

**THE STATES assembled on Tuesday  
23rd September 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 Wendy Kinnard – ill  
Senator Paul Francis Routier – en défaut (défaut raised at 9.47 a.m.)  
Senator Terence John Le Main– en défaut (défaut raised at 10.22 a.m.)  
Connétable Kenneth Alan Le Brun of St. Mary– en défaut (défaut raised at 11.12 a.m.)  
Connétable Thomas John du Feu of St. Peter– en défaut (défaut raised at 10.01 a.m.)  
Connétable John Le Sueur Gallichan of Trinity– en défaut  
Connétable Michael Keith Jackson of St. Brelade– excused  
Deputy Geoffrey Peter Southern of St. Helier– en défaut (défaut raised at 9.54 a.m.)  
Deputy James Gordon Reed of St. Ouen– ill  
Deputy Patrick John Dennis Ryan of St. Helier– ill  
Deputy Deidre Wendy Mezbourian of St. Lawrence– en défaut  
Deputy Anne Enid Pryke of Trinity – en défaut  
Deputy Ian Joseph Gorst of St. Clement– en défaut

Prayers read by the Deputy Greffier of the States

**Notification of lodged propositions**

Draft Amendment (No. 9) of the Standing Orders of the States of Jersey (P.140/2008): P.140/2008.  
amendments. Amd.  
Lodged: 23rd September 2008.  
*Senator M.E. Vibert.*

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the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Energy From Waste Facility: Public Inquiry. P.136/2008.  
Lodged: 28th August 2008.  
*Connétable of St. Helier.*

**Draft Annual Business Plan 2009 P.113/2008**

THE STATES resumed consideration of the Draft Annual Business Plan 2009 and adopting paragraph (h) approved the Legislation Programme for 2009, as set out in Part Three of the report, Summary Table H, pages 102 to 104 of the report.

Members present voted as follows –

**POUR: 36**

**CONTRE: 0**

**ABSTAIN: 0**

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  
Senator T.J. Le Main  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of Grouville  
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 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 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 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 of St. Mary

### **Change of Presidency**

Mr. Michael Nelson de la Haye, Greffier of the States, retired from the Chair during consideration of paragraph (h) of the Draft Annual Business Plan 2009 (the Legislation Programme for 2009), and the meeting continued under the Presidency of the Bailiff.

### **Draft Companies (Annual Returns – Additional Charge) (Jersey) Regulations 200- P.129/2008**

THE STATES commenced consideration of the Draft Companies (Annual Returns – Additional Charge) (Jersey) Regulations 200- and adopted the principles.

THE STATES adopted an amendment of the Minister for Economic Development that in Regulation 2 the following Regulation should be substituted –

#### **“2 Citation, commencement and application**

- (1) These Regulations may be cited as the Companies (Annual Returns – Additional Charge) (Jersey) Regulations 200- and shall come into force 7 days after they are made.
- (2) These Regulations shall not apply upon the delivery of an annual return of a company for the year of return 2008 or earlier.”.

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, as amended.

THE STATES, in pursuance of Articles 201(2) and 220(1) of the Companies (Jersey) Law 1991, made Regulations entitled the Draft Companies (Annual Returns – Additional Charge) (Jersey) Regulations 2008.

**Draft Police Procedures and Criminal Evidence (Amendment of Schedule 1) (No. 1) (Jersey) Regulations 200- P.130/2008**

THE STATES commenced consideration of the Draft Police Procedures and Criminal Evidence (Amendment of Schedule 1) (No. 1) (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 3(10) and 113 of the Police Procedures and Criminal Evidence (Jersey) Law 2003, made Regulations entitled the Police Procedures and Criminal Evidence (Amendment of Schedule 1) (No. 1) (Jersey) Regulations 2008.

**Income support, food costs bonus, income tax allowances and/or exemptions – increases to offset GST on foodstuffs and domestic energy P.138/2008**

THE STATES commenced consideration of a proposition of Deputy John Alexander Nicholas Le Fondré of St. Lawrence entitled ‘Income Support, food costs bonus, income tax allowances and/or exemptions – increases to offset GST on foodstuffs and domestic energy’ (P.138/2008), and rejected an amendment of Deputy Le Fondré that in paragraph (a) the words ‘and domestic energy’ should be deleted, and in paragraph (b) the words ‘or on domestic energy’ should be deleted in both places where they appeared.

Members present voted as follows –

**POUR: 1**

Deputy P.N. Troy (B)

**CONTRE: 37**

Senator S. Syvret

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  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator F.E. Cohen  
 Senator J.L. Perchard  
 Connétable of St. Mary  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of Grouville

**ABSTAIN: 1**

Deputy J.A.N. Le Fondré (L)

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 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 S.C. Ferguson (B)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy of St. Mary

THE STATES, adopting a proposition of Deputy John Alexander Nicholas Le Fondré of St. Lawrence entitle 'Income Support, food costs bonus, income tax allowances and/or exemptions – increases to offset GST on foodstuffs and domestic energy' (P.138/2008) agreed –

- (a) that appropriate increases, with a total cost equivalent to the tax revenue that would be lost to the States if foodstuffs and domestic energy were exempted or zero-rated for Goods and Services Tax in accordance with United Kingdom Value Added Tax arrangements, should be made to –
  - (i) income support,
  - (ii) the Food Costs (Offset of Average GST) Bonus (as defined under the Food Costs (Offset of Average GST) Bonus (Jersey) Regulations 2008), and
  - (iii) income tax allowances and/or exemptions, in such proportions to provide a benefit to as many members of the population as practicable, but to provide proportionately most benefit to the less well-off and vulnerable in society in Jersey,

and requested the Minister for Treasury and Resources and the Minister for Social Security to bring forward for approval the necessary legislation to give effect to the decision, together with a request under Article 11(8) of the Public Finances (Jersey) Law 2005 in respect of the additional expenditure required; and

- (b) agreed that the increases set out in paragraph (a) would only remain in place while GST was payable on foodstuffs or on domestic energy and that they would be adjusted proportionately in the event of any future decision by the States to zero-rate or exempt foodstuffs or domestic energy.

