

**THE STATES assembled on Wednesday
16th January 2008 at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esquire**

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

Senator Frank Harrison Walker – en défaut (défaut raised at 9.36 a.m.)
Senator Wendy Kinnard – en défaut (défaut raised at 9.42 a.m.)
Senator Paul Francis Routier – en défaut
Senator Terence John Le Main – en défaut (défaut raised at 11.01 a.m.)
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.42 a.m.)
Connétable Kenneth Priaulx Vibert of St. Ouen – en défaut (défaut raised at 2.19 p.m.)
Connétable Alan Simon Crowcroft of St. Helier – ill
Connétable John Le Sueur Gallichan of Trinity – en défaut (défaut raised at 10.07 a.m.)
Connétable Graeme Frank Butcher of St. John – en défaut

Prayers read by the Deputy Greffier of the States

Draft Companies (Amendment No. 9) (Jersey) Law 200 P.174/2007

THE STATES commenced consideration of a proposition of the Minister for Economic Development concerning an amendment to the Companies (Jersey) Law 1991 and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel did not wish to scrutinise the draft legislation, adopted Articles 1 to 33, having adopted amendments of the Minister for Economic Development that for Article 17 there should be substituted the following Article–

“17 Article 104 amended

In Article 104 of the principal Law–

(a) for paragraph (2) there shall be substituted the following paragraphs–

‘(2) The accounts must be prepared in accordance with any generally accepted accounting principles.

(2A) The accounts of a company must specify the generally accepted accounting principles that have been adopted in their preparation.

(2B) The accounts of a company that is required by Article 109(1) to appoint an auditor must show a true and fair view of, or be presented fairly in all material respects so as to show –

(a) the company’s profit or loss for the period covered by the accounts; and

(b) the state of its affairs at the end of the period,

and must otherwise comply with any other requirements of this Law.’;

(b) in paragraph (4)(b) for the words ‘subject in the case of a private company to paragraph (5)’ there should be substituted the words ‘subject to paragraph (5)’.

that after Article 20 there should be inserted the following Article and the subsequent Articles should be renumbered –

“21 Article 110 amended

In Article 110 of the principal Law for paragraph (3) there shall be substituted the following paragraph-

- (3) The report must state whether, in the opinion of the auditor, the accounts –
- (a) have been properly prepared in accordance with this Law; and
 - (b) give a true and fair view or, alternatively, are presented fairly in all material respects.’.”,

and that in Article 32 for paragraph (2) there should be substituted the following paragraphs-

- “(2) Except as provided by paragraph (3), this Law shall come into force 7 days after it is registered.
- (3) Articles 17 to 22 of this Law shall come into force on such day or days as the States may by Act appoint.”.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Companies (Amendment No. 9) (Jersey) Law 200.

Employment Tribunal: appointment of members P.180/2007

THE STATES commenced consideration of a proposition of the Minister for Social Security concerning the appointment of members to the Employment Tribunal and, adopting a proposition of Deputy Geoffrey Peter Southern of St. Helier, agreed that, in accordance with Standing Order 81 the Assembly should move to consideration of this matter ‘in camera’.

Members present voted as follows –

POUR: 29

Senator S. Syvret
Senator W. Kinnard
Connétable of St. Mary
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

CONTRE: 14

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Senator J.L. Perchard
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Hilton (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)

ABSTAIN: 0

Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

The Deputy Bailiff, in accordance with Standing Order 82(1), ordered the withdrawal of strangers from the precincts of the States and the closing of the doors of the Chamber in order that the appointment of members of the Employment Tribunal could be debated ‘in camera’.

THE STATES proceeded to vote in public assembly, and rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that, in accordance with Standing Order 83(1)(b) the matter should be referred back in order that further information relating to the proposition could be provided to the States.

Members present voted as follows –

POUR: 17

Connétable of St. Clement
Connétable of Grouville
Connétable of St. Brelade
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

CONTRE: 31

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
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 Trinity

Connétable of St. Lawrence
Connétable of St. Martin
Connétable of St. Saviour
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy P.N. Troy (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 S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

ABSTAIN: 0

THE STATES, adopting a proposition of Senator Stuart Syvret, agreed that the remainder of the debate should be held in open session.

Members present voted as follows –

POUR: 35

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator J.L. Perchard
Connétable of St. Mary
Connétable of St. Peter
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Saviour
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérisier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy of St. Mary

CONTRE: 9

Senator F.E. Cohen
Connétable of St. Clement
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy C.J. Scott Warren (S)
Deputy of St. Ouen
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy I.J. Gorst (C)

ABSTAIN: 0

THE STATES, in accordance with Regulation 3 of the Employment Tribunal (Jersey) Regulations 2005, and or the recommendation of the Jersey Appointments Commission, approved the appointment of the following persons as members of the Jersey Employment Tribunal for a period of 5 years –

Mrs. Anne McPhee
Mr. Mark Thérin
Mr. Michael Baudains
Mr. Michael McCarthy.

Members present voted as follows –

POUR: 34

CONTRE: 11

ABSTAIN: 0

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy P.N. Troy (B)
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 of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Senator S. Syvret
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

Draft Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 200- P.181/2007

THE STATES commenced consideration of the Draft Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 200- and adopted the principles.

Members present voted as follows –

POUR: 44

CONTRE: 0

ABSTAIN: 1

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator B.E. Shenton
Senator F.E. Cohen

Deputy G.C.L. Baudains(C)

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. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (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. Pitman (H)
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, having been informed that the relevant scrutiny panel did not wish to scrutinise the draft legislation, adopted Regulations 1 to 3, and in pursuance of Articles 8 and 18 of the Income Support (Jersey) Law 2007, made Regulations entitled the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008.

Draft Income Support (Amendment) (Jersey) Regulations 200- P.182/2007

THE STATES commenced consideration of the Draft Income Support (Amendment) (Jersey) Regulations 200- and adopted the principles.

Members present voted as follows –

POUR: 44

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker

Senator W. Kinnard
Senator T.A. Le Sueur
Senator M.E. Vibert
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 Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (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. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

THE STATES, having been informed that the relevant scrutiny panel did not wish to scrutinise the draft legislation, adopted Regulations 1 to 4, and in pursuance of Articles 5(5) and 18(1) of the Income Support (Jersey) Law 2007, made Regulations entitled the Income Support (Amendment) (Jersey) Regulations 2008.

Draft States of Jersey (Amendment No. 5) Law 200 P.183/2007

THE STATES commenced consideration of the Draft States of Jersey (Amendment No. 5) Law 200 and rejected the principles.

Members present voted as follows –

POUR: 22

Senator L. Norman
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Brelade
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 C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
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 S.S.P.A. Power (B)

Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)

CONTRE: 26

Senator S. Syvret
Senator F.H. Walker
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 J.L. Perchard
Connétable of St. Ouen
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Martin
Connétable of St. Saviour
Deputy J.J. Huet (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy of St. John
Deputy of St. Mary

ABSTAIN: 0

Adjournment

THE STATES adjourned, having agreed to reconvene on Thursday 17th January 2008 to consider the outstanding items of public business.

THE STATES rose at 5.28 p.m.

A.H. HARRIS

Deputy Greffier of the States