

**THE STATES assembled on Tuesday  
17th January 2006, at 10.30 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 Paul Francis Routier, ill  
Gerard Clifford Lemmens Baudains, Deputy of St. Clement– ill (arrived in the Chamber at 4.45 p.m.)  
Judith Ann Martin, Deputy of St. Helier– en défaut.

Prayers.

**Subordinate enactments tabled**

The following enactments were tabled, namely –

Child Abduction and Custody Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 188/2005.
Child Custody (Jurisdiction) Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 189/2005.
Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 190/2005.
Royal Court (Amendment) Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 191/2005.
Children (Amendment) Rules 2005. <i>The Superior Number of the Royal Court.</i>	R&O 192/2005.
Road Traffic (Public Parking Places – Charges) (Jersey) Order 2006. <i>Minister for Transport and Technical Services.</i>	R&O 1/2006.

**Documents presented or laid**

Jersey Advisory and Conciliation Service: appointment of Board members. Presented: 15th December 2005. <i>Minister for Social Security.</i>	R.C.88/2005.
Land Transactions under Standing Order 168(3) –	R.1/2006
(a) Oakfield Industries warehouse, Highlands College, St. Saviour: lease to Jersey Employment Trust; (b) 5, Le Clos Emma, Belle Vue, St. Brelade: sale to Mr. R. Rive (strip of land). Presented: 11th January 2006. <i>Minister for Treasury and Resources.</i>	
Land Transactions under Standing Order 168(3) – 7 La Place du Puits: Assisted House Purchase Scheme – sale. Presented: 17th January 2006.	R.2/2006.

*Minister for Treasury and Resources.*

Employment legislation: petition (P.214/2005) – comments. P.214/2005.  
Presented: 11th January 2006. Com.  
*Minister for Social Security.*

Draft Emergency Powers and Planning (Amendment No. 2) (Jersey) Law 200 P.220/2005.  
(P.220/2005): comments. Com.  
Presented: 16th January 2006.  
*Council of Ministers.*

Composting facilities (P.258/2005): comments. P.258/2005.  
Presented: 19th December 2005. Com.  
*Comité des Connétables.*

Draft Employment (Amendment No. 2) (Jersey) Law 200 (P.270/2005): P.270/2005.  
comments. Com.  
Presented: 17th January 2006.  
*Minister for Social Security.*

Draft Employment Relations (Amendment) (Jersey) Law 200- (P.271/2005): P.271/2005.  
comments. Com.  
Presented: 13th January 2006.  
*Minister for Social Security.*

Censuses and the development of official statistics for Jersey (P.275/2005): P.275/2005.  
comments. Com.  
Presented: 11th January 2006.  
*Minister for Treasury and Resources.*

Censuses and the development of official statistics for Jersey (P.275/2005): P.275/2005.  
comments. Com.(2)  
Presented: 16th January 2006.  
*Council of Ministers.*

**Notification of lodged propositions**

Speeding fines: allocation of funds to Parishes (P.156/2005) – amendment. P.156/2005.  
Lodged: 16th January 2006. Amd.  
*Comité des Connétables.*

Planning Applications Panel: membership. P.281/2005.  
Lodged: 28th December 2005.  
*Minister for Planning and Environment.*

Draft Employment (Minimum Wage) (Amendment) (Jersey) Regulations 200-. P.282/2005.  
Lodged: 29th December 2005.  
*Minister for Social Security.*

Draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200. P.1/2006  
Lodged: 13th January 2006.  
*Privileges and Procedures Committee.*

Draft Public Elections (Amendment) (Jersey) Regulations 200-. P.2/2006.  
Lodged: 13th January 2006.

*Privileges and Procedures Committee.*

Draft Companies (Amendment No. 8) (Jersey) Law 2005 (Appointed Day) Act 200-. P.3/2006.  
Lodged: 13th January 2006.  
*Minister for Economic Development.*

Draft Companies (Amendment No. 1) (Jersey) Regulations 200-. P.4/2006.  
Lodged: 17th January 2006.  
*Minister for Economic Development.*

**Withdrawal of lodged propositions**

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged "au Greffe" had informed the Greffier of the States that they were to be withdrawn –

Draft Harbour Charges (Jersey) Law 200-. P.153/2005.  
Lodged: 19th July 2005.  
*Minister for Economic Development, (formerly the Harbours and Airport Committee).*

Development of Fostering and Adoption Services in Jersey. P.219/2005.  
Lodged: 5th October 2005.  
*Deputy P.V.F. Le Claire of St. Helier, (formerly in the name of Senator P.V.F. Le Claire).*

Draft Electronic Communications (Amendment) (Jersey) Law 200-. P.253/2005.  
Lodged: 25th October 2005.  
*Minister for Economic Development, (formerly the Economic Development Committee).*

Television licences for the over-75s funded from stamp duty on share transfer properties. P.274/2005.  
Lodged: 29th November 2005.  
*Deputy of St. Martin.*

**Appointment of members of the Chairmen's Committee**

In accordance with the provisions of Standing Order 126, the following nominations were made by Deputy Robert Charles Duhamel of St. Saviour, President of the Chairmen's Committee, as members of the Chairmen's Committee–

Deputy Roy George Le Hérisier of St. Saviour  
Deputy of St. Ouen.