Members present voted as follows –

**POUR: 34**

**CONTRE: 6**

**ABSTAIN: 0**

Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of Grouville  
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 Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy of St. Mary

Senator S. Syvret  
Senator L. Norman  
Senator F.E. Cohen  
Deputy A. Breckon (S)  
Deputy G.P. Southern (H)  
Deputy of Grouville

### **Change of Presidency**

The Bailiff retired from the Chair during consideration of the proposition entitled 'Income Support, food costs bonus, income tax allowances and/or exemptions – increases to offset GST on foodstuffs and domestic energy' (P.138/2008) and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States. The States re-assembled after the lunch adjournment under the Presidency of the Bailiff.

### **Statements on a matter of official responsibility**

*(see Official Report/Hansard)*

The Minister for Economic Development made a statement concerning a review of Depositor Protection in Jersey.

### **Arrangement of public business for future meetings**

THE STATES acceded to the request of the Minister for Economic Development, in accordance with Standing Order 26(7), to reduce the minimum lodging period in respect of the propositions concerning the Draft Boats and Surf Riding (Control) (Amendment No. 28) (Jersey) Regulations 200 (P.148/2008) and the Draft Amendment (No. 33) to the Tariff of Harbour and Light Dues (P.149/2008) which had been lodged 'au Greffe' on 19th

September 2008, and were matters of such urgency and importance that it would be prejudicial to Jersey to delay their debate.

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) –

### **21st October 2008**

Integrated Coastal Zone Management Strategy. Lodged: 23rd May 2008. <i>Minister for Planning and Environment.</i>	P.76/2008.
Esplanade Quarter Masterplan, St. Helier: development agreement– approval by the States. Lodged: 3rd July 2008. <i>Senator J.L. Perchard.</i>	P.111/2008.
Draft States of Jersey (Amendment No. 5) Law 200. Lodged: 29th July 2008. <i>Privileges and Procedures Committee.</i>	P.122/2008.
Draft Policing of Parks (Amendment) (Jersey) Regulations 200-. Lodged: 12th August 2008. <i>Minister for Transport and Technical Services.</i>	P.131/2008.
Jersey Air Cadets' HQ, La Rue Carrée, St. Brelade- proposed Deed of Arrangement. Lodged: 14th August 2008. <i>Minister for Treasury and Resources.</i>	P.132/2008.
Artificial Insemination of Bovines: fees. Lodged: 26th August 2008. <i>Minister for Planning and Environment.</i>	P.135/2008.
Committee of Inquiry: Energy from Waste plant procurement process. Lodged: 4th September 2008. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.139/2008.
Draft Amendment (No. 9) of the Standing Orders of the States of Jersey. Lodged: 5th September 2008. <i>Privileges and Procedures Committee.</i>	P.140/2008.
Draft Amendment (No. 9) of the Standing Orders of the States of Jersey (P.140/2008): amendments. Lodged: 23rd September 2008. <i>Senator M.E. Vibert.</i>	P.140/2008. Amd.
Draft Employment (Amendment No. 4) (Jersey) Law 200. Lodged: 8th September 2008. <i>Minister for Social Security.</i>	P.142/2008.
Draft Foundations (Jersey) Law 200-. Lodged: 9th September 2008. <i>Minister for Economic Development.</i>	P.143/2008.

Draft Income Support (Special Payments) (Cold Weather Payments) (Amendment) (Jersey) Regulations 200-. P.144/2008.  
Lodged: 9th September 2008.  
*Minister for Social Security.*

Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Amendment) (Jersey) Regulations 200-. P.145/2008.  
Lodged: 9th September 2008.  
*Privileges and Procedures Committee.*

Draft Prison (Amendment No. 6) (Jersey) Law 2007 (Appointed Day) Act 200. P.146/2008.  
Lodged: 12th September 2008.  
*Minister for Home Affairs.*

Rates: the States' liability. P.147/2008.  
Lodged: 16th September 2008.  
*Connétable of St. Helier.*

Draft Boats and Surf Riding (Control) (Amendment No. 28) (Jersey) Regulations 200. P.148/2008.  
Lodged: 19th September 2008.  
*Minister for Economic Development.*

Draft Amendment (No. 33) to the Tariff of Harbour and Light Dues. P.149/2008.  
Lodged: 19th September 2008.  
*Minister for Economic Development.*

### **2nd December 2008**

Rental Deposit Scheme to Protect Tenants' Deposits. P.137/2008.  
Lodged: 29th August 2008.  
*Deputy G.P. Southern of St. Helier.*

Financial Services Compensation Scheme. P.150/2008.  
Lodged: 19th September 2008.  
*Deputy P.V.F. Le Claire of St. Helier.*

### **3rd February 2009**

Machinery of Government: modifications. P.141/2008.  
Lodged: 8th September 2008.  
*Deputy G.C.L. Baudains of St. Clement.*

THE STATES rose at 3.07 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*