



**THE STATES assembled on Tuesday
14th July 2009, at 09.30 a.m. under the Presidency of
Mr. Michael Nelson de la Haye,
Greffier of the States.**

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

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.37 a.m.)
Connétable Michael Keith Jackson of St. Brelade – en défaut (défaut raised at 9.37 a.m.)
Connétable Graeme Frank Butcher of St. John – en défaut (défaut raised at 10.25 a.m.)
Deputy Carolyn Fiona Labey of Grouville – ill
Deputy Montfort Tadier of St. Brelade – excused attendance (arrived in the Chamber at 11.59 a.m.)
Deputy Deborah Jane de Sousa of St. Helier – excused attendance

Prayers

Documents presented or laid

Draft Income Support (Amendment No. 4) (Jersey) Regulations 200- (P.93/2009): P.93/2009.
addendum. Add.

Presented: 14th July 2009.

Minister for Social Security.

Composition and election of the States: single election day each year (P.109/2009) – P.109/2009.
comments. Com.

Presented: 14th July 2009.

Privileges and Procedures Committee.

The Future of the Dwelling Houses (Rent Control) (Jersey) Law 1946, including the Rent R.75/2009.
Control Tribunal and its membership.

Presented: 14th July 2009.

Minister for Housing.

Draft Residential Tenancy (Jersey) Law 200- P.74/2009

THE STATES resumed consideration of the Draft Residential Tenancy (Jersey) Law 200- and adopted Articles 8 to 13.

Members present voted as follows –

POUR: 28

CONTRE: 1

ABSTAIN: 0

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

Deputy of St. Martin

Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S.S.P.A. Power (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 J.M. Maçon (S)

THE STATES adopted Articles 14 to 18.

THE STATES adopted Articles 19 to 26 and Schedule 3.

Members present voted as follows –

POUR: 39

CONTRE: 2

ABSTAIN: 0

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 A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. John
 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 G.P. Southern (H)
 Deputy T.M. Pitman (H)

Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 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 K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 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 M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Residential Tenancy (Jersey) Law 200-.

Members present voted as follows –

POUR: 41

CONTRE: 1

ABSTAIN: 0

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 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. John
 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 Hérisser (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)

Deputy G.P. Southern (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 K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 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 A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), the Deputy of St. John declared an interest and withdrew from the Chamber for the duration of the debate.

In accordance with Standing Order 106(1)(b) Senator Philip Francis Cyril Ozouf, the Connétables of Trinity and St. Saviour, the Deputy of St. Ouen and Deputies John Alexander Nicholas Le Fondré of St. Lawrence, Sean Seamus Patrick Augustine Power of St. Brelade, Angela Elizabeth Jeune of St. Brelade and Andrew Kenneth Francis Green of St. Helier declared an interest but remained in the Chamber for the duration of the debate.

Draft Amendment (No. 11) of the Standing Orders of the States of Jersey P.75/2009

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005, made Amendment (No. 11) of the Standing Orders of the States of Jersey.

Members present voted as follows –

POUR: 28

Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Connétable of St. Helier
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 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 St. Peter

CONTRE: 10

Senator P.F. Routier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. John
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)

ABSTAIN: 0

Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

Arrangement of public business for the current meeting

THE STATES adopting a proposition of Senator Paul Francis Routier, agreed that consideration of the proposition of the Deputy of St. John entitled 'Esplanade Quarter and Waterfront development: deferral' (P.77/2009) should be delayed until after a statement in relation to this matter was made by the Minister for Treasury and Resources.

Members present voted as follows –

POUR: 36

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator F.E. Cohen
 Senator A. Breckon
 Senator S.C. Ferguson
 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. 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 J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 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 A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)

CONTRE: 3

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

ABSTAIN: 1

Connétable of St. Peter

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)

In accordance with Standing Order 106(1)(b), the Connétables of Grouville and St. Peter declared an interest in this matter as States Directors of the Waterfront Enterprise Board, but remained in the Chamber for the duration of the debate.

