



**THE STATES assembled on Tuesday
26th March 2019, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Timothy John Le Cocq, Esquire.**

**His Excellency the Lieutenant Governor,
Air Chief Marshall Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S.,
C.C.M.I. was present.**

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

Senator Stephen William Pallett – ill

Connétable Sadie Anthea Le Sueur-Rennard of St. Saviour – excused attendance (arrived in the Chamber at 10.09 a.m.)

Deputy Jeremy Martin Maçon of St. Saviour – ill

Prayers

Terrorist Attacks in Christchurch – Letter to the New Zealand High Commissioner

The Deputy Bailiff advised the Assembly that the Bailiff had sent a letter to the New Zealand High Commissioner, on behalf of all members and the people of Jersey, to convey sympathy following the terrorist attacks against the Al Noor and Linwood Mosques in Christchurch on 15th March 2019.

The Deputy Bailiff also thanked, on behalf of all members, those people who had organised the vigil on 22nd March 2019, to honour the victims of the attacks; and advised the Assembly that a book of condolence had been opened in the Royal Court Building for members of the Public to sign.

Subordinate enactments tabled

The following enactments were tabled, namely –

Social Security (Miscellaneous Provisions No. 6) (Jersey) Order 2019. <i>Minister for Social Security.</i>	R&O.18/2019.
Road Traffic (Public Parking Places) (Amendment No. 15) (Jersey) Order 2019. <i>Minister for Infrastructure.</i>	R&O.23/2019.
EU Legislation (Sanctions – Guinea) (Jersey) Order 2019. <i>Minister for External Relations.</i>	R&O.24/2019.

Documents presented

Draft Commissioner for Children and Young People (Jersey) Law 201- (P.18/2019): comments. Presented: 25th March 2019. <i>Chairmen's Committee.</i>	P.18/2019. Com.
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Consolidated Fund: increase in States expenditure in 2019 (P.20/2019) – comments. Presented: 26th March 2019. <i>States Employment Board.</i>	P.20/2019. Com.
Justice and Home Affairs: cessation of restructure (P.24/2019) – comments. Presented: 21st March 2019. <i>Minister for Home Affairs.</i>	P.24/2019. Com.
Justice and Home Affairs: cessation of restructure (P.24/2019) – comments. Presented: 26th March 2019. <i>Chief Minister.</i>	P.24/2019. Com.(2)
States of Jersey Complaints Board: findings – complaint by Mrs. X against the Health and Community Services Department regarding the way in which her complaint was processed (R.4/2019) – response of the Minister for Health and Social Services. Presented: 22nd March 2019. <i>Minister for Health and Social Services.</i>	R.4/2019. Res.
The States as Shareholder – Follow-up. Presented: 14th March 2019. <i>Comptroller and Auditor General.</i>	R.25/2019.
Organisations receiving grants of over £75,000: 2017 Accounts. Presented: 14th March 2019. <i>Minister for Treasury and Resources.</i>	R.26/2019.
Fiscal Policy Panel: re-appointment of member. Presented: 14th March 2019. <i>Minister for Treasury and Resources.</i>	R.27/2019.
Jersey Electricity: Report and Accounts 2018 – Turning the Tide for a Low Carbon Island. Presented: 19th March 2019. <i>Minister for Treasury and Resources.</i>	R.28/2019.
Land Transactions under Standing Order 168(3) – (a) Weighbridge Park, St. Helier – leases; (b) Apartment No. 7, Block F, Maison d’Azette, St. Clement – transfer of the Public’s flying-freehold ownership and cancellation of existing 99-year lease; (c) Apartment No. 10, Block F, Les Quennevais Park, St. Brelade – transfer of the Public’s flying-freehold ownership and cancellation of existing 99-year lease. Presented: 19th March 2019. <i>Minister for Infrastructure.</i>	R.29/2019.
Public Lotteries: report for 2018. Presented: 19th March 2019. <i>Minister for Economic Development, Tourism, Sport and Culture.</i>	R.30/2019.
Government Actuary’s Report on the financial condition of the Social Security Fund as at 31 December 2017. Presented: 25th March 2019. <i>Minister for Social Security.</i>	R.31/2019.

