

**THE STATES assembled on Tuesday  
22nd October 2008, at 09.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

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

Senator Stuart Syvret – en défaut (défaut raised at 11.36 a.m.)  
Senator Leonard Norman – en défaut  
Senator Wendy Kinnard – en défaut  
Senator Terence Augustine Le Sueur– en défaut  
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.40 a.m.)  
Connétable Alan Simon Crowcroft of St. Helier– en défaut (défaut raised at 10.08 a.m.)  
Deputy Alan Breckon of St. Helier– absent on States business  
Deputy Shona Pitman of St. Helier– en défaut  
Deputy Andrew David Lewis of St. John– en défaut (défaut raised at 9.40 a.m.)

Prayers read by the Greffier of the States

**Bailiff of Jersey: retirement**

The Bailiff advised the Assembly that he had received permission from Her Majesty The Queen to retire from office in June 2009.

**Minister for Home Affairs: appointment**

In accordance with the provisions of Standing Order 117(2), the Chief Minister nominated Deputy Andrew David Lewis of St. John as Minister for Home Affairs.

There being no other nominations, the Bailiff declared that Deputy Andrew David Lewis of St. John had been duly appointed as Minister for Home Affairs.

**Draft Employment (Amendment No. 4) (Jersey) Law 200 P.142/2008**

THE STATES commenced consideration of the Draft Employment (Amendment No. 4) (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 4.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Employment (Amendment No. 4) (Jersey) Law 200.

**Change in Presidency**

The Bailiff retired from the Chamber during consideration of the Draft Employment (Amendment No. 4) (Jersey) Law 200- and the meeting continued under the presidency of the Deputy Bailiff.

**Draft Income Support (Special Payments) (Cold Weather Payments) (Amendment) (Jersey) Regulations 200- P.144/2008**

THE STATES commenced consideration of the Draft Income Support (Special Payments) (Cold Weather Payments) (Amendment) (Jersey) Regulations 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 Regulations 1 and 2.

THE STATES, 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) (Amendment) (Jersey) Regulations 2008.

**Draft Foundations (Jersey) Law 200- P.143/2008**

THE STATES commenced consideration of the Draft Foundations (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 2 to 33.

THE STATES adopted Articles 34 to 38.

THE STATES adopted Articles 39 to 42.

THE STATES adopted Articles 43 to 51.

Members present voted as follows –

**POUR: 32**

**CONTRE: 0**

**ABSTAIN: 0**

Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
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 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 Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter

Deputy J.A. Hilton (H)  
Deputy P.V.F. Le Claire (H)  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)

THE STATES commenced consideration of Articles 52 to 57 and, adopting an amendment of the Minister for Economic Development, agreed that in Article 56–

For paragraph (1) there should be substituted the following paragraph–

- “(1) The States may, by Regulations, provide –
- (a) for the dissolution of foundations;
  - (b) for the continuance in Jersey as foundations of bodies corporate, whether or not incorporated in Jersey;
  - (c) for foundations incorporated in Jersey to be permitted to seek continuance outside Jersey; and
  - (d) for the merger of foundations, including the merger of foundations with any bodies corporate, whether or not incorporated in Jersey.”.

THE STATES adopted Articles 52 to 57, as amended.

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

Members present voted as follows –

**POUR: 36**

**CONTRE: 0**

**ABSTAIN: 0**

Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
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 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 Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy S.C. Ferguson (B)

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 D.W. Mezbourian  
(L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Amendment) (Jersey) Regulations 200- P.145/2008**

THE STATES commenced consideration of the Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Amendment) (Jersey) Regulations 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 Regulations 1 and 2.

Members present voted as follows –

**POUR: 30**

**CONTRE: 0**

**ABSTAIN: 0**

Senator M.E. Vibert  
Senator T.J. Le Main  
Senator B.E. Shenton  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Hilton (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 A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Amendment) (Jersey) Regulations 2008.

**Draft Prison (Amendment No. 6) (Jersey) Law 2007 (Appointed Day) Act 200 P.146/2008**

THE STATES, in pursuance of in pursuance of Article 5 of the Prison (Amendment No. 6) (Jersey) Law 2007 made an Act entitled the Prison (Amendment No. 6) (Jersey) Law 2007 (Appointed Day) Act 2008.

