THE STATES assembled on Tuesday 5th June 2008, 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 Stuart Syvret – en défaut

Senator Leonard Norman – en défaut

Senator Terence Augustine Le Sueur- en défaut

Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.37 a.m.)

Deputy Peter Nicholas Troy of St Brelade – en défaut (défaut raised at 9.37 a.m.)

Deputy Celia Joyce Scott Warren of St. Saviour-ill

Deputy Judith Ann Martin of St. Helier- en défaut

Deputy Geoffrey Peter Southern of St. Helier- en défaut (défaut raised at 9.37 a.m.)

Deputy Andrew David Lewis of St. John– en défaut (défaut raised at 9.37 a.m.)

Prayers

Notification of lodged propositions

Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200-.

P.95/2008.

Lodged: 5th June 2008.

Minister for Treasury and Resources.

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the proposer of the following proposition lodged "au Greffe" had informed the Greffier of the States that it had been withdrawn –

Millennium Town Park: Funding from Strategic Reserve.

P.1/2008.

Lodged: 3rd January 2008.

Deputy G.P. Southern of St. Helier.

Esplanade Quarter, St. Helier: Masterplan P.60/2008

THE STATES resumed consideration of paragraph (2) of the proposition of the Council of Ministers concerning the Esplanade Quarter, St. Helier: Masterplan and, having rejected a proposition of Senator Frederick Ellye Cohen that the matter should be debated 'in camera', rejected a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement that, in accordance with Standing Order 83(1)(a), paragraph (2) of the proposition relating to the Esplanade Quarter Masterplan should be referred back to the Council of Ministers in order that further information relating to the proposition could be provided to the States.

Members present voted as follows –

Connétable of St. Peter

Deputy G.C.L. Baudains (C)

Deputy P.N. Troy (B)

Deputy R.G. Le Hérissier (S)

Deputy G.P. Southern (H)

Deputy S. Pitman (H)

Senator F.H. Walker

Senator W. Kinnard

Senator P.F. Routier

Senator M.E. Vibert

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator B.E. Shenton

Deputy R.C. Duhamel (S)

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. Brelade

Connétable of St. Martin

Connétable of St. John

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

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 G.W.J. de Faye (H)

Deputy P.V.F. Le Claire (H)

Deputy D.W. Mezbourian

(L)

Deputy of Trinity

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 rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that, in accordance with Standing Order 79, the debate on paragraph (2) of the proposition relating to the Esplanade Quarter Masterplar should be suspended and the Economic Affairs Scrutiny Panel requested to consider having the proposition referred to it.

Members present voted as follows -

POUR: 4 CONTRE: 39 ABSTAIN: 0

Senator F.H. Walker

Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy G.P. Southern (H)
Deputy S. Pitman (H)

Senator W. Kinnard Senator P.F. Routier 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. 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. John Connétable of St. Saviour

Deputy R.C. Duhamel (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy P.N. Troy (B) 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 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 Deputy D.W. Mezbourian (L) Deputy of Trinity Deputy A.J.D. Maclean (H) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C)

THE STATES, adopting paragraph (2) of the proposition relating to the Esplanade Quarter Masterplan, agreed-

- (2) (a) to approve the acquisition by the Public of the parcels of land and any interest therein comprising part of the Esplanade Quarter site currently vested in Waterfront Enterprise Board Limited or its subsidiaries and, in consideration therefor, to approve the leasing by the Public to Waterfront Enterprise Board Limited of the entire Esplanade Quarter site shown for identification purposes edged black on drawing number P 580 9 (attached at Appendix 1) by way of a lease for 150 years at a nominal rent;
 - to authorise the Minister for Treasury and Resources to agree the detailed terms of the (b) acquisition and the lease referred to in sub-paragraph (2)(a) above with Waterfron Enterprise Board Limited; and
 - (c) to authorise the Attorney General and the Greffier of the States on behalf of the Public to pass any contracts which might be found necessary to pass in connection with the acquisition and the lease envisaged by this paragraph (2).