Government Actuary's Report on the financial condition of the Health Insurance Fund as at 31 December 2017. R.32/2019.
Presented: 25th March 2019.
Minister for Social Security.

Land Transactions under Standing Order 168(3) – A11, La Vallée de St. Pierre, St. Peter and St. Lawrence – pedestrian and cycle path from Moulin de Tesson to Le Dimerie – land parcel adjacent to the “Victoria Public House” – proposed purchase. R.33/2019.
Presented: 26th March 2019.
Minister for Infrastructure.

States of Jersey Law 2005: delegation of functions – Historic Abuse Redress Scheme. R.34/2019.
Presented: 26th March 2019.
Minister for Children and Housing.

Brexit Readiness. S.R.6/2019.
Presented: 26th March 2019.
Chairmen's Committee.

Notification of lodged propositions

Justice and Home Affairs: cessation of restructure (P.24/2019) – amendment. P.24/2019.
Lodged: 19th March 2019. Amd.
Connétable of St. Lawrence.

Investment Appraisal Board: 2 week notice period (P.25/2019) – amendment. P.25/2019.
Lodged: 14th March 2019. Amd.
Deputy J.M. Maçon of St. Saviour.

Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment. P.31/2019.
Lodged: 14th March 2019.
Senator S.Y. Mézec.

Jersey Police Complaints Authority: re-appointment of members. P.32/2019.
Lodged: 15th March 2019.
Minister for Home Affairs.

Le Port Car Park, St. Peter: rescindment of parking restrictions. P.33/2019.
Lodged: 15th March 2019.
Senator S.W. Pallett.

Proposed merging of Liberation Square and the Weighbridge: cessation of project. P.34/2019.
Lodged: 21st March 2019.
Deputy J.M. Maçon of St. Saviour.

Draft Sanctions and Asset-Freezing (Transitional Provisions) (Jersey) Regulations 201-. P.35/2019.
Lodged: 26th March 2019.
Minister for External Relations.

Draft Banking Business (Amendment of Law) (Jersey) Regulations 201-. P.36/2019.
Lodged: 26th March 2019.
Minister for External Relations.

Withdrawal of lodged propositions

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 –

Island Plan (revised) 2011: site to be rezoned for Category A housing – Field 632 and P.13/2019.
part of Field 559, La Route du Manoir, St. Peter.
Lodged: 8th February 2019.
Connétable of St. Peter.

Written Questions

(see *Official Report/Hansard*)

- WQ.15/2019** 1. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy S.M. Wickenden of St. Helier regarding the allocation of funds approved by the Investment Appraisal Board.
- WQ.154/2019** 2. The Minister for Infrastructure tabled an answer to a question asked by the Deputy of St. Peter regarding the hospital catering project at St. Peter’s Technical Park.
- WQ.155/2019** 3. The Minister for Education tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the charges applied at Highlands College.
- WQ.156/2019** 4. The Minister for Children and Housing tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding waiting-lists for fostering and adoption.
- WQ.157/2019** 5. The Minister for Home Affairs tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding road traffic accidents in the previous 5 years.
- WQ.158/2019** 6. The Minister for Infrastructure tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the States of Jersey property portfolio.
- WQ.159/2019** 7. H.M. Attorney General tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding prosecutions and convictions for dangerous driving.
- WQ.160/2019** 8. The Chief Minister tabled an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding expenditure on communications.
- WQ.161/2019** 9. The Minister for Health and Social Services tabled an answer to a question asked by Deputy L.M.C. Doublet of St. Saviour regarding the provision within the maternity facilities of the new General Hospital for the other parent to stay overnight with mother and baby.
- WQ.162/2019** 10. The Chief Minister tabled an answer to a question asked by Deputy J.H. Perchard of St. Saviour regarding the diversity of States Boards.
- WQ.163/2019** 11. The Minister for Economic Development, Tourism, Sport and Culture tabled an answer to a question asked by Deputy J.H. Perchard of St. Saviour regarding closure of the gender pay gap.
- WQ.164/2019** 12. The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the response of the States Employment Board’s negotiator to ‘Consolidated Fund: increase in States expenditure in 2019’ (P.20/2019).

