THE STATES assembled on Thursday 11th November 2004 at 9.30 a.m. under the Presidency of the Bailiff, Sir Philip Bailhache.

All members were present with the exception of –

Thomas John du Feu, Connétable of St. Peter—ill Celia Joyce Scott Warren, Deputy of St. Saviour—out of the Island.

Prayers

Armistice Day – two minute silence

THE STATES agreed to observe a two minute silence on the anniversary of Armistice Day, and accordingly observed the silence at 11.00 a.m.

Matter lodged

The following matter was lodged "au Greffe" -

States Members' parking.

Environment and Public Services Committee.

P.199/2004.

Draft States of Jersey Law 200- P.124/2004 (re-issue) Comments and Amendments

THE STATES resumed consideration of the draft States of Jersey Law 200-, and commenced consideration of a second amendment of Senator Stuart Syvret to Article 25 that, after paragraph (5), there be inserted the following paragraph and the remaining paragraphs be renumbered accordingly –

"() Neither the Chief Minister or the Council of Ministers shall prevent a Minister speaking publicly on, or bringing to the States, any matter, proposition, question, bill, petition or other thing relating or of relevance to his or her portfolio."

THE STATES, following discussion, adopted a proposition of Senator Edward Philip Vibert that, in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows -

POUR: 22	CONTRE: 21	ABSTAIN: 0

Senator J.A. Le Maistre	Senator S. Syvret
Senator T.A. Le Sueur	Senator L. Norman
Senator E.P. Vibert	Senator F.H. Walker
Senator R.J. Shenton	Senator W. Kinnard
Connétable of St. Martin	Senator P.F. Routier
Connétable of St. Saviour	Senator M.E. Vibert
Connétable of St. Brelade	Connétable of St. Ouen

Connétable of St. Mary Connétable of Trinity Connétable of St. Clement Connétable of St. Helier Connétable of St. Lawrence Connétable of Grouville Deputy of Trinity Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy G.C.L. Baudains (C) Deputy J.L. Dorey (H) Deputy R.G. Le Hérissier (S) Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy P.J.D. Ryan (H)

Connétable of St. John Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. John Deputy M.F. Dubras (L) Deputy P.N. Troy (B) Deputy J.B. Fox (H) Deputy J-A. Bridge (H) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of St. Ouen Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H)

THE STATES rejected an amendment of Senator Stuart Syvret that in Article 25 after paragraph (5), there b inserted the following paragraph and the remaining paragraphs be renumbered accordingly –

"() Neither the Chief Minister or the Council of Ministers shall prevent a Minister speaking publicly on, or bringing to the States, any matter, proposition, question, bill, petition or other thing relating or of relevance to his or her portfolio."

Members present voted as follows -

Deputy M.A. Taylor (C)

POUR: 23 CONTRE: 27 ABSTAIN: 0

Senator J.A. Le Maistre Senator S. Syvret Senator W. Kinnard Senator E.P. Vibert Senator R.J. Shenton Connétable of St. Martin Connétable of St. Mary Connétable of St. Lawrence Connétable of Grouville Connétable of St. John Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy of St. John

Deputy G.C.L. Baudains (C) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Bernstein (B)

Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H) Senator L. Norman Senator F.H. Walker Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Connétable of St. Ouen Connétable of St. Saviour Connétable of St. Brelade Connétable of St. Clement Connétable of St. Helier Connétable of Trinity Deputy of Trinity Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy J.L. Dorey (H) Deputy P.N. Troy (B) Deputy F.G. Voisin (L) Deputy L.J. Farnham (S) Deputy R.G. Le Hérissier

(S) Deputy J.B. Fox (H) Deputy J-A. Bridge (H) Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy M.A. Taylor (C)

Members present voted as follows –

POUR: 37 CONTRE: 10 ABSTAIN: 0

Senator J.A. Le Maistre Senator L. Norman Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Connétable of St. Martin Connétable of St. Ouen Connétable of St. Saviour

Connétable of St. Brelade Connétable of St. Clement

Connétable of St. Helier Connétable of Trinity

Connétable of St. Lawrence

Connétable of St. John

Deputy of Trinity

Deputy of St. Martin

Deputy T.J. Le Main (H)

Deputy M.F. Dubras (L)

Deputy J.L. Dorey (H)

Deputy P.N. Troy (B)

Deputy L.J. Farnham (S)

Deputy R.G. Le

Deputy J.B. Fox (H)

Deputy J-A. Bridge (H)

Deputy J.A. Bernstein (B)

Deputy S.C. Ferguson (B)

Deputy of St. Mary

Deputy of St. Ouen

Deputy P.J.D. Ryan (H)

Deputy M.A. Taylor (C)

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

THE STATES adopted Article 26.