Members present voted as follows –

CONTRE: 5 POUR: 37 ABSTAIN: 1

Senator F.H. Walker Senator W. Kinnard

Senator P.F. Routier 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. Ouen

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of St. Helier

Connétable of Trinity

Deputy A. Breckon (S)

Deputy G.C.L. Baudains

(C)

Deputy G.P. Southern (H) Deputy of St. Ouen

Deputy S. Pitman (H)

Deputy R.C. Duhamel (S)

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Connétable of St. Saviour

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy P.N. Troy (B)

Deputy R.G. Le Hérissier

(S)

Deputy J.B. Fox (H)

Deputy S.C. Ferguson (B)

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 D.W. Mezbourian

(L)

Deputy of Trinity

Deputy of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

Roll call

Following the lunchtime adjournment the Presiding Officer, the Greffier of the States, Mr. Michael Nelson de 1 Haye, 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 Presiding Officer asked the Greffier to call the roll, as he believed that the States remained inquorate. The following members who had been marked as present during the morning were absent from the Chamber for this second roll call –

Senator Frank Harrison Walker

Senator Wendy Kinnard

Senator Terence Augustine Le Sueur

Senator Paul Francis Routier

Senator Terence John Le Main

Senator Ben Edward Shenton

Senator Frederick Ellyer Cohen Senator James Leslie Perchard

Connétable Thomas John du Feu of St. Peter

Connétable Alan Simon Crowcroft of St. Helier

Connétable Daniel Joseph Murphy of Grouville

Connétable Graeme Frank Butcher of St. John

Deputy Robert Charles Duhamel of St. Saviour

Deputy Alan Breckon of St. Saviour

Deputy Jacqueline Jeanette Huet of St. Helier

Deputy Peter Nicholas Troy of St. Brelade

Deputy John Benjamin Fox of St. Helier

Deputy Patrick John Dennis Ryan of St. Helier

Deputy Carolyn Fiona Labey of Grouville

Deputy Paul Vincent Francis Le Claire of St. Helier

Deputy Anne Enid Pryke of Trinity

Deputy Alan John Henry Maclean of St. Helier

Draft Non-Profit Organizations (Jersey) Law 200- P.63/2008

THE STATES commenced consideration of the Draft Non-Profit Organizations (Jersey) Law 200- as amended by the Council of Ministers and adopted the principles.

Members present voted as follows –

POUR: 32 CONTRE: 8 ABSTAIN: 1

Senator W. Kinnard Deputy A. Breckon (S) Deputy G.C.L. Baudains (C) Senator M.E. Vibert Senator P.F.C. Ozouf Deputy P.N. Troy (B) Deputy R.G. Le Hérissier Senator B.E. Shenton

Senator F.E. Cohen Deputy J.B. Fox (H) Senator J.L. Perchard Deputy G.P. Southern (H) Deputy S. Pitman (H) Connétable of St. Ouen

Connétable of St. Mary Deputy K.C. Lewis (S)

Connétable of St. Clement Connétable of Trinity

Connétable of St. Lawrence

Deputy R.C. Duhamel (S) Deputy J.J. Huet (H)

Connétable of St. Brelade Connétable of St. Martin Connétable of St. Saviour

Deputy of St. Martin 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 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 of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

Connétable of Grouville

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Article 1.

THE STATES commenced consideration of Article 2 and rejected an amendment of Deputy Roy George Le Hérissier of St. Saviour that in paragraph (1), for the amount£1000" there should be substituted the amount "£5000".

Members present voted as follows –

POUR: 15 CONTRE: 26 ABSTAIN: 1

Connétable of Grouville Connétable of St. Mary Senator W. Kinnard Connétable of St. Peter Senator P.F. Routier Connétable of St. Clement Senator M.E. Vibert Deputy R.C. Duhamel (S) Senator P.F.C. Ozouf

Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérissier
(S)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of Grouville
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian
(L)
Deputy K.C. Lewis (S)

Senator B.E. Shenton Senator J.L. Perchard Connétable of St. Ouen Connétable of St. Helier

Connétable of Trinity Connétable of St. Lawrence Connétable of St. Brelade Connétable of St. Martin Connétable of St. Saviour Deputy J.J. Huet (H)

Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré
(L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy I.J. Gorst (C)
Deputy of St. Mary

THE STATES adopted Article 2.

THE STATES commenced consideration of Article 3 and, adopting an amendment of Deputy Roy George Le Hérissier of St. Saviour, agreed that in paragraph (1), in suparagraph (a) of the definition "financial statement" –

- (a) the word "detailed" should be deleted
- (b) for the words "with any necessary explanations" there should be substituted the words "with such explanation as may be reasonably necessary".

THE STATES adopted Article 3 as amended.

