



**THE STATES assembled on Wednesday
5th December 2012, at 09.30 a.m. under
the Presidency of the Bailiff,
Sir Michael Birt.**

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

Connétable Michael John Paddock of St. Ouen – en défaut (défaut raised at 10.32 a.m.)
Deputy John Alexander Nicholas Le Fondré of St. Lawrence – ill
Deputy Sean Seamus Patrick Augustine Power of St. Brelade – excused attendance
Deputy Shona Pitman of St. Helier – ill
Deputy Kristina Louise Moore of St. Peter – en défaut

Prayers

Documents presented or laid

Review of the Medium Term Financial Plan (S.R.18/2012): response of the Minister for Treasury and Resources. S.R.18/2012.
Presented: 5th December 2012. Res.
Minister for Treasury and Resources.

Notification of lodged propositions

Draft Budget Statement 2013 (P.102/2012): fifth amendment. P.102/2012.
Lodged: 5th December 2012. Amd.(5)
Minister for Treasury and Resources.

Draft Budget Statement 2013 (P.102/2012)

THE STATES resumed consideration of the draft Budget Statement 2013 (P.102/2012).

THE STATES, having granted leave to the Minister for Treasury and Resources, in accordance with Standing Order 80(A)(2)(ii) for his amendment to the Draft Budget Statement 2013 (P.102/2012) (Amendment 5) to be considered at the present meeting, agreed that after the words “as set out in the Budget Statement” there should be inserted the words –

“except that the estimate of income from taxation during 2013 shall be increased by £395,000 by increasing the proposed increases on tobacco duty from 10% to 13.2%.”.

Members present voted as follows –

POUR: 38

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

CONTRE: 8

Senator S.C. Ferguson
 Senator L.J. Farnham
 Connétable of St. Clement
 Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 0

THE STATES rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier that after the words “as set out in the Budget Statement” there should be inserted the words –

“except that, in relation to existing taxation measures, the prescribed limit for the purposes of Article 135A(3B) of the Income Tax (Jersey) Law 1961 (which concerns persons granted 1(1)(k) housing consent) shall be increased for the year of assessment 2013 from £625,000 to £643,750”.

Members present voted as follows –

POUR: 16

Senator A. Breckon
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of St. Ouen
 Connétable of St. Saviour
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy J.H. Young (B)

CONTRE: 30

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

ABSTAIN: 0

THE STATES, adopting the proposition of the Minister for Treasury and Resources, as amended, approved –

- (a) in accordance with the provisions of Article 10(3)(a) of the Public Finances (Jersey) Law 2005, the estimate of income from taxation during 2013 of £614,829,000 as set out in Summary Table A on page 51 of the Budget Statement, with the sum to be raised through existing taxation measures and the proposed changes to income tax, Goods and Services Tax, impôts duty, stamp duty and Land Transaction Tax for 2013 as set out in the Budget Statement, except that the estimate of income from taxation during 2013 should be decreased by £1,435,000 by not implementing the proposed 3 pence per litre increase in fuel duty and except that the estimate of income from taxation during 2013 should be increased by £395,000 by increasing the proposed increases on tobacco duty from 10% to 13.2%;
- (b) in accordance with the provisions of Article 10(3)(d) of the Public Finances (Jersey) Law 2005, a capital head of expenditure for each of the capital projects for States funded bodies to be started or continued in 2013 (other than States trading operations) as set out in the recommended programme of capital projects in Summary Table C on page 53 totalling £56,127,000, that required £12,566,000 to be withdrawn from the consolidated fund; and,

- (c) in accordance with the provisions of Article 10(3)(e) of the Public Finances (Jersey) Law 2005, each of the capital projects that were scheduled to start during 2013 in the recommended programme of capital for each States trading operation, as set out in Summary Table D, on page 54, that required funds to be drawn from the trading funds in 2013.

Members present voted as follows –

POUR: 42

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

CONTRE: 4

Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)

ABSTAIN: 0

Draft Finance (2013 Budget) (Jersey) Law 201- P.103/2012

THE STATES commenced consideration of the Draft Finance (2013 Budget) (Jersey) Law 201- and adopted the principles.

THE STATES, adopted Articles 1 and 2.

THE STATES adopted Article 3.

Members present voted as follows –

POUR: 33**CONTRE: 5****ABSTAIN: 0**

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

Connétable of St. Clement
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)

THE STATES, having granted leave to the Minister for Treasury and Resources, in accordance with Standing Order 80(A)(3) for his amendment to Article 4 to be considered at the present meeting, adopted Article 4 as amended.

THE STATES adopted Articles 6 to 9 (subsequently renumbered as Articles 5 to 8 in accordance with Standing Order 74(7)).

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Finance (2013 Budget) (Jersey) Law 201-.

Members present voted as follows –

POUR: 41

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 15 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled 'Finance (2013 Budget) (Jersey) Law 2012' should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Draft Income Tax (Amendment No. 41) (Jersey) Law 201- P.104/2012

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 41) (Jersey) Law 201- and adopted the principles.

THE STATES adopted Articles 1 and 2.

Members present voted as follows –

POUR: 35

CONTRE: 2

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)

Deputy M. Tadier (B)
 Deputy G.C.L. Baudains (C)

THE STATES adopted Article 