There being no other nominations, the Deputy Bailiff declared that Deputy Roy George Le Hérisier of St. Saviour and the Deputy of St. Ouen had been duly appointed as members of the Chairmen's Committee.

**Written Questions**

*(see Official Report)*

The Minister for Transport and Technical Services tabled an answer to a question asked by Senator Ben Edward Shenton regarding the school bus contract and recovery of costs relating to shift allowance.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy Roy George Le Hérisssier of St. Saviour regarding the suspension of staff.

The Minister for Social Security tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding matters relating to P.282/2005– Draft Employment (Minimum Wage) (Amendment) (Jersey) Regulations 200-.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding the new IT IS scheme.

The Chief Minister tabled an answer to a question asked by Deputy Geoffrey Peter Southern of St. Helier regarding R.C.18/2005– States Employees Engaging in Political Activities.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy Gerard Clifford Lemmens Baudains of St. Clement regarding the property known as ‘Lezardrieux’, St. Clement.

The Chairman of the Comité des Connétables tabled answers to questions asked by Deputy Gerard Clifford Lemmens Baudains of St. Clement regarding the ‘commercial rate’ and the position of the Parishes under the Low Income Support Scheme.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy Gerard Clifford Lemmens Baudains of St. Clement regarding the shareholding of Jersey Telecom.

The Minister for Transport and Technical Services tabled an answer to a question asked by Deputy Gerard Clifford Lemmens Baudains of St. Clement regarding the possible introduction of car park barriers in place of scratch cards.

The Minister for Economic Development tabled an answer to a question asked by Deputy Gerard Clifford Lemmens Baudains of St. Clement regarding his strategies for rejuvenating the agricultural and tourism industries.

### **Oral Questions**

*(see Official Report)*

Deputy Geoffrey Peter Southern of St. Helier asked a question of the Chief Minister regarding the establishment of a Population Office and matters relating to monitoring and regulation of migration.

Senator Leonard Norman asked a question of the Minister for Economic Development regarding a local fishing water agreement between Jersey and Guernsey.

The Deputy of St. Martin asked a question of the Chairman of the Comité des Connétables regarding Criminal Record Office checks on persons seeking various parochial honorary positions.

Deputy Roy George Le Hérisssier of St. Saviour asked a question of the Minister for Economic Development regarding the timetable for the corporatisation of Jersey Post.

Deputy Geoffrey Peter Southern of St. Helier asked a question of the Minister for Economic Development regarding ferry services and policy on the southern route.

Senator Leonard Norman asked a question of the Minister for Education, Sport and Culture regarding the employment of persons in the education service with a record for sex offences or violence.

Deputy Roy George Le Hérisssier of St. Saviour asked a question of the Minister for Health and Social Services regarding the protection of staff for “whistle-blowing”.

The Deputy of St. Martin asked a question of the Chief Minister regarding the coming into force of the Human Rights (Jersey) Law 2000.

The Connétable of St. Helier asked a question of the Minister for Home Affairs regarding standards of community safety in the Island.

Deputy Shona Pitman of St. Helier asked a question of the Minister for Education, Sport and Culture regarding the possible development of a floating youth café facility at the Waterfront.

### **Oral Questions without notice**

*(see Official Report)*

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

The Chief Minister answered questions without notice from members.

### **Draft Police Force (Amendment No. 9) (Jersey) Law 2003 (Appointed Day) Act 200 P.268/2005**

THE STATES, in pursuance of Article 4 of the Police Force (Amendment No. 9) (Jersey) Law 2003, made an Act entitled the Police Force (Amendment No. 9) (Jersey) Law 2003 (Appointed Day) Act 2006.

### **Draft Finance (Jersey) Law 200- (third reading) P.279/2005**

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

### **Planning Applications Panel: membership P.281/2005**

THE STATES, adopting a proposition of the Minister for Planning and Environment, appointed, in accordance with Article 6C of the Island Planning (Jersey) Law 1964, as amended, on the recommendation of the Minister for Planning and Environment, the following persons as members of the Planning Applications Panel with immediate effect for a period of 3 years –

- (a) The Connétable of St. Peter as a member;
- (b) The Deputy of Trinity as a member;
- (c) The Connétable of St. Saviour as a reserve member;
- (d) The Connétable of St. Helier as a reserve member.