THE STATES adopted Articles 4 to 7.

THE STATES commenced consideration of Article 8 and, adopting an amendment of Deputy Roy George Le Hérissier of St. Saviour, agreed that for paragraphs (3) and (4) there should be substituted the followin paragraphs –

- "(3) The notice must
 - (a) give the reason for the refusal; and
 - (b) set out the applicant's rights under paragraphs (4) and (6).
- (4) The applicant may, within 28 days of receiving the notice, request, in writing, that the Commission reconsider its refusal of the application.
- (5) The Commission shall, within the period of 56 days following receipt of a request under paragraph (4), reconsider its decision and shall either—
 - (a) confirm the refusal, and send notice of the confirmation to the applicant, giving the reasons for the confirmation of the original decision; or
 - (b) register the applicant.

(6) A person aggrieved by the Commission's refusal of an application may, whether or not the person has requested the Commission to reconsider the refusal, appeal to the Royal Court."

THE STATES, adopting an amendment of Deputy Roy George Le Hérissier of St. Saviour, agreed that i Article 8 after paragraph (6) (unrenumbered) there should be inserted the following paragraph-

"(*) On the appeal, the Court may further order that all or any of the costs of the appeal shall be paid out of public funds."

Members present voted as follows –

POUR: 24 CONTRE: 9 ABSTAIN: 1

Senator B.E. Shenton
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Lawrence
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 R.G. Le Hérissier (S)

Deputy J.B. Fox (H) Deputy P.J.D. Ryan (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 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

Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Senator J.L. Perchard Connétable of St. Ouen Connétable of Trinity Connétable of St. Brelade Deputy S.C. Ferguson (B) Deputy of St. Peter Connétable of Grouville

THE STATES adopted Article 8, as amended.

THE STATES adopted Articles 9 to 12.

THE STATES adopted Article 13.

THE STATES adopted Articles 14 to 16.

THE STATES commenced consideration of Article 17 and rejected an amendment of Deputy Roy George Le Hérissier of St. Saviour, that in paragraph (2)

- (a) at the end of sub-paragraph (a), the word "and" should be added
- (b) at the end of sub-paragraph (b), the word "and" should be deleted
- (c) sub-paragraph (c) should be deleted.

Members present voted as follows -

POUR: 9 CONTRE: 21

Connétable of St. Mary Deputy A. Breckon (S) Deputy of St. Martin Deputy G.C.L. Baudains (C) Deputy R.G. Le Hérissier **(S)** Deputy J.A. Hilton (H) Deputy S.S.P.A. Power (B) Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

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. Clement Connétable of St. Helier Connétable of St. Lawrence Connétable of St. Saviour Deputy J.J. Huet (H) Deputy J.B. Fox (H) Deputy S.C. Ferguson (B) Deputy P.J.D. Ryan (H) Deputy J.A.N. Le Fondré Deputy D.W. Mezbourian (L)Deputy of Trinity Deputy A.J.D. Maclean (H) Deputy of St. John Deputy I.J. Gorst (C) Deputy of St. Mary

THE STATES adopted Article 17.

THE STATES commenced consideration of Article 18 and rejected an amendment of Deputy Roy George Le Hérissier of St. Saviour that for paragraph (5) there should be substituted the following paragraph

> The Commission may refuse to provide a copy only if it has reason to suspect or believe that the copy is required for a purpose that is unlawful."

Members present voted as follows –

CONTRE: 19 POUR: 14 ABSTAIN: 1

Connétable of St. Peter Connétable of St. Lawrence Deputy A. Breckon (S) Deputy of St. Martin Deputy G.C.L. Baudains (C) Deputy R.G. Le Hérissier (S) Deputy J.A. Hilton (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

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. Clement Connétable of St. Helier

Connétable of Trinity Connétable of St. Brelade Connétable of St. Saviour Deputy J.J. Huet (H) Deputy J.B. Fox (H) Deputy S.C. Ferguson (B) Deputy P.J.D. Ryan (H) Deputy of Trinity

Deputy A.J.D. Maclean (H)

Deputy of St. John

Connétable of Grouville

ABSTAIN: 0

THE STATES commenced consideration of Article 19 and rejected an amendment of Deputy Roy George Le Hérissier of St. Saviour that-

in paragraph (3), for the words "The Commission may, in particular do so, if it is satisfied that the information is required" there should be substituted the words "However, the Commission must not supply information unless it is satisfied that the information is required".