THE STATES commenced consideration of Article 27, and rejected an amendment of Senator Stuart Syvret that for paragraph (1), there be substituted the following paragraph—

"(1) A Minister –

- (a) may delegate, wholly or partly, functions conferred upon or vested in the Minster by or under this Law or any other enactment or any enactment of the United Kingdom having effect in Jersey to –
 - (i) one of his or her Assistant Ministers, or

Senator S. Syvret Senator E.P. Vibert Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. John Deputy G.C.L. Baudains (C) Deputy J.A. Martin (H) Deputy G.P. Southern (H)

(ii) an officer;

and

(b) shall keep a record of all such delegations and, unless a delegation is of less than 7 days' duration, inform the States of the delegation."

Members present voted as follows -

POUR: 19 CONTRE: 22 ABSTAIN: 0

Senator J.A. Le Maistre Senator F.H. Walker Senator S. Syvret Senator T.A. Le Sueur Senator L. Norman Senator P.F. Routier Senator W. Kinnard Senator P.F.C. Ozouf Senator P.V.F. Le Claire Connétable of St. Saviour Senator E.P. Vibert Connétable of St. Clement Senator R.J. Shenton Connétable of St. Helier Connétable of St. Brelade Deputy of Trinity Deputy T.J. Le Main (H) Connétable of Trinity Deputy M.F. Dubras (L) Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy P.N. Troy (B) Deputy of St. Martin Deputy L.J. Farnham (S) Deputy of St. John Deputy R.G. Le Hérissier (S) Deputy G.C.L. Baudains (C) Deputy J.B. Fox (H) Deputy J.L. Dorey (H) Deputy J-A. Bridge (H) Deputy J.A. Martin (H) Deputy J.A. Bernstein (B) Deputy G.P. Southern (H) Deputy S.C. Ferguson (B) Deputy of Grouville

Deputy J.-A. Bridge (H)
Deputy J.A. Bernstein (B
Deputy S.C. Ferguson (B
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter

Article 27 was adopted.

Deputy G.W.J. de Faye (H)

Members present voted as follows -

POUR: 36 CONTRE: 12 ABSTAIN: 0

Senator L. Norman Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Senator R.J. Shenton Connétable of St. Ouen Connétable of St. Saviour Connétable of St. Brelade Connétable of St. Clement Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of Grouville

Senator S. Syvret Senator P.V.F. Le Claire Senator E.P. Vibert Deputy R.C. Duhamel (S)

Senator J.A. Le Maistre

Deputy A. Breckon (S) Deputy of St. Martin Deputy of St. John

Deputy G.C.L. Baudains (C) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Hilton (H) Connétable of St. John

Deputy of Trinity

Deputy J.J. Huet (H)

Deputy T.J. Le Main (H)

Deputy M.F. Dubras (L)

Deputy J.L. Dorey (H)

Deputy P.N. Troy (B)

Deputy L.J. Farnham (S)

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy J-A. Bridge (H)

Deputy J.A. Bernstein (B)

Deputy S.C. Ferguson (B)

Deputy of St. Mary

Deputy of St. Ouen

Deputy P.J.D. Ryan (H)

Deputy M.A. Taylor (C)

Deputy of Grouville

Deputy of St. Peter

Deputy G.W.J. de Faye (H)

THE STATES commenced consideration of Article 28 and rejected an amendment of Senator Stuart Syvret that paragraph (4) be deleted and the subsequent paragraph be renumbered accordingly.

Members present voted as follows –

POUR: 13 CONTRE: 36 ABSTAIN: 0

Senator J.A. Le Maistre

Senator S. Syvret

Senator P.V.F. Le Claire

Senator E.P. Vibert Senator R.J. Shenton

Connétable of St. Mary Deputy A. Breckon (S)

Deputy of St. Martin

Deputy of St. Martin

Deputy of St. John

Deputy G.C.L. Baudains (C)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

Senator L. Norman

Senator F.H. Walker

Senator W. Kinnard Senator T.A. Le Sueur

Senator P.F. Routier

Senator M.E. Vibert

Schator W.E. Vibert

Senator P.F.C. Ozouf Connétable of St. Martin

Connétable of St. Ouen

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of St. Clement Connétable of St. Helier

Connétable of Trinity

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. John

Deputy of Trinity

Deputy R.C. Duhamel (S)

Deputy J.J. Huet (H)

Deputy T.J. Le Main (H)

Deputy M.F. Dubras (L)

Deputy J.L. Dorey (H)

Deputy P.N. Troy (B)

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy J-S. Bridge (H)

Deputy J.A. Bernstein (B)

Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy M.A. Taylor (C) Deputy of St. Peter Deputy J.A. Hilton (H) Deputy G.W.J. de Faye (H)

Article 28 was adopted.

