

**THE STATES assembled on Tuesday
17th June 2008, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present**

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

Senator Frank Harrison Walker – en défaut (défaut raised at 9.39 a.m.)
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 10.07 a.m.)
Connétable Kenneth Priaulx Vibert of St. Ouen– en défaut (défaut raised at 10.08 a.m.)
Connétable Alan Simon Crowcroft of St. Helier– en défaut (défaut raised at 9.43 a.m.)
Deputy Jacqueline Ann Hilton of St. Helier– absent on States business
Deputy Anne Enid Pryke of Trinity – absent on States business

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Jersey) Order 2008. <i>Minister for Home Affairs.</i>	R&O.69/2008.
Financial Services (Advertising) (Jersey) Order 2008. <i>Minister for Economic Development.</i>	R&O.70/2008 [re-numbered].
Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.71/2008.
Road Racing (Motor Vehicle Rally) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.72/2008.
Road Traffic (St. Martin) (Amendment No. 9) (Jersey) Order 2008. <i>Minister for Transport and Technical Services.</i>	R&O.73/2008.
Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Revocation) (Jersey) Order 2008. <i>Minister for Home Affairs.</i>	R&O.74/2008.

Documents presented or laid

Central European Time: referendum (P.62/2008) – comments. Presented: 17th June 2008. <i>Council of Ministers.</i>	P.62/2008. Com.(2)
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Financial Report and Accounts 2007. Presented: 17th June 2008. <i>Minister for Treasury and Resources.</i>	R.59/2008.
Annual Performance Report 2007. Presented: 17th June 2008. <i>Chief Minister.</i>	R.60/2008.
Remuneration of States' employees 2007. Presented: 17th June 2008. <i>Chief Minister.</i>	R.61/2008.
The Benefits and Disadvantages of Adopting Central European Time in Jersey. Presented: 17th June 2008. <i>Council of Ministers.</i>	R.62/2008.
Review into the Proposed Establishment of the Jersey Enterprise Board: report of the Corporate Services Scrutiny Panel. Presented: 11th June 2008. <i>Corporate Services Scrutiny Panel.</i>	S.R.9/2008.
Public Accounts Committee: Report on Ministerial Decision MD-PH-2008-0020: 26th March 2008: St. Helier Yacht Club– surrender and renewal of lease. Presented: 17th June 2008. <i>Public Accounts Committee.</i>	P.A.C.3/2008.

Notification of lodged propositions

Parish Rates: the States' liability (P.68/2008) – amendments. Lodged: 17th June 2008. <i>Connétable of St. Helier.</i>	P.68/2008. Amd.
Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200-(P.95/2008): amendment. Lodged: 12th June 2008. <i>Deputy I.J. Gorst of St. Clement.</i>	P.95/2008. Amd.
Waterfront Enterprise Board Ltd: removal of States Directors and Chairman from office. Lodged: 13th June 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.98/2008.
Council of Ministers: Vote of No Confidence. Lodged: 13th June 2008. <i>Senator S. Syvret.</i>	P.99/2008.
Chief Minister: Vote of Censure. Lodged: 16th June 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.100/2008.
Comptroller and Auditor General: re-appointment. Lodged: 17th June 2008. <i>Chief Minister.</i>	P.101/2008.

Strategy for Inclusive Vocational Day services and employment. P.102/2008.
Lodged: 17th June 2008.
Deputy I.J. Gorst of St. Clement.

Goods and Services Tax: exemption or zero-rating for foodstuffs and domestic energy. P.103/2008.
Lodged: 17th June 2008.
Deputy of Grouville.

Goods and Services Tax: exemption for fruit, vegetables and milk. P.104/2008.
Lodged: 17th June 2008.
Deputy S. Pitman of St. Helier.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged "au Greffe" had informed the Greffier of the States that it had been withdrawn –

Goods and Services Tax: zero-rating or exemption for basic foodstuffs and domestic energy. P.94/2008.
Lodged: 4th June 2008.
Deputy of Grouville.