- WQ.165/2019** 13. The Minister for Economic Development, Tourism, Sport and Culture tabled an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the support provided to Team Jets.
- WQ.166/2019** 14. The Minister for Health and Social Services tabled an answer to a question asked by Deputy J.H. Perchard of St. Saviour regarding the rapid response service.
- WQ.167/2019** 15. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy M.R. Le Hegarat of St. Helier regarding the use of compromise agreements and redundancies in the public sector.
- WQ.168/2019** 16. The Chief Minister tabled an answer to a question asked by Deputy J.H. Perchard of St. Saviour regarding the implementation of the Assembly's adoption of 'Entitled status on social and economic grounds: changes to legislation' (P.99/2018).
- WQ.169/2019** 17. The Minister for Education tabled an answer to a question asked by Deputy S.M. Ahier of St. Helier regarding the expenditure on university grants.
- WQ.170/2019** 18. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy S.M. Ahier of St. Helier regarding revenue from the Goods and Services Tax.
- WQ.171/2019** 19. The Minister for Health and Social Services tabled an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the services available for parents and carers of children with autism.
- WQ.172/2019** 20. The Chairman of the States Employment Board tabled an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the payment of the Jersey Living Wage by contractors engaged by the States of Jersey.
- WQ.173/2019** 21. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding tax allowances available to buy-to-let investors.
- WQ.174/2019** 22. The Minister for Treasury and Resources tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding buy-to-let properties within States of Jersey Development Company developments.
- WQ.175/2019** 23. The Minister for the Environment tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the instances of pollutants in Jersey's reservoirs and watercourses.
- WQ.176/2019** 24. The Minister for Economic Development, Tourism, Sport and Culture tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the decline in the number of hotel beds in the Island.
- WQ.177/2019** 25. The Minister for Economic Development, Tourism, Sport and Culture tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Jersey Innovation Fund.

The Deputy Bailiff, in accordance with Standing Order 12(4)(b), ruled that the answer tabled to the question asked by Deputy Jessica Harriet Perchard of St. Saviour (WQ.168/2019) contravened Standing Order 12(2A), and directed the Chief Minister to submit an answer that did not contravene the Standing Order.