THE STATES commenced consideration of Article 29 and adopted an amendment of Senator Stuart Syvret that there be substituted the following Article –

"29 Duty to maintain list of ministerial responsibilities

The Chief Minister shall establish, maintain and publish a list of Ministers and Assistant Ministers and the functions exercisable by each of them and by the Chief Minister personally."

Members present voted as follows -

POUR: 41 CONTRE: 6 ABSTAIN: 2

Senator J.A. Le Maistre Senator S. Syvret Senator L. Norman

Senator F.H. Walker

Senator W. Kinnard Senator T.A. Le Sueur Deputy of St. Ouen

Senator P.V.F. Le Claire Senator P.F Routier

Senator E.P. Vibert

Senator R.J. Shenton

Connétable of St. Martin

Connétable of St. Ouen

Connétable of St. Saviour Connétable of St. Brelade

Connétable of St. Mary Connétable of St. Clement

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. John

Deputy of Trinity

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy of St. John

Deputy T.J. Le Main (H)

Deputy G.C.L. Baudains (C)

Deputy P.N. Troy (B)

Deputy R.G. Le Hérissier (S)

Deputy J.B. Fox (H)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Senator P.F.C. Ozouf Connétable of St. Lawrence

Deputy M.F. Dubras (L) Deputy J-A. Bridge (H)

Deputy of St. Mary

Senator M.E. Vibert Deputy J.L. Dorey

Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES adopted Articles 30 and 31.

THE STATES adopted Article 32.

THE STATES commenced consideration of Article 33 and rejected an amendment of Senator Stuart Syvret that in paragraph (a) after the words "report to", there be inserted the words "the Council of Ministers", and that the word "or", at the end of paragraph (a) be deleted and that word be added at the end of paragraph (b), and that afte paragraph (b), there be added the following paragraph—

"(c) for any words spoken or written to the Chief Minister or any other Minister, by the member of the States in his or her capacity as such."

Members present voted as follows -

POUR: 15 CONTRE: 34 ABSTAIN: 0

Senator L. Norman

Senator J.A. Le Maistre
Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)

Senator F.H. Walker Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Connétable of St. Martin Connétable of St. Ouen Connétable of St. Saviour Connétable of St. Brelade Connétable of St. Clement Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of Grouville Connétable of St. John Deputy of Trinity Deputy J.J. Huet (H) Deputy M.F. Dubras (L) Deputy J.L. Dorey (H) Deputy P.N. Troy (B) Deputy L.J. Farnham (S) Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J-A. Bridge (H) Deputy J.A. Bernstein (B) Deputy S.C. Ferguson (B) Deputy of St. Mary

Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy M.A. Taylor (C) Deputy of St. Peter Deputy J.A. Hilton (H)

Article 33 was adopted.

Members present voted as follows -

POUR: 39 CONTRE: 9 ABSTAIN: 0

Senator S. Syvret

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary

Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.B. Fox (H)

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

Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy T. J. Le. Main (H)

Connétable of St. Clement Connétable of St. Helier

Deputy G. Trinity
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)

Deputy J.A. Bernstein (B) Deputy S.C. Ferguson (B) Deputy of St. Mary

Deputy of St. Ouen Deputy P.J.D Ryan (H)

Deputy M.A. Taylor (C)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

THE STATES adopted Article 34.

THE STATES commenced consideration of Article 35 and rejected an amendment of Senator Stuart Syvret that after paragraph (1) there be inserted the following paragraph and the remaining paragraph be renumbered accordingly –

"() No consent shall be required under paragraph (1) for the giving of evidence in criminal proceedings."

