
 - (ii) for the words "unlisted trading company" there should be substituted the words "Jersey trading company".

in the inserted Article 81B(1) of Article 38-

- (a) the definition "unlisted financial services company" should be deleted and in its appropriate place in the alphabetical list of definitions should be inserted the following definition
 - "'Jersey financial services company' means a company to which Article 123D applies;"
- (b) the definition "unlisted trading company" should be deleted and in its appropriate place in the alphabetical list of definitions should be inserted the following definition
 - "'Jersey trading company' means a company to which Article 123C applies and which is not –
 - (a) a company subject to full attribution; or
 - (b) a collective investment fund;".

in the inserted Article 81D(1) of Article 38, for the amount '5%" there should be substituted the amount "2%";

in the inserted Article 81G(1) of Article 38, for the amount "5%" there should be substituted the amount "2%";

in Article 38-

- (a) for the words "an unlisted financial services company", in each place that they appear, there should be substituted the words "a Jersey financial services company";
- (b) for the words "the unlisted financial services company", in each place that they appear, there should be substituted the words "the Jersey financial services company";
- (c) for the words "unlisted financial services companies", in each place that they appear, there should be substituted the words "Jersey financial services companies";
- (d) for the words "unlisted trading company", in each place that they appear, there should be substituted the words "Jersey trading company";
- (e) for the words "unlisted trading companies", in each place that they appear, there should be substituted the words "Jersey trading companies".

in Article 41, in the inserted Article 85F(1), for the amount "5%" there should be substituted the amount "2%".

THE STATES, having adopted Articles 1 to 55 as amended, and subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 29) (Jersey) Law 200.

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. 29) (Jersey) Law 200-, (P.156/2007 lodged "au Greffe" on 9th October 2007, by the Minister for Treasury and Resources) should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Members present voted as follows -

POUR: 42 CONTRE: 4 ABSTAIN: 0

Senator L. Norman Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator M.E. Vibert

Senator P.F.C. Ozouf

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Ouen

Connétable of St. Mary

Connétable of St. Peter

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. Martin

Connétable of St. John

Connétable of St. Saviour

Deputy G.C.L. Baudains (C)

Deputy P.N. Troy (B)

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

Deputy S. Pitman (H)

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy of St. Martin

Deputy C.J. Scott Warren (S)

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy P.J.D. Ryan (H)

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (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 of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

Draft Income Tax (Deemed Dividends) (Jersey) Regulations 200- P. 157/2007

THE STATES, in pursuance of Article 81D(4)(b) of the Income Tax (Jersey) Law, made Regulations entitled the Income Tax (Deemed Dividends) (Jersey) Regulations 2007.

Change of Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of Mr. Michael Nelson de la Haye Greffier of the States.

Criminal Justice Policy – audit of the need for a prosecution service – P. 161/2007

THE STATES rejected a proposition of the Deputy of St. Martin that-

- (a) the Minister for Home Affairs should be requested to commission an independent audit of the human rights implications of the decision to reject Recommendation 4 of the 'Review of Criminal Justice Policy in Jersey' prepared by Professor Andrew Rutherford in 2002 (the 'Rutherford Report), namely that a public prosecution service should be created under a Director responsible to the Attorney General and that the rôle of the Centenier in the Magistrate's Court should cease; and
- (b) no consideration by the States of paragraph (b) of the Criminal Justice Policy lodged"au Greffe" by the Minister on 4th September 2007 should take place until the Minister had presented the findings of the independent audit to the States.

Members present voted as follows -

POUR: 6 CONTRE: 41 ABSTAIN: 0

Senator S. Syvret

Senator W. Kinnard

Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.A. Martin (H)
Deputy S. Pitman (H)

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 Senator J.L. Perchard Connétable of St. Ouen 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. Martin Connétable of St. John Connétable of St. Saviour Deputy A. Breckon (S) Deputy G.C.L. Baudains (C) Deputy C.J. Scott Warren (S) Deputy J.B. Fox (H) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy P.J.D. Ryan (H) 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 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 of St. John Deputy I.J. Gorst (C) Deputy of St. Mary

Draft Criminal Justice Policy – P.118/2007

THE STATES commenced consideration of the Draft Criminal Justice Policy and rejected a proposition of the Deputy of St. Martin thatin paragraph (a)(iv) after the words "Joint working on page 47" there should be inserted the words –

"except that in the action plan on page 47, for the words "Establish a forum" substitute the words "Establish a formal Criminal Justice Policy Oversight Council".

Members present voted as follows -

POUR: 5 CONTRE: 35 ABSTAIN: 0

Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy P.N. Troy (B) Deputy J.B. Fox (H) Deputy J.A. Martin (H)

Senator W. Kinnard Senator T.A. Le Sueur 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. Ouen Connétable of St. Mary 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. John Connétable of St. Saviour Deputy A. Breckon (S) Deputy G.C.L. Baudains (C) Deputy C.J. Scott Warren (S) Deputy R.G. Le Hérissier (S) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy of Grouville Deputy of St. Peter 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 of St. John Deputy I.J. Gorst (C) Deputy of St. Mary

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 21st November 2007 to continue consideration of the Draft Criminal Justice Policy and the outstanding items of public business.

THE STATES rose at 5.37 p.m.

M.N. DE LA HAYE

Greffier of the States