Annual Business Plan 2009: variation in respect of pay freeze P.78/2009

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed to refer to their Act dated 22nd September 2008 in which they approved paragraph (b) of the Annual Business Plan 2009 and agreed the estimates of revenue expenditure for States-funded bodies based on a provision for pay awards of 3.2% for June 2008 and 2.0% for June 2009; and to vary that decision as it related to the provision for the 2% provision for the 2009 pay award and remove the £3,501,600 allocation in the 2009 Annual Business Plan set aside for this purpose with the amount removed from the agreed heads of expenditure of each States-funded body being as follows –

Chief Minister	£155,791
Economic Development	£44,843
Education, Sport and Culture	£976,913
Health and Social Services	£1,268,534
Home Affairs	£418,404
Housing	£31,884
Planning and Environment	£77,463
Social Security	£23,638
Transport and Technical Services	£229,654
Treasury and Resources	£145,552
<u>Non-Ministerial States-funded bodies</u>	
– Bailiff's Chambers	£9,792
– Law Officers' Department	£29,841
– Judicial Greffe	£26,956
– Viscount's Department	£12,858
– Official Analyst	£4,885
– Office of the Lieutenant Governor	£7,109
– Data Protection Commission	£2,526
– Probation Department	£15,539
– Comptroller and Auditor General	£1,109
States Assembly and its Services	£18,301
 Total	 £3,501,593

and further agreed that the total proposed net revenue expenditure for States-funded bodies for 2010 onwards, agreed in principle by the States on 22nd September 2008, should be reduced by £6,274,800.

Members present voted as follows –

POUR: 31

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator S.C. Ferguson
 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. 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 of St. Ouen
 Deputy of St. Peter
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

CONTRE: 10

Senator S. Syvret
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)

ABSTAIN: 0

In accordance with Standing Order 106(1)(a), Senator Alan Breckon, the Connétable of St. Saviour, Deputy John Benjamin Fox of St. Helier and Deputy Ian Joseph Gorst of St. Clement declared an interest and withdrew from the Chamber for the duration of the debate.

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chairman of the Income Support Sub-Panel made a statement regarding the review of the Income Support system.

Draft Income Tax (Amendment No. 33) (Jersey) Law 200- P.82/2009

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 33) (Jersey) Law 200- 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 5.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 32) (Jersey) Law 200- (renumbered in Third Reading).

Public Finances (Jersey) Law 2005: funding requests under Article 11(8) P.83/2009

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed –

- (a) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 to amend the expenditure approval for 2009 approved by the States on 23rd September 2008 in respect of the Treasury and Resources Department to permit the withdrawal of up to an additional £4,250,000 from the consolidated fund to be reallocated for the net revenue expenditure of a number of departments in order to fund the Historic Child Abuse Enquiry and that the funding up to a maximum of £4,250,000 should only be made available to departments from the allocation to the Treasury and Resources Department by public Ministerial Decision of the Minister for Treasury and Resources based on documented evidence of actual additional costs incurred as a result of the Historic Child Abuse Enquiry;
- (b) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 to amend the expenditure approval for 2009 approved by the States on 23rd September 2008 in respect of the Treasury and Resources Department to permit the withdrawal of up to an additional £2,900,000 from the consolidated fund to be allocated to the Health and Social Services Department as a result of a funding shortfall caused by the ending of the Reciprocal Health Agreement with the U.K. and that the funding up to a maximum of £2,900,000 should only be made available to the Health and Social Services Department from the allocation to the Treasury and Resources Department by public Ministerial Decision of the Minister for Treasury and Resources based on a request from the Minister for Health and Social Services together with documented evidence of actual income lost as a result of the ending of the Reciprocal Health Agreement with the U.K. and evidence that the claim was necessary, that it could not be met from existing resources and that all possible measures had been taken to secure payment by visitors from the U.K. and their insurers;
- (c) in accordance with Article 11(8) of the Public Finances (Jersey) Law 2005 to amend the expenditure approval for 2009 approved by the States on 23rd September 2008 in respect of the Treasury and Resources Department to permit the withdrawal of up to an additional £3,100,000 from the consolidated fund to be allocated to the Social Security Department as a result of the economic downturn and that the funding up to a maximum of £3,100,000 should only be made available to the Social Security Department from the allocation to the Treasury and Resources Department by public Ministerial Decision of the Minister for Treasury and Resources based on a request from the Minister for Social Security together with documented evidence of actual costs incurred as a result of the economic downturn.

Members present voted as follows –

POUR: 45

CONTRE: 1

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main

Senator S. Syvret

Senator B.E. Shenton
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. 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 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 K.C. Lewis (S)
Deputy I.J. Gorst (C)
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 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)

Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- P.86/2009

THE STATES commenced consideration of the principles of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- and rejected a proposition of Deputy Roy George Le Hérissier of St. Saviour that the meeting should be adjourned.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 15th July 2009 to continue the consideration of the Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- and the outstanding items of public business.

THE STATES rose at 5.29 p.m.

A.H. HARRIS

Deputy Greffier of the States