Members present voted as follows –

POUR: 9 CONTRE: 26 ABSTAIN: 1

Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérissier
(S)
Deputy G.P. Southern (H)
Deputy D.W. Mezbourian
(L)
Deputy S. Pitman (H)

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. Clement Connétable of St. Helier

Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
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 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 adopted Article 19.

THE STATES adopted Articles 20 to 39, as amended, having adopted amendments of the Council of Ministers that –

In Article 24–

After the word "fine" there should be inserted the words "of level 4 on the standard scale".

In Article 25(1)–

After the word "fine" there should be inserted the words "of level 4 on the standard scale".

In Article 27-

Connétable of Grouville

In paragraphs (1) and (2), after the word "fine" in both places where it occurs, there should be inserted the words "of level 4 on the standard scalë.

In Article 28(1)–

After the word "fine" there should be inserted the words "of level 4 on the standard scale".

In Article 29-

In paragraphs (1), (3) and (4), after the word "fine" in each place where it occurs, there should be inserted the words "of level 4 on the standard scale".

For Article 30, there should be substituted the following Article-

"30 Offences in respect of supply of information by an NPO

- (1) An NPO is guilty of an offence and liable to a fine of level 4 on the standard scale if, wher requested under Article 13(1) to provide information, the NPO fails, without reasonable excuse, to provide the information.
- (2) An NPO is guilty of an offence and liable to a fine if, when requested under Article 13(1) to provide information, the NPO, in purported compliance with the request, provides information that the NPO knows or ought reasonably to know is false or misleading in a material way."

For Article 31, there should be substituted the following Article-

"31 Offences in respect of supply of an explanation by a person

- (1) A person is guilty of an offence and liable to a fine of level 4 on the standard scale if, wher required under Article 18(2)(b) to provide an explanation of a financial record, the person fails, without reasonable excuse, to provide the explanation.
- (2) A person is guilty of an offence and liable to a fine if, when required under Article 18(2)(b) to provide an explanation of a financial record, the person, in purported compliance with the requirement, provides an explanation that the person knows or ought reasonably to know is false or misleading in a material way."

THE STATES commenced consideration of Article 40 and rejected an amendment of Deputy Roy George Le Hérissier of St. Saviour that-

in the substituted paragraph (5) for the words beginning "to provide information" to the end of the paragraph there should be substituted the words "to provide such information to the Commission in respect of those regulated NPOs as may be necessary to enable the Commission to discharge its functions under the Non-Profit Organizations (Jersey) Law 200-".

Connétable of Grouville

Members present voted as follows -

POUR: 10 CONTRE: 24 ABSTAIN: 1

Senator B.E. Shenton Senator F.H. Walker Connétable of St. Mary Senator P.F. Routier Connétable of St. Peter Senator M.E. Vibert Deputy R.C. Duhamel (S) Senator P.F.C. Ozouf Senator J.L. Perchard Deputy A. Breckon (S) Connétable of St. Ouen Deputy of St. Martin Deputy G.C.L. Baudains (C) Connétable of St. Clement Deputy R.G. Le Hérissier Connétable of St. Helier

Deputy D.W. Mezbourian Connétable of Trinity

(L)

Deputy S. Pitman (H)

Connétable of St. Lawrence Connétable of St. Brelade Connétable of St. Martin Connétable of St. Saviour Deputy J.J. Huet (H) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy P.J.D. Ryan (H) 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 of St. Mary

THE STATES adopted Article 40.

THE STATES adopted Articles 41 to 44 and the Schedule.

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

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Chief Minister made a statement in relation to legal action concerning the proposed developer of the Esplanade Quarter, St. Helier.

Public Employees Contributory Retirement Scheme: Committee of Management – appointment of **Chairman P.69/2008**

THE STATES, adopting a proposition of the Minister for Treasury and Resources, agreed to approve, in accordance with Regulation 3(6) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey Regulations 1989, the appointment of Mr. Ronald Amy O.B.E. as Chairman of the Committee of Management for a period of 3 years commencing 1st July 2008.

Adjournment

THE STATES adjourned, having adopted a proposition of Deputy Geoffrey Peter Southern of St. Helier tha they would reconvene on Tuesday 10th June 2008 to consider the outstanding items of public business.

THE STATES rose at 5.05 p.m.

A.H. HARRIS

Deputy Greffier of the States