Written Questions

(see Official Report/Hansard)

The Minister for Economic Development tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding compliance with the United Kingdom Merchant Shipping Survey and Certification Regulations 1995.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the financial costs to the Jersey Heritage Trust relating to the operation of the ferry service to Elizabeth Castle.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P Southern of St. Helier regarding Income Support.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the appointment of locally qualified people to senior public sector posts.

The Minister for Home Affairs tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the reestablishment of a Police Authority.

The Chief Minister tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding documents released by the Waterfront Enterprise Board at the States meeting on 5th June 2008.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the development of the Waterfront.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding background checks of care workers employed in residential and nursing homes.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of

St. Helier regarding taxation rates.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding net inward migration figures.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding public sector employees standing for election.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding zero rating for non locally owned companies.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the '20 means 20' tax measures.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of the Waterfront development on the Island's economy.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding documents released by the Waterfront Enterprise Board at the States meeting on 5th June 2008.

Oral Questions

(see Official Report/Hansard)

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Transport and Technical Services regarding the annual use of hypochlorite by the Transport and Technical Services Department.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Home Affairs regarding the establishment of computer criminal record checks with new European Union member countries.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Social Security regarding the provision of satellite welfare offices at Parish Halls.

Deputy S.C. Ferguson of St. Brelade asked a question of H.M. Attorney General regarding the sharing of legal opinions with third parties.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Transport and Technical Services regarding the extension of the Connex bus service contract.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Health and Social Services regarding the regulation of care workers in care and residential homes.

Deputy K.C. Lewis of St. Saviour asked a question of the Minister for Home Affairs regarding potential increases in penalties for knife crime and the carrying of knives in public.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Assistant Minister for Economic Development regarding charges for the use of the new Harbour crane.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Health and Social Services answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Statements on a matter of official responsibility

(see Official Report/Hansard)

H.M. Attorney General made a statement regarding the implications of the Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Jersey) Order 2008.

THE STATES, adopting a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, agreed that, in accordance with the provisions of Standing Order 80, Standing Order 68(3) should be suspended to enable members to continue to ask questions of H.M. Attorney General regarding the contents of his statement beyond a 10 minute time limit.

Members present voted as follows –

POUR: 36

Senator S. Syvret
Senator F.H. Walker
Senator W. Kinnard
Senator P.F. Routier
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. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Brelade
Connétable of St. Martin
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.A. Martin (H)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

CONTRE: 12

Senator L. Norman
Senator T.A. Le Sueur
Senator T.J. Le Main
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy J.J. Huet (H)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

ABSTAIN: 1

Deputy of St. John

The Minister for Home Affairs made a statement regarding the annulment of the Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Jersey) Order 2008.

THE STATES, adopting a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, agreed that, in accordance with the provisions of Standing Order 80, Standing Order 68(3) should be suspended to enable members to continue to ask questions of the Minister for Home Affairs regarding the contents of her statement beyond a 10 minute time limit.

Members present voted as follows –

POUR: 29

Senator S. Syvret
Senator W. Kinnard
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
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 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 of Grouville
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian
(L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

CONTRE: 8

Senator F.H. Walker
Senator T.A. Le Sueur
Senator T.J. Le Main
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. John
Deputy J.A. Martin (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 1

Deputy of St. John

The Chairman of the Comité des Connétables made a statement regarding the Island-wide Rate for 2008.

The Chairman of the Environment Scrutiny Panel made a statement regarding the proposed replacement of the Bellozanne incinerator.

The Assistant Minister for Home Affairs made a statement regarding the origin of the fragments found at Haut de

la Garenne in February 2008.