Oral Questions*(see Official Report/Hansard)*

- OQ.76/2019** 1. Deputy J.H. Perchard of St. Saviour asked a question of the Minister for Children and Housing regarding the actions he had taken to reduce homelessness in the Island.
- OQ.87/2019** 2. Deputy M.R. Le Hegarat of St. Helier asked a question of the Minister for Health and Social Services regarding the jurisdiction of his Department in respect of private patients in circumstances where a Hospital Consultant had been suspended.
- OQ.84/2019** 3. Deputy K.G. Pamplin of St. Saviour asked a question of the Minister for Infrastructure regarding the lack of progress in demolishing the former Fort Regent swimming pool.
- OQ.78/2019** 4. Senator S.C. Ferguson asked a question of the Minister for Infrastructure regarding the appointment of a training company for the purposes of the Road Works and Events (Jersey) Law 2016.
- OQ.90/2019** 5. Deputy M.R. Higgins of St. Helier asked a question of the Chief Minister regarding decisions in respect of the level of taxes and charges levied by the Government of Jersey.
- OQ.88/2019** 6. Deputy G.P. Southern of St. Helier asked a question of the Chief Minister regarding the consideration given by the Council of Ministers to the response of the States Employment Board's chief negotiator to 'Consolidated Fund: increase in States expenditure' (P.20/2019).
- OQ.92/2019** 7. Deputy M. Tadier of St. Brelade asked a question of the Minister for Health and Social Services regarding the length of time patients had to wait for procedures performed by his Department.
- OQ.81/2019** 8. Deputy R.J. Ward of St. Helier asked a question of the Minister for Treasury and Resources regarding the allowance for depreciation within the accounts of the States of Jersey.
- OQ.82/2019** 9. Deputy K.F. Morel of St. Lawrence asked a question of the Assistant Minister for Treasury and Resources regarding the parking charges at Jersey Airport.
- OQ.86/2019** 10. Deputy I. Gardiner of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the prospect of connecting properties which used boreholes to mains water.
- OQ.79/2019** 11. The Deputy of St. John asked a question of the Minister for Infrastructure regarding the prospect of an Island-wide 'park and ride' bus service.
- OQ.91/2019** 12. Deputy M.R. Higgins of St. Helier asked a question of the Assistant Chief Minister regarding the practices of the Communications Directorate.
- OQ.80/2019** 13. The Deputy of St. John asked a question of the Minister for Infrastructure regarding the prospect of temporarily linking Liberation Square and Weighbridge Place for the purposes of 'Liberation 75'.
- OQ.77/2019** 14. Deputy J.H. Perchard of St. Saviour asked a question of the Chief Minister regarding the recruitment of Jersey-based women to boards.
- OQ.83/2019** 15. Deputy K.F. Morel of St. Lawrence asked a question of the Minister for Infrastructure regarding the impact of joining Liberation Square and Weighbridge Place on traffic in the area.
- OQ.89/2019** 16. Deputy G.P. Southern of St. Helier asked a question of the Chairman of the States Employment Board regarding the methodology underlying statistics produced by the Board in relation to public sector pay.

- OQ.93/2019** 17. Deputy M. Tadier of St. Brelade asked a question of the Chief Minister regarding the steps to be taken by the Government of Jersey to make medicinal cannabis accessible by Jersey patients.
- OQ.85/2019** 18. Deputy K.G. Pamplin of St. Saviour asked a question of the Minister for Home Affairs regarding the use of tasers in 2018 by the States of Jersey Police.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for International Development answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Urgent Oral Question

Deputy Russell Labey of St. Helier asked the following question (UOQ.1/2019) of the Minister for the Environment, which the Bailiff had allowed in accordance with Standing Order 15 relating to urgent oral questions –

“Will the Minister update the Assembly on investigations into possible water pollution breaches emanating from the Horizon construction site on the waterfront and provide information on the results of toxicology tests on water samples?”

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chairman of the Brexit Review Panel made a statement regarding the Panel’s report, ‘Brexit Readiness’ (S.R.6/2019).

The Minister for Home Affairs made a statement regarding the Justice and Home Affairs Target Operating Model.

Draft European Union (Wines, Spirits, Milk and Dairies – Savings) (Jersey) Regulations 201-P.14/2019

THE STATES commenced consideration of the Draft European Union (Wines, Spirits, Milk and Dairies – Savings) (Jersey) Regulations 201- and adopted the principles.

Members presented 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 S.Y. Mézec
 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 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 R. Labey (H)
 Deputy S.M. Wickenden (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 M.R. Le Hegarat (H)
 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, in pursuance of Articles 2, 5A and 6A of the European Union Legislation (Implementation) (Jersey) Law 2014, made Regulations entitled the European Union (Wines, Spirits, Milk and Dairies – Savings) (Jersey) Regulations 2019.

Draft European Union (United Kingdom Exit – Alternative Investment Funds) (Jersey) Regulations 201- P.15/2019

THE STATES commenced consideration of the Draft European Union (United Kingdom Exit – Alternative Investment Funds) (Jersey) Regulations 201- and adopted the principles.