Members present voted as follows -

POUR: 16 CONTRE: 27 ABSTAIN: 0

Senator J.A. Le Maistre Senator S. Syvret Senator T.A. Le Sueur Senator P.V.F. Le Claire Senator E.P. Vibert Connétable of St. Mary Connétable of St. Lawrence Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy of St. Martin Deputy of St. John Deputy R.G. Le Hérissier (S)

Deputy R.G. Le Hérissier (1)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Senator L. Norman Senator F.H. Walker Senator W. Kinnard Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf 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 Deputy of Trinity Deputy J.J. Huet (H) Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy G.C.L. Baudains (C) Deputy J.L. Dorey (H) Deputy P.N. Troy (B) Deputy L.J. Farnham (S) Deputy J-A. Bridge (H) Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy of St. Ouen Deputy P.J.D. Ryan (H)

Deputy M.A. Taylor (C)

Article 35 was adopted.

THE STATES adopted Articles 36 to 39.

THE STATES adopted Articles 40 and 41.

THE STATES adopted Article 42.

THE STATES, having adopted a proposition of Senator Stuart Syvret that Standing Order 44(1) relating to the declaration of members' financial interest be suspended, commenced consideration of an amendment of Senator Stuart Syvret that after Article 42 there be inserted the following Article and that the remaining Articles be renumbered accordingly –

"[] Remuneration of Elected Members

No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the general revenue of the States shall provide for different elected members to receive different amounts of remuneration or allowance."

THE STATES, following consideration, rejected a proposition of Senator Edward Philip Vibert that, ir accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

POUR: 12 CONTRE: 31 ABSTAIN: 0

Senator W. Kinnard Senator E.P. Vibert Connétable of St. Mary Connétable of Trinity Connétable of St. Lawrence Connétable of Grouville Connétable of St. John Deputy of Trinity Deputy R.C. Duhamel (S) Deputy of St. John Deputy of St. Peter

Deputy J.A. Hilton (H)

Senator S. Syvret Senator L. Norman Senator F.H. Walker Senator T.A. Le Sueur Senator P.V.F. Le Claire Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf Connétable of St. Ouen Connétable of St. Brelade Connétable of St. Clement Connétable of St. Helier Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy T.J. Le Main (H) Deputy G.C.L. Baudains (C) Deputy P.N. Troy (B) Deputy L.J. Farnham (S) Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H)

Deputy J-A. Bridge (H) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Bernstein (B) Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy of St. Ouen Deputy M.A. Taylor (C) Deputy of Grouville Deputy G.W.J. de Faye (H)

THE STATES, following further consideration, adopted an amendment of Senator Stuart Syvret that after Article 42 there be inserted the following Article and that the remaining Articles be renumbered accordingly—

"[] Remuneration of Elected Members

No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the general revenue of the States shall provide for different elected members to receive different amounts of remuneration or allowance."

Members present voted as follows –

POUR: 27 CONTRE: 19 ABSTAIN: 1

Senator J.A. Le Maistre Senator S. Syvret Senator W. Kinnard Senator P.V.F. Le Claire Senator E.P. Vibert Connétable of St. Martin

Senator L. Norman Senator F.H. Walker Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator P.F.C. Ozouf

Connétable of Grouville

Connétable of St. Mary Connétable of St. Helier Connétable of Trinity Connétable of St. John Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy of St. John Deputy G.C.L. Baudains (C)

Deputy J.B. Fox

Deputy J-A. Bridge (H) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Bernstein (B)

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)

Connétable of St. Ouen Connétable of St. Saviour Connétable of St. Brelade Connétable of St. Clement Connétable of St. Lawrence Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy J.L. Dorey (H) Deputy P.N. Troy (B) Deputy L.J. Farnham (S) Deputy R.G. Le Hérissier (S) Deputy P.J.D. Ryan (H)

Deputy M.A. Taylor (C)

Changes in Presidency

The Bailiff retired from the Chair during consideration of the second amendment of Senator Stuart Syvret to Article 25 of the draft States of Jersey Law 200, (P.124/2004 Amd.(3) lodged "au Greffe" on 26th October 2004), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

The Bailiff resumed the presidency following the adoption of the amendment of Senator Stuart Syvret to Article 29 of the draft States of Jersey Law 200, and the meeting continued under his presidency.

The Bailiff retired from the Chair during consideration of the amendment of Senator Syvret to Article 35 of the draft States of Jersey Law 200-, and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Adjournment

THE STATES then adjourned, having agreed to reconvene on Tuesday 16th November 2004, in order to continue consideration of the draft States of Jersey Law 200-, and amendments together with the outstanding items of public business.

THE STATES rose at 5.50 p.m.

M.N. DE LA HAYE

Greffier of the States.