



**THE STATES assembled on Wednesday
21st July 2010, 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 Paul Francis Routier – en défaut (défaut raised at 12.14 p.m.)
Senator James Leslie Perchard – en défaut
Senator Sarah Craig Ferguson – en défaut (défaut raised at 9.39 a.m.)
Connétable Alan Simon Crowcroft of St. Helier – excused attendance
Connétable Silvanus Arthur Yates of St. Martin – ill
Deputy Judith Ann Martin of St. Helier – en défaut (défaut raised at 9.57 a.m.)
Deputy Daniel John Arabin Wimberley of St. Mary – en défaut (défaut raised at 9.57 a.m.)

Prayers read by the Deputy Greffier of the States

Documents presented or laid

Meetings of the States in 2011. Presented: 21st July 2010. <i>Privileges and Procedures Committee.</i>	R.106/2010.
Jersey Competition Regulatory Authority: appointment of Board member. Presented: 21st July 2010. <i>Minister for Economic Development.</i>	R.107/2010.
Rural Economy Strategy 2011–2015: White Paper – Sustaining and Growing the Rural Economy. Presented: 21st July 2010. <i>Minister for Economic Development.</i>	R.108/2010.

Notification of lodged propositions

Draft Annual Business Plan 2011 (P.99/2010): amendment. Lodged: 21st July 2010. <i>Health, Social Security and Housing Scrutiny Panel.</i>	P.99/2010. Amd.
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Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Economic Development made a statement regarding the success of the recent West Show.

Draft Taxation Relief (Arrangement with the United Kingdom) (Jersey) Act 201 P.83/2010

THE STATES, in pursuance of Article 111 of the Income Tax (Jersey) Law 1961, made an Act entitled the Taxation Relief (Arrangement with the United Kingdom) (Jersey) Act 2010.

In accordance with Standing Order 106(1)(b) the Deputy of St. Martin, Deputy John Benjamin Fox of St. Helier and the Deputy of Trinity declared an interest but remained in the Chamber for the duration of the debate.

Human Rights Law: statements of compatibility P.84/2010

THE STATES commenced consideration of a proposition of the Deputy of St. Martin concerning statements of compatibility under the Human Rights (Jersey) Law 2000.

The Deputy Bailiff, in accordance with Standing Order 56(2), directed that elected members be summoned as the Assembly was inquorate. In accordance with Standing Order 56(2), having allowed such time as he considered reasonable for elected members to return to the Chamber, the Deputy Bailiff asked the Greffier to call the roll, as he believed that the States remained inquorate. The following members who had been marked as present earlier that morning were absent from the Chamber for this second roll call –

Senator Philip Francis Cyril Ozouf
 Senator Frederick Ellyer Cohen
 Senator James Leslie Perchard
 Senator Alan Breckon
 Senator Sarah Craig Ferguson
 Senator Alan John Henry Maclean
 Connétable John Martin Refault of St. Peter
 Deputy John Alexander Nicholas Le Fondré of St. Lawrence
 Deputy Ian Joseph Gorst of St. Clement

THE STATES, having resumed consideration of a proposition of the Deputy of St. Martin, rejected the proposal that Article 16 of the Human Rights (Jersey) Law 2000 should be amended to require Ministers to state what Articles of the European Convention on Human Rights, if any, were affected in relation to the legislation being brought forward and the reasons why the Minister considered that the proposed legislation was, or was not, compatible with the Convention rights; and to request the Chief Minister to bring forward the necessary amendment to Article 16 to give effect to the proposal.

Members present voted as follows –

POUR: 20

Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisseier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)

CONTRE: 28

Senator T.A. Le Sueur
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade

ABSTAIN: 0

Deputy of St. John	Connétable of St. John
Deputy M. Tadier (B)	Connétable of St. Saviour
Deputy of St. Mary	Connétable of St. Clement
Deputy T.M. Pitman (H)	Connétable of St. Peter
Deputy T.A. Vallois (S)	Connétable of St. Mary
Deputy M.R. Higgins (H)	Deputy J.B. Fox (H)
Deputy A.K.F. Green (H)	Deputy of St. Ouen
Deputy D.J. De Sousa (H)	Deputy of St. Peter
Deputy J.M. Maçon (S)	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 A.E. Jeune (B)
	Deputy A.T. Dupré (C)
	Deputy E.J. Noel (L)

In accordance with Standing Order 106(1)(b) Deputy Montfort Tadier of St. Brelade declared an interest but remained in the Chamber for the duration of the debate.