**Draft Boats and Surf-Riding (Control) (Amendment No. 28) (Jersey) Regulations 200 P.148/2008**

THE STATES commenced consideration of the Draft Boats and Surf-Riding (Control) (Amendment No. 28) (Jersey) Regulations 200- and adopted the principles.

Members present voted as follows –

**POUR: 24**

Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of St. Martin  
Connétable of St. Saviour  
Deputy J.J. Huet (H)  
Deputy P.N. Troy (B)  
  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)

**CONTRE: 16**

Senator S. Syvret  
Senator T.J. Le Main  
Connétable of St. Mary  
Connétable of St. Helier  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy P.V.F. Le Claire (H)  
Deputy D.W. Mezbourian (L)  
Deputy S.S.P.A. Power (B)  
  
Deputy of St. Mary

**ABSTAIN: 1**

Deputy of St. John

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 Article 4 of the Harbours (Administration) (Jersey) Law 1961, adopted Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 28) (Jersey) Regulations 2008.

### **Draft Amendment (No. 33) to the Tariff of Harbour and Light Dues P.149/2008**

THE STATES, adopting a proposition of the Minister for Economic Development, agreed, in accordance with Article 6 of the Harbour and Light Dues (Jersey) Law 1947, to approve the Draft Amendment (No. 33) to the Tariff of Harbour and Light Dues as set out in the Appendix to the Ministerial Decision of the Minister for Economic Development MD-E-2008-0185.

Members present voted as follows –

#### **POUR: 29**

Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
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. John  
Deputy J.J. Huet (H)  
Deputy C.J. Scott Warren  
(S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
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 of Trinity  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)

#### **CONTRE: 11**

Senator S. Syvret  
Senator T.J. Le Main  
Senator B.E. Shenton  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy J.A. Martin (H)  
Deputy S.C. Ferguson (B)  
Deputy D.W. Mezbourian  
(L)  
Deputy S.S.P.A. Power (B)  
Deputy of St. Mary

#### **ABSTAIN: 4**

Connétable of St. Helier  
Connétable of St. Brelade  
Connétable of St. Saviour  
Deputy of St. John

Deputy Gerard Clifford Lemmens Baudains of St. Clement, in accordance with the provisions of Standing Order 106(1)(a), declared an interest and withdrew from the Chamber for the duration of the debate.

Senator Frederick Ellyer Cohen, Connétable Alan Simon Crowcroft of St. Helier, Connétable Michael Keith Jackson of St. Brelade, Connétable Peter Frederick Maurice Hanning of St. Saviour, Deputy Andrew David Lewis of St. John and Deputy Guy William John de Faye of St. Helier, in accordance with the provisions of Standing

Order 106(b), declared an interest not being of a direct financial nature, but remained in the Chamber for the duration of the debate.

**Plémont Holiday Village site: negotiations for purchase P.152/2008**

THE STATES, adopting a proposition of the Connétable of St. Ouen, requested the Minister for Treasury and Resources –

- (a) to open negotiations with the current owners of the Plémont Holiday Village site, St. Ouen with a view to ascertaining their willingness to sell the site and, if appropriate, determining an agreed value for it; and
- (b) to present the outcome of the negotiations to the States to enable members to decide what further action, if any, they might choose to take.

Members present voted as follows –

**POUR: 37**

Senator S. Syvret  
Senator F.H. Walker  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. Martin  
Connétable of St. Saviour  
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 Hérisier (S)  
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 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 K.C. Lewis (S)  
Deputy I.J. Gorst (C)

**CONTRE: 6**

Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy J.A. Martin (H)  
Deputy A.J.D. Maclean (H)  
Deputy of St. John

**ABSTAIN: 2**

Senator F.E. Cohen  
Deputy G.W.J. de Faye (H)

Deputy of St. Mary

**Jersey Community Relations Trust: appointment of Chairman P.154/2008**

THE STATES, adopting a proposition of the Minister for Home Affairs and in pursuance of paragraph 5.1 of the Constitution of the Jersey Community Relations Trust, as amended, appointed Dr. Elena Moran as the Chairmar of the Jersey Community Relations Trust for a period of three years from the date of appointment.

**States Members' Remuneration Review Body: appointment of members P.155/2008**

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Act dated 13th May 2003 in which they agreed that an independent States Members' Remuneration Review Body comprising persons who were not members of the States should be established and appointed the following persons as members of the Body for a period of 3 years–

Mr. Julian Rogers (Chairman);  
Mr. Brian Bullock;  
Mr. Maurice François Dubras;  
Advocate Christopher Gerard Pellow Lakeman;  
Mr. John Frederick Mills C.B.E.