Change of Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of Mr. Michael Nelson de la Haye Greffier of the States. The Greffier of the States retired from the Chamber during the statement of the Assistant Minister for Home Affairs and the meeting continued under the Presidency of the Bailiff. The Bailiff retired from the Chamber during the discussion of School milk: continued funding (P.66/2008) and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

School milk: continued funding P.66/2008

THE STATES, adopting a proposition of Deputy Geoffrey Peter Southern of St. Helier, agreed to express their support for the continued funding of school milk, and to request the Chief Minister, after consultation with the Minister for Economic Development, to bring forward for approval by the States provision for this funding to be inscribed in the budget of the Economic Development Department in the Annual Business Plan 2009 and ring-fenced for this purpose until such time as the new dairy and appropriate financial structures for the dairy industry were in place.

Members present voted as follows –

POUR: 38

Senator S. Syvret
Senator W. Kinnard
Senator P.F. Routier
Senator B.E. Shenton
Senator F.E. Cohen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
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 of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy P.V.F. Le Claire (H)

CONTRE: 8

Senator F.H. Walker
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator T.J. Le Main
Connétable of St. Lawrence
Deputy S.C. Ferguson (B)
Deputy G.W.J. de Faye (H)
Deputy A.J.D. Maclean (H)

ABSTAIN: 0

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

Draft Taxation (Land Transactions) (Jersey) Law 200- P.185/2007

THE STATES resumed consideration of the Draft Taxation (Land Transactions) (Jersey) Law 200- the principles of which, as amended, had been adopted on 12th March 2008.

THE STATES, having adopted Articles 1 to 23 and the Schedule, as amended by the following amendments of the Minister for Treasury and Resources –

In Article 1(1)–

- (a) after the definition “Comptroller” there should be inserted the following definition –
 - “ ‘due date’, in relation to a transaction, means the 28th day following the day on which the transaction takes place;”
- (b) after the definition “equity capital” there should be inserted the following definition –
 - “ ‘land’ means a unit of dwelling accommodation;”
- (c) for the definition “occupier” there should be substituted the following definition –
 - “ ‘occupier’ means –
 - (a) in relation to a transaction described in Article 3(1)(a), the transferee of the share;
 - (b) in relation to a transaction described in Article 3(1)(b), the person for whose benefit the share is held;”

In Article 3

- (a) In paragraph (1), for sub-paragraphs (a) and (b) there should be substituted the following sub-paragraphs –
 - “(a) the transfer to a person of any share, ownership of which, by virtue of the articles of association of the company in which the share is held, confers a right of occupation of land in Jersey;
 - (b) a declaration that a share described in sub-paragraph (a) is held on trust for the benefit of a person, or an amendment to such a declaration substituting the person for whose benefit the share is held;”
- (b) For paragraph (2) there should be substituted the following paragraph–
 - “(2) For the purposes of paragraph (1), in determining whether a right of occupation is conferred there shall be disregarded any lease or tenancy or other interest in the land to which the right of occupation is subject and any restriction or requirement of the Housing (Jersey) Law 1949.”

In Article 4(2)–

For the words “within the period of 28 days following the date on which the transaction takes place.” there should be substituted the words “no later than the due date.”

In Article 7–

For the words “, within the time required by Article 4(2),” in paragraph (1) and for the words “within the time required” in paragraph (3), in each place that they appear, there should be substituted the words “on or before the due date”

In Article 10, there should be substituted the following Article–

10 Companies (Jersey) Law 1991 amended

- (1) In Article 42 of the Companies (Jersey) Law 1991–
 - (a) after paragraph (1) there shall be inserted the following paragraphs–
 - “(1A) Notwithstanding anything in its articles, a company shall not register an instrument of transfer of shares which is a transaction to which the Taxation (Land Transactions) (Jersey) Law 200- applies unless there is produced to the company the LTT receipt issued under Article 9 of the Law in respect of the transaction, or a copy of that receipt, certified in the manner prescribed under that Law.
 - (1B) If a company fails to comply with paragraph (1A), the company and every officer of it who is in default is guilty of an offence.”;
 - (b) in paragraph (2) for the words “Paragraph (1) does not” there shall be substituted the words “Paragraphs (1) and (1A) do not”.
- (2) In Schedule 1 to the Companies (Jersey) Law 1991, after the entries for Article 41(3) of the Law there shall be inserted the following entries –

“Article 42(1B)	Company registering transfer of shares to which Taxation (Land Transactions) (Jersey) Law 200- applies, without production of LTT receipt	Level 3	-”
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In Article 16 that –

- (a) in paragraph (2) for the words “and liable to imprisonment” to the end of the paragraph there should be substituted the words “and liable to imprisonment for a term of 12 months and to a fine of level 4 on the standard scale.”
- (b) paragraph (3) should be deleted.