Changes in Presidency

Mr. Michael Nelson de la Haye, Greffier of the States retired from the Chair during consideration of the proposition of the Deputy of St. Martin concerning statements of compatibility under the Human Rights (Jersey) Law 2000 (P.84/2010) and the meeting continued under the Presidency of the Deputy Bailiff.

Foreign taxes and freight costs in prices of goods sold in Jersey P.89/2010

THE STATES rejected paragraph (a) of a proposition of Deputy Michael Roderick Higgins of St. Helier requesting the Minister for Economic Development to instruct the Trading Standards Section of his Department to investigate consumer pricing complaints and generally to monitor the prices charged by both foreign-owned and locally-owned businesses to ascertain whether they were incorporating into the price of goods sold locally any foreign taxes, or component of foreign taxes, that were not applicable to goods exported to Jersey, or incorporating into the price a shipping cost that was greater than the true cost of the shipment of the goods to the Island.

Members present voted as follows –

POUR: 18

Senator A. Breckon
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 G.P. Southern (H)
Deputy of Grouville
Deputy P.V.F. Le Claire (H)

CONTRE: 28

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator F.E. Cohen
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Connétable of Trinity

ABSTAIN: 0

Deputy S. Pitman (H)	Connétable of Grouville
Deputy K.C. Lewis (S)	Connétable of St. Brelade
Deputy of St. John	Connétable of St. Saviour
Deputy M. Tadier (B)	Connétable of St. Clement
Deputy of St. Mary	Connétable of St. Peter
Deputy T.M. Pitman (H)	Connétable of St. Lawrence
Deputy M.R. Higgins (H)	Connétable of St. Mary
Deputy D.J. De Sousa (H)	Deputy of St. Ouen
Deputy J.M. Maçon (S)	Deputy of St. Peter
	Deputy J.A. Hilton (H)
	Deputy J.A.N. Le Fondré (L)
	Deputy of Trinity
	Deputy S.S.P.A. Power (B)
	Deputy I.J. Gorst (C)
	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)

THE STATES rejected paragraph (b) of a proposition of Deputy Michael Roderick Higgins of St. Helier requesting the Minister for Treasury and Resources to present to the States for approval no later than September 2010, amendments to the Income Tax (Jersey) Law 1961, that would enable the Income Tax Department to change the tax status of any foreign-owned company trading in Jersey or the shareholders of locally-owned trading companies, so that –

- (i) in the case of a foreign-owned company it would be liable to pay tax in Jersey on all its locally derived profits if it had been found by the Trading Standards Section of the Economic Development Department to be incorporating any foreign taxes, or components of foreign taxes in the price of the goods that it sold in Jersey that were not applicable to goods exported to Jersey, or charges as part of the price more than the actual cost incurred in the shipment of the goods to the Island by that company or someone acting on its behalf;
- (ii) in the case of a locally-owned trading company the shareholders would be liable to pay a higher deemed dividend on the company's profits than they did at present time if it had been found by the Trading Standards Section of the Economic Development Department to be incorporating any foreign taxes, or components of foreign taxes in the price of the goods that it sold in Jersey that are not applicable to goods exported to Jersey, or charges as part of the price more than the actual cost incurred in the shipment of the goods to the Island by that company or someone acting on its behalf.

Members present voted as follows –

POUR: 9

CONTRE: 36

ABSTAIN: 0

Deputy of St. Martin
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy of St. John

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator F.E. Cohen
Senator A. Breckon

Deputy M. Tadier (B)	Senator S.C. Ferguson
Deputy T.M. Pitman (H)	Senator A.J.H. Maclean
Deputy M.R. Higgins (H)	Senator B.I. Le Marquand
Deputy D.J. De Sousa (H)	Senator F. du H. Le Gresley
	Connétable of Trinity
	Connétable of Grouville
	Connétable of St. Brelade
	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 R.G. Le Hérisier (S)
	Deputy J.B. Fox (H)
	Deputy of St. Ouen
	Deputy of Grouville
	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 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)

Changes in Presidency

The States re-assembled after the lunch adjournment under the Presidency of the Bailiff.