Members present voted as follows –

**POUR: 36**

Senator F.H. Walker  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. Martin  
Connétable of St. John  
Connétable of St. Saviour  
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 C.J. Scott Warren (S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter

**CONTRE: 5**

Senator S. Syvret  
Deputy G.P. Southern (H)  
Deputy P.J.D. Ryan (H)  
Deputy P.V.F. Le Claire (H)  
Deputy of St. John

**ABSTAIN: 0**



Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy K.C. Lewis (S)  
Deputy of St. Mary

### **Jersey Heritage Trust: appointment of Chairman P.156/2008**

THE STATES, adopting a proposition of the Minister for Education, Sport and Culture, agreed to appoint Mr. Clive S. Jones as Chairman of the Jersey Heritage Trust for a period of 4 years with immediate effect.

### **Jersey Financial Services Commission: appointment of Commissioner P.151/2008**

THE STATES commenced consideration of a proposition of the Minister for Economic Development concerning the appointment of a Commissioner of the Jersey Financial Services Commission. The Deputy Bailiff, in accordance with the provisions of Standing Order 82, ordered all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed.

THE STATES, having concluded the debate in camera, proceeded to vote in public assembly and, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, appointed Advocate Deborah Jane Lang, née Nance, as a Commissioner of the Jersey Financial Services Commission with effect from 30th November 2008 for a period of 3 years.

Senators Frank Harrison Walker and Ben Edward Shenton, in accordance with the provisions of Standing Order 106(b), declared an interest and withdrew from the Chamber during consideration of this matter.

### **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) –

#### **2nd December 2008**

Draft Budget Statement 2009. Lodged: 21st October 2008. <i>Minister for Treasury and Resources.</i>	P.158/2008.
Draft Finance (2009 Budget) (Jersey) Law 200-. Lodged: 21st October 2008. <i>Minister for Treasury and Resources.</i>	P.159/2008.
Draft Income Tax (Amendment No. 31) (Jersey) Law 200. Lodged: 21st October 2008. <i>Minister for Treasury and Resources.</i>	P.160/2008.
Draft Income Tax (Amendment No. 32) (Jersey) Law 200. Lodged: 21st October 2008. <i>Minister for Treasury and Resources.</i>	P.161/2008.

Income Support and GST food costs bonus: additional funding. Lodged: 21st October 2008. <i>Minister for Treasury and Resources.</i>	P.163/2008.
Draft Food Costs (Offset of Average GST) Bonus (Amendment) (Jersey) Regulations 200-. Lodged: 21st October 2008. <i>Minister for Social Security.</i>	P.164/2008.
Draft Income Support (Amendment No. 3) (Jersey) Regulations 200-. Lodged: 21st October 2008. <i>Minister for Social Security.</i>	P.165/2008.
Rental Deposit Scheme to Protect Tenants' Deposits. Lodged: 29th August 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.137/2008.
Rental Deposit Scheme to Protect Tenants' Deposits (P.137/2008): comments. Presented: 10th October 2008. <i>Minister for Housing.</i>	P.137/2008. Com.
Financial Services Compensation Scheme. Lodged: 19th September 2008. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.150/2008.
Waterfront Enterprise Board Ltd: appointment of Director. Lodged: 1st October 2008. <i>Chief Minister.</i>	P.153/2008.
Waterfront Enterprise Board Ltd.: appointment of Director (P.153/2008) – amendment. Lodged: 21st October 2008. <i>Senator B.E. Shenton.</i>	P.153/2008. Amd.
Draft Collective Investment Funds (Recognized Funds) (Actions for Damages) (Jersey) Regulations 200-. Lodged: 8th October 2008. <i>Minister for Economic Development.</i>	P.157/2008.
Draft Firearms (Amendment No. 2) (Jersey) Law 200-. Lodged: 21st October 2008. <i>Minister for Home Affairs.</i>	P.162/2008.

**20th January 2009**

Rates: the States' liability. Lodged: 16th September 2008. <i>Connétable of St. Helier.</i>	P.147/2008.
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THE STATES rose at 4.23 p.m.

**M.N. DE LA HAYE**

*Greffier of the States*