In Article 21, after paragraph (b) the following paragraph should be added

“(c) prescribe the manner in which a copy of an LTT receipt shall be certified.”

In paragraph 2 of the Schedule–

- (a) at the end of the heading the words “described in Article 3(1)(a) or (b)” should be added
- (b) in sub-paragraph (1) after the word “transaction”, where it first appears, there should be inserted the word “described in Article 3(1)(a) or (b)”

- (c) in sub-paragraph (4) for the words “whereby a right of occupation of land conferred on a single individual is henceforth conferred on that individual jointly with another person,” there should be substituted the words “whereby a share held on trust for the benefit of one person is henceforth held on trust for the benefit of that person jointly with another person,”
- (d) in sub-paragraph (5) for the words “whereby a right of occupation of land conferred on persons jointly is henceforth conferred on only one of those persons,” there should be substituted the words “whereby a share held on trust for the benefit of persons jointly is henceforth held on trust for the benefit of one only of those persons,”
- (e) sub-paragraph (6) should be deleted.

The following new paragraph should be inserted in the Schedule after paragraph 2–

“3 Basic amount charged on the value of a transaction to which Article 3(1)(c) applies

Except as otherwise provided in the following provisions of this Schedule, LTT shall be charged on the value of a transaction to which Article 3(1)(c) applies at a rate of £50 plus (subject to a minimum amount of £5) 50p for each £100 or part of £100 of the amount secured by the security agreement.”

In paragraph 3 of the Schedule, sub-paragraph (2) there should be substituted clause (d)–

“(d) any arrangement whereby a share described in Article 3(1)(a) was held on trust for the benefit of the occupier.”

In paragraph 3 of the Schedule, sub-paragraph (3)(d) for the amount “£250,000” there should be substituted the amount “£300,000”

In paragraph 4 of the Schedule, sub-paragraph (2)(d) for the amount “£250,000” there should be substituted the amount “£300,000”

In paragraph 5 of the Schedule, sub-paragraph (1) there should be substituted clause (b)–

“(b) is a transaction whereby shares formerly owned by, or held on trust for the benefit of, an individual are jointly owned by, or held on trust for the joint benefit of, that individual and his or her spouse and, at the time of the transaction, the land is their matrimonial home.”

In paragraph 6 of the Schedule, sub-paragraph (1) there should be substituted clause (b)–

“(b) is a transaction whereby shares formerly owned by, or held on trust for the benefit of, spouses jointly are solely owned by, or held on trust for the sole benefit of, one of them and, at the time of the transaction, the land is their matrimonial home.”

After paragraph 7 of the Schedule there should be inserted the following paragraph–

“- **Devolution of deceased person’s estate**

Where a transaction described in Article 3(1)(a) or (b) gives effect to a devise to a beneficiary or the devolution on intestacy to the heir or heirs, of a deceased person’s estate, LTT shall be charged at the rate of £50.”

Any internal cross references renumbered and altered accordingly.

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

Members present voted as follows –

POUR: 40

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator B.E. Shenton
Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
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Connétable of St. Brelade
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Deputy of St. Martin
Deputy C.J. Scott Warren (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 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 S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy of St. Mary

Draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200- P.55/2008

THE STATES commenced consideration of the principles of the Draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200-.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 18th June 2008 to continue consideration of the draft Crime (Disorderly Conduct and Harassment) (Jersey) Law 200- (P.55/2008) and the outstanding items of public business.

THE STATES rose at 5.31 p.m.

M.N. DE LA HAYE

Greffier of the States