H.R.H. The Princess Royal – visit

The Bailiff advised the Assembly that Her Royal Highness The Princess Royal would be visiting the Island on 30th September 2010 in order to visit the Jersey Field Squadron and the Durrell Wildlife Conservation Trust as their patron and to officially open the new Jersey Dairy.

Central Market Sub-Post Office facility: social and economic study of closure P.90/2010

THE STATES rejected a proposition of Deputy Shona Pitman of St. Helier to refer to their Act dated 23rd June 2010 in which they requested the Minister for Treasury and Resources, as representative of the shareholder in Jersey Post, to take the necessary steps to request Jersey Post to reconsider its position relating to the presence of a Sub-Post Office facility in the Central Market, and –

- (a) to request the Council of Ministers to commission a report which would examine the social, economic and cultural impacts of the closure of the Sub-Post Office and to present the report to Jersey Post and all States Members, in order that they could consider its findings and recommendations, before the final decision was made as to whether or not the Sub-Post Office in the Central Market should close;
- (b) to request the Minister for Treasury and Resources, following the publication of the report, to lodge a proposition asking for the States Assembly to debate whether or not they considered that the Sub-Post Office in the Central Market should close so that the Minister could inform Jersey Post accordingly.

Members present voted as follows –

POUR: 13

Senator A. Breckon
Deputy of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy J.A. Hilton (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)

CONTRE: 28

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 A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Connétable of Grouville
Connétable of St. Brelade
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 J.B. Fox (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy I.J. Gorst (C)
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy J.M. Maçon (S)

ABSTAIN: 0

Arrangement of business for the present meeting

THE STATES approved the request of the Minister for Planning and Environment, in accordance with Standing Order 26(7), to reduce the minimum lodging period in respect of the proposition concerning the Draft Community Provisions (Mortality in Oysters) (Jersey) Regulations 201- (P.94/2010) which was a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.

Draft Community Provisions (Mortality in Oysters) (Jersey) Regulations 201- P.94/2010

THE STATES commenced consideration of the Draft Community Provisions (Mortality in Oysters) (Jersey) Regulations 201- 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 Regulations 1 to 13.

Members present voted as follows –

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Saviour
 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 Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S. Pitman (H)
 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)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, made Regulations entitled the Community Provisions (Mortality in Oysters) (Jersey) Regulations 2010.

Jersey Arts Trust: appointment of Chairman P.95/2010

THE STATES, adopting a proposition of the Minister for Education, Sport and Culture appointed Mr. Alan Le Breton as Chairman of the Jersey Arts Trust for a period of 4 years with immediate effect from the date of approval by the States.

Arrangement of business for the present meeting

THE STATES, adopting a proposition of Deputy Judith Ann Martin of St. Helier, agreed that the meeting should continue until 6.00 p.m. in order to conclude consideration of the remaining items of public business.

Comprehensive Spending Review: savings proposals – impact on employment of public sector staff P.91/2010

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier to request the Minister for Education, Sport and Culture to reinstate the recruitment process for the appointment of 8 temporary modern foreign language assistants pending final sanction of the States in the Annual Business Plan debate in September 2010.

Members present voted as follows –

POUR: 20

Senator A. Breckon
 Connétable of St. Brelade
 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 Hérisier (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 S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 22

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
 Senator F. du H. Le Gresley
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 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)

ABSTAIN: 0

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier to request Ministers, pending the debate on the Annual Business Plan in September 2010, not to take any action arising from the Comprehensive Spending Review proposals, which would cause or result in any reduction in the number of public sector jobs or job opportunities, pending the Ministers receiving sanctions to do so from the Assembly's 2010 Annual Business Plan debate.

Members present voted as follows –

POUR: 12

Senator A. Breckon
 Senator F. du H. Le Gresley
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.V.F. Le Claire (H)
 Deputy S. Pitman (H)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy D.J. De Sousa (H)

CONTRE: 30

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 Grouville
 Connétable of St. Brelade
 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 R.G. Le Hérisier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 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 A.K.F. Green (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

In accordance with Standing Order 106(1)(b) Senator Philip Francis Cyril Ozouf declared an interest, but remained in the Chamber for the duration of the debate.