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 S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Lawrence
 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 M.R. Higgins (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (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 M.R. Le Hegarat (H)
 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)

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 noted that the Presiding Officer, in accordance with Standing Order 75(4), had granted permission for a clerical error within the draft to be amended, namely that in Regulation 2, for the word ‘Article’ there should be substituted the word ‘Regulation’ each time that it occurred.

THE STATES, in pursuance of Articles 2 and 5A of the European Union Legislation (Implementation) (Jersey) Law 2014, made Regulations entitled the European Union (United Kingdom Exit – Alternative Investment Funds) (Jersey) Regulations 2019.

Draft Restriction on Smoking (Warning Notices) (Amendment for UK Exit from EU) (Jersey) Regulations 201- P.16/2019

THE STATES commenced consideration of the Draft Restriction on Smoking (Warning Notices) (Amendment for UK Exit from EU) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 38

Senator I.J. Gorst
 Senator L.J. Farnham

CONTRE: 2

Deputy M. Tadier (B)
 Deputy R. Labey (H)

ABSTAIN: 0

Senator S.C. Ferguson
 Senator J.A.N. Le Fondré
 Senator S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Clement
 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.R. Higgins (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Ouen
 Deputy S.M. Wickenden (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 M.R. Le Hegarat (H)
 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 6.

THE STATES, in pursuance of Articles 1, 1G and 2 of the Restriction on Smoking (Jersey) Law 1973 and Article 5A of the European Union Legislation (Implementation) (Jersey) Law 2014, made Regulations entitled the Restriction on Smoking (Warning Notices) (Amendment for UK Exit from EU) (Jersey) Regulations 2019.

POUR: 42

CONTRE: 1

ABSTAIN: 0

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator S.C. Ferguson
 Senator J.A.N. Le Fondré
 Senator S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Saviour

Deputy M. Tadier (B)

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 M.R. Higgins (H)
Deputy S.J. Pinel (C)
Deputy of St. Ouen
Deputy R. Labey (H)
Deputy S.M. Wickenden (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 M.R. Le Hegarat (H)
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)

Jersey Law Revision Board: appointment of member P.19/2019

THE STATES, adopting a proposition of the Chief Minister entitled ‘Jersey Law Revision Board: appointment of member’ (P.19/2019) appointed, in accordance with the provisions of Article 2(1)(a) of the Law Revision (Jersey) Law 2003, Connétable Michael Keith Jackson of St. Brelade as a member of the Law Revision Board.

Declarations of interest for the consideration of ‘Consolidated Fund: increase in States expenditure in 2019’ (P.20/2019) – Ruling by the Bailiff

The Deputy Bailiff advised the Assembly of the following ruling which had been made by the Bailiff in respect of declarations of interest under Standing Order 106 in relation to the consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Consolidated Fund: increase in States expenditure in 2019’ (P.20/2019) –

“P.20/2019 is a proposition to request the Council of Ministers to do something, namely to bring forward a proposition to increase the maximum expenditure so as to fund public sector pay claims. If adopted, no more money is made available to anyone. The Council of Ministers may have a discussion and decide to disregard the proposition. That may or may not have political consequences but it emphasises that the proposition does not make any more money available to anyone. It is clear

therefore that the proposition is not one where one can say that any member has a financial interest, whether direct or indirect.

If the proposition is adopted and if the Council of Ministers brings forward a proposition to “*increase the maximum amount of expenditure from the Consolidated Fund in 2019 above the limit set in 2015 so that additional monies can be made available to fund public sector pay claims*”, it is arguable as to whether or not members who might benefit would have a financial interest. On the one hand, the negotiation of pay awards would not be determined by such a vote. The States Employment Board might decide not to increase the offer even though there was money to fund an increased offer. On the other hand, the connectivity between the absence of money to fund increases beyond those offered and the negotiation policy of the Board is such it might be argued that there was such a financial interest. It is to be emphasised that much depends in all questions of this kind upon the precise language of the proposition and of course I have not seen such a proposition yet.