### **Draft Emergency Powers and Planning (Amendment No. 2) (Jersey) Law 200 P. 220/2005**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Emergency Powers and Planning (Amendment No. 2) (Jersey) Law 200.

### **Change in Presidency**

The Deputy Bailiff retired from the Chair prior to the consideration of the Draft Emergency Powers and Planning (Amendment No. 2) (Jersey) Law 200 (P.220/2005 lodged “au Greffe” on 6th October 2005), as the Draft Law

concerned the rôle of the Bailiff, and the meeting continued under the Presidency of Michael Nelson de la Haye Greffier of the States.

### **Lunch Adjournment**

THE STATES then adjourned for lunch, having adopted a proposition, without notice, of Senator Michael Edward Vibert that, in accordance with Standing Order 45, they do adjourn until 2.30 p.m.

Members present voted as follows –

#### **POUR: 29**

Senator S. Syvret  
Senator F.H. Walker  
Senator W. Kinnard  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator F.E. Cohen  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
  
Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy J.B. Fox (H)  
Deputy P.J.D. Ryan (H)  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S.P.A. Power (B)  
Deputy A.J.H. Maclean (H)  
Deputy of St. John  
Deputy I.J. Gorst (C)

#### **CONTRE: 20**

Senator T.A. Le Sueur  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Brelade  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy R.G. Le Hérisssier (S)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Le Fondré (L)  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)  
Deputy of St. Mary

#### **ABSTAIN: 0**

### **Change in Presidency**

The Deputy Bailiff returned to the Chair following the lunch adjournment and the meeting continued under his presidency.

### **Field 571, La Rue du Puits Mahaut, Grouville: petition– P.147/2005 Comments**

THE STATES commenced consideration of a proposition of the Deputy of Grouville regarding Field 571, La Ru

du Puits Mahaut, Grouville: petition, and, following consideration, Deputy Peter Nicholas Troy of St. Brelade proposed that, in accordance with Standing Order 85(1), the States move to consideration of the next item on the Order Paper. The Deputy Bailiff ruled that, in accordance with Standing Order 85(2) such a proposition was an abuse of the procedure of the States and it was, therefore, disallowed.

THE STATES rejected the proposition of the Deputy of Grouville that the States request the Minister for Planning and Environment to refuse to grant permission for the development of Field 571, La Rue du Puits Mahaut Grouville, which was currently in the Countryside Zone and in agricultural use, for commercial development.

Members present voted as follows –

**POUR: 21**

Senator S. Syvret  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.J. Le Main  
Senator B.E. Shenton  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of Grouville  
Connétable of St. Brelade  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy C.J. Scott Warren (S)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of Grouville  
Deputy G.W.J. de Faye (H)  
Deputy D.W. Mezbourian (L)  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)

**CONTRE: 21**

Senator L. Norman  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Lawrence  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
  
Deputy P.V.F. Le Claire (H)  
Deputy J.A. Le Fondré (L)  
Deputy SP.A. Power (B)  
Deputy A.J.H. Maclean (H)  
Deputy of St. Mary

**ABSTAIN: 6**

Senator F.E. Cohen  
Connétable of St. Saviour  
Connétable of St. Peter  
Connétable of St. Helier  
Connétable of St. John  
Deputy of Trinity

The votes being equally divided, the matter was, in accordance with Article 16(2) of the States of Jersey Law, determined in the negative.

The Connétables of St. Martin and Trinity both declared an interest and withdrew from the Chamber during consideration of the matter.

**Draft Sexual Offences (Jersey) Law 200- P.196/2005**

THE STATES commenced consideration of the Draft Sexual Offences (Jersey) Law 200-, and, following consideration, rejected a proposition, without notice, of the Deputy of St. Ouen that, in accordance with the provisions of Standing Order 83, the matter be referred back.

Members present voted as follows –

**POUR: 19**

Connétable of St. Mary

**CONTRE: 32**

Senator S. Syvret

**ABSTAIN: 0**

Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy of St. Ouen  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A. Le Fondré (L)  
Deputy D.W. Mezbourian  
(L)  
Deputy of Trinity  
Deputy S.P.A. Power (B)  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

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 B.E. Shenton  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. John  
Connétable of St. Brelade  
Deputy A. Breckon (S)  
Deputy C.J. Scott Warren  
(S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy G.W.J. de Faye (H)  
Deputy S. Pitman (H)  
Deputy A.J.H. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John

## **Adjournment**

THE STATES then adjourned, having agreed to reconvene on Wednesday 18th January 2006, in order to resume consideration of the Draft Sexual Offences (Jersey) Law 200-, (P.196/2005 lodged “au Greffe” on 13th September 2005), together with outstanding matters of public business.

THE STATES rose at 6.05 p.m.

**M.N. DE LA HAYE**

*Greffier of the States*