Arrangement of public business for future meetings

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) –

13th September 2010

Draft Annual Business Plan 2011. P.99/2010.
Lodged: 13th July 2010.
Chief Minister.

Draft Annual Business Plan 2011 (P.99/2010): amendment. P.99/2010.
Lodged: 21st July 2010. Amd.
Health, Social Security and Housing Scrutiny Panel.

Island Plan 2002: Field 622, St. Ouen – rezoning. P.48/2010.
Lodged: 19th April 2010.
Connétable of St. Ouen.

Immigration, Asylum and Nationality Act, 2006 and Immigration and Asylum Act, 1999: P.80/2010.
Extension of Certain Sections to Jersey.
Lodged: 14th June 2010.
Chief Minister.

Draft Census (Amendment No. 3) (Jersey) Law 201-. P.81/2010.
Lodged: 14th June 2010.
Chief Minister.

Sites of Special Interest: removal from list. P.96/2010.
Lodged: 7th July 2010.
Senator J.L. Perchard.

Jersey Law Commission: appointment of Commissioner. P.98/2010.
Lodged: 9th July 2010.
Chief Minister.

28th September 2010

Property and Infrastructure Regeneration: the States of Jersey Development Company P.73/2010.
Limited.
Lodged: 7th June 2010.
Council of Ministers.

Property and Infrastructure Regeneration: the States of Jersey Development Company P.73/2010.
Limited (P.73/2010) – amendment. Amd.
Lodged: 25th June 2010.
Senator B.E. Shenton.

Planning and Building Law: repeal of Minister's power to grant permission that is P.78/2010.
inconsistent with the Island Plan.
Lodged: 10th June 2010.
Senator B.E. Shenton.

Jersey Financial Services Commission: Companies' Register. P.87/2010.
Lodged: 22nd June 2010.
Deputy P.V.F. Le Claire of St. Helier.

Financial and manpower statements in Propositions: revised procedures. P.92/2010.
Lodged: 30th June 2010.
Deputy P.V.F. Le Claire of St. Helier.

Pension Scheme for States members. P.93/2010.
Lodged: 6th July 2010.
Deputy P.V.F. Le Claire of St. Helier.

Recycling of waste materials: identification of suitable sites. P.97/2010.
Lodged: 9th July 2010.
Deputy of St. John.

Media Relations: Code of Conduct. P.100/2010.
Lodged: 15th July 2010.
Privileges and Procedures Committee.

12th October 2010

Samarès Nursery site, St. Clement: removal from draft Island Plan – petition. P.49/2010.
Lodged: 20th April 2010.
Connétable of St. Clement.

Samarès Nursery site, St. Clement: removal from draft Island Plan – petition P.49/2010. Com.
(P.49/2010) – comments.
Presented: 28th June 2010.
Minister for Planning and Environment.

Machinery of Government: amended structure. P.70/2010.
Lodged: 3rd June 2010.
Senator A. Breckon.

Machinery of Government: amended structure (P.70/2010) – amendment. P.70/2010. Amd.
Lodged: 10th June 2010.
Deputy P.V.F. Le Claire of St. Helier.

Le Clos Gosset: upgrade of heating system – petition. P.102/2010.
Lodged: 19th July 2010.
Deputy J.M. Maçon of St. Saviour.

North of Town Masterplan (Revised). P.103/2010.
Lodged: 19th July 2010.
Minister for Planning and Environment.

North of Town Masterplan (Revised) (P.103/2010): amendment. P.103/2010. Amd.
Lodged: 20th July 2010.
Deputy A.K.F. Green of St. Helier.

19th October 2010

Draft Freedom of Information (Jersey) Law 201-. P.101/2010.
Lodged: 19th July 2010.
Privileges and Procedures Committee.

16th November 2010

Sustainable Transport Policy.

P.104/2010.

Lodged: 19th July 2010.

Minister for Transport and Technical Services.

THE STATES rose at 6.19 p.m.

A.H. HARRIS

Deputy Greffier of the States