

**THE STATES assembled on Wednesday
12th September 2007, 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
Senator Frank Harrison Walker – ill (arrived in the Chamber after the lunchtime adjournment)
Senator Philip Francis Cyril Ozouf – excused
Connétable John Le Sueur Gallichan of Trinity – en défaut
Deputy Patrick John Dennis Ryan of St. Helier – en défaut (défaut raised at 10.36 a.m.)
Deputy Paul Vincent Francis Le Claire of St. Helier – absent on States business
Deputy Alan John Henry Maclean of St. Helier – en défaut (défaut raised at 9.38 a.m.)

Prayers

Deputies: extension of term of office to 4 years – P.98/2007

THE STATES noted that Deputy Peter Nicholas Troy of St. Brelade, in accordance with Standing Order 30(2), had agreed that his proposition concerning Deputies: extension of term of office to 4 years (P.98/2007 lodged 'au Greffe' on 27th July 2007) should be listed for debate on 25th September 2007 and not at the present meeting.

School Milk and Milk at a Reduced Rate: continued provision – P.45/2007

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the continued provision of school milk and milk at a reduced rate and adopted an amendment of the Council of Ministers that in paragraph (a) for the words '3 years' there be substituted the words 'one year' and for the words 'Annual Business Plans for 2008 to 2010' there be substituted the words 'Annual Business Plan for 2008'.

Members present voted as follows –

POUR: 36

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Connétable of St. Ouen
Connétable of St. Clement
Connétable of St. Helier
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)

CONTRE: 8

Connétable of St. Mary
Connétable of St. Peter
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

ABSTAIN: 0

Deputy A. Breckon (S)
Deputy J.J. Huet (H)
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 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
Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Connétable of St. Ouen
Connétable of St. Clement
Connétable of St. Helier
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 A. Breckon (S)
Deputy J.J. Huet (H)

THE STATES, adopting paragraph (a) of the proposition of Deputy Geoffrey Peter Southern of St. Helier, amended, expressed their support for the continued provision of school milk for a further period of one year and requested the Chief Minister, after consultation with the Minister for Economic Development, to bring forward for approval by the States in the Annual Business Plan for 2008 funding proposals to enable this continued provision.

Members present voted as follows –

POUR : 40

Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton

CONTRE : 7

Senator L. Norman
Senator M.E. Vibert
Deputy P.N. Troy (B)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)

ABSTAIN: 0

Senator F.E. Cohen
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. 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 Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
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 S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

Deputy J.A. Hilton (H)
Deputy of St. John

THE STATES rejected paragraph (b) of the proposition of Deputy Geoffrey Peter Southern of St. Helier, that the Minister for Social Security should be requested to ensure the continuance of a scheme for the provision and delivery of milk at a reduced rate to special classes following the introduction of the Income Support Scheme.

Members present voted as follows –

POUR: 9

Senator B.E. Shenton
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy D.W. Mezbourian
(L)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

CONTRE: 38

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator F.E. Cohen

Connétable of St. Ouen
Connétable of St. Mary

ABSTAIN: 0

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

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), Senator James Leslie Perchard had declared an interest and withdrawn from the Chamber for the duration of the debate.

Draft Amendment (No. 7) of the Standing Orders of the States of Jersey – P.80/2007

THE STATES, in pursuance of Article 47 of the States of Jersey Law 2005, rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier to Standing Orders entitled Amendment (No. 7) of the Standing Orders of the States of Jersey.

Members present voted as follows –

POUR: 16

Senator B.E. Shenton
 Connétable of St. Helier
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy C.J. Scott Warren (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen

CONTRE: 30

Senator L. Norman
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Peter

ABSTAIN:

Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy D.W. Mezbourian
(L)
Deputy of Trinity
Deputy S. Pitman (H)

Connétable of St. Clement
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 G.C.L. Baudains ©
Deputy P.N. Troy (B)
Deputy J.B. Fox (H)
Deputy P.J.D. Ryan (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 of St. John
Deputy I.J. Gorst ©
Deputy of St. Mary

Draft Main Roads (Classification) (Amendment No. 28) (Jersey) Act 200 P.82/2007

THE STATES, in pursuance of Article 1 of the Loi (1914) sur la Voirie, made an Act entitled the Main Roads (Classification) (Amendment No. 28) (Jersey) Act 2007.