On the assumption that members would have a financial interest in a proposition from the Council of Ministers of the kind I have described, the next question is whether that would be a direct financial interest. If it is, the member must declare the interest and withdraw (Standing Order 106(1)(a)). Again, whilst reserving the point that all depends on the actual proposition, I can say that a proposition of the kind I have described above would not give rise to a direct financial interest. Standing Order 106(4) requires that the financial interest must be immediate or personal. In such a case, the interest is not immediate because even if the proposition were adopted so as to make more money available, the States Employment Board might not offer any more – it is a matter for the Board. As to whether it is “*personal*”, the Standing Order as a whole is not drafted as tightly as perhaps one would wish, but it seems to me to be difficult to say that the result of the proposition were to benefit someone personally for the same reason. Any such benefit would depend not on the proposition but on the States Employment Board. It would be a different matter where for example there was a proposition to rezone land for building and a member had a field in the proposed rezoned area because the value of the field would immediately go up.

There is some further guidance in Standing Order 106(2). Obviously an interest is not “*direct*” if it is “*indirect*”, and in that respect the Standing Order is unhelpful. However, the use of the word “*but*” as introducing the second part of the Standing Order suggests that a financial interest is not direct where it is general or shared with a large class of persons. On this reasoning, propositions in relation to the rate of Income Tax or the Goods and Services Tax or a wide range of taxes or duties or benefits like pensions or winter fuel allowances or Christmas bonuses, or ferry links where a member has a property in France, have not been regarded as requiring members to declare and withdraw on the grounds of a direct financial interest – but the member does have to declare. In my view, a proposition from the Council of Ministers of the kind I have described above would, assuming it gave rise to a financial interest, not give rise to a direct financial interest because it would be one shared with a large class of people. Accordingly, members would be expected to declare the interest but not required to withdraw.

Of course, none of this would prevent a member who felt uncomfortable with remaining in the Assembly from declaring the interest and choosing to withdraw. But that would be a matter of personal choice for the member and not a requirement of Standing Orders.”

Consolidated Fund: increase in States expenditure in 2019 P.20/2019

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Consolidated Fund: increase in States expenditure in 2019’ (P.20/2019).

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(b), Deputy Mary Rose Le Hagarat of St. Helier declared an interest, and elected to withdraw from the Chamber for the duration of the debate on the proposition of Deputy Geoffrey Peter Southern of St. Helier.

Guernsey Overseas Aid and Development Commission – welcome

The Deputy Bailiff, on behalf of all members, welcomed Deputy Emilie Yerby, President of the Guernsey Overseas Aid and Development Commission, and Mr. Simon Boas, Executive Director of the Jersey Overseas Aid Commission, who were present in the public gallery during the consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Consolidated Fund: increase in States expenditure in 2019’ (P.20/2019).

Adjournment

THE STATES, adopting a proposition of Senator Ian Joseph Gorst, adjourned, having agreed to reconvene on Wednesday 27th March 2019 to continue consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier entitled ‘Consolidated Fund: increase in States expenditure in 2019’ (P.20/2019) and other outstanding items of public business.

Members present voted as follows –

POUR: 26

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator S.C. Ferguson
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 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. Ouen
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy M.R. Higgins (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy of St. Ouen
 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 S.M. Ahier (H)
 Deputy I. Gardiner (H)

CONTRE: 19

Senator K.L. Moore
 Senator S.Y. Mézec
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Martin
 Deputy G.P. Southern (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy of St. Mary
 Deputy J.H. Young (B)
 Deputy K.F. Morel (L)
 Deputy of St. John
 Deputy J.H. Perchard (S)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy K.G. Pamplin (S)

ABSTAIN: 0

THE STATES rose at 5.29 p.m.

L.-M. HART

Deputy Greffier of the States