Draft Health Care (Registration) (Amendment No. 3) (Jersey) Regulations 200 P. 83/2007

THE STATES commenced consideration of the Draft Health Care (Registration) (Amendment No. 3) (Jersey) Regulations 200-. The Deputy Chief Minister, in accordance with Articles 27(1)(a) and 27(2)(b) of the States of Jersey Law 2005, acted as Rapporteur for the said Draft Regulations.

THE STATES adopted the principles.

Members present voted as follows –

POUR: 41

Senator T.A. Le Sueur
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 St. Lawrence
Connétable of Grouville
Connétable of St. Brelade

CONTRE: 2

Deputy of St. Martin
Deputy G.C.L. Baudains (C)

ABSTAIN: 0

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 P.N. Troy (B)
Deputy C.J. Scott Warren (
Deputy R.G. Le Hérisssier (
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 D.W. Mezbourian
(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

THE STATES, having adopted Regulations 1 and 2, and in pursuance of Article 17 of the Health Care (Registration) (Jersey) Law 1995, made Regulations entitled the Health Care (Registration) (Amendment No. 3) (Jersey) Regulations 2007.

Winter Fuel Payment – P.89/2007

THE STATES commenced consideration of a proposition of the Council of Ministers, as amended, concerning the implementation of a winter fuel payment and adopted an amendment of Senator Ben Edward Shenton that after paragraph (c) there should be inserted the following new paragraph and it should be renumbered accordingly –

- “(d) to request the Minister for Social Security to prepare a report after 12 months of operation of the winter fuel payment scheme detailing the effectiveness of the scheme in achieving its goals and setting out whether persons outside the means tested income support bands are suffering hardship as a result of the low income bar.”

THE STATES, adopting a proposition of the Council of Ministers, as amended, referred to their Act dated 27th June 2006 in which they approved, in principle, the States Strategic Plan and agreed, *inter alia*, to introduce in early 2007 a winter fuel payment, based on the U.K. system, for all pensioners resident in Jersey, and to their Act dated 13th September 2006 in which they approved paragraph (a), as amended, of the Annual Business Plan 2007 and agreed, *inter alia*, that agreement should be reached by the Council of Ministers on an appropriate reallocation of expenditure within existing States expenditure limits by February 2007 to fund a new winter fuel payment for pensioners, with the scheme introduced by November 2007; and agreed to vary those decisions as appropriate and agreed that –

- (a) a winter fuel payment, made available to households in receipt of income support that contained a person who was over 65 years of age, or a person under 3 years of age or a person who had a high rate

of impairment component under the income support scheme, should be introduced from January 2008 through Regulations made in accordance with the provisions on Special Payments in the Income Support (Jersey) Law 2007;

- (b) the rate of winter fuel payment should be calculated according to the 'degree day formula' as set out in Section 2 of the report of the Council of Ministers dated 4th July 2007;
- (c) the winter fuel payment should be funded from the cash limit of the Social Security Department;
- (d) the Minister for Social Security should be requested to prepare a report after 12 months of operation of the winter fuel payment scheme detailing the effectiveness of the scheme in achieving its goals and setting out whether persons outside the means tested income support bands are suffering hardship as a result of the low income bar;
- (e) the Minister for Social Security should be requested to take the necessary legislative and administrative steps to give effect to the proposals.

POUR: 40

CONTRE: 2

ABSTAIN: 0

Senator L. Norman
Senator F.H. Walker

Deputy S.C. Ferguson (B)
Deputy J.A.N. Le Fondré
(L)

Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
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 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 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 J.A. Martin (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 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

Change of Presidency

The States re-assembled after the lunch adjournment under the Presidency of Mr. Michael Nelson de la Hay Greffier of the States.

Nominations for the Minister for Health and Social Services

THE STATES noted that the Chief Minister, in accordance with Article 23(1) of the States of Jersey Law 2005 intended making his nomination for the position of Minister for Health and Social Services at the continuation meeting on 18th September 2007.

THE STATES rose at 2.35 p.m.

M.N. DE LA HAYE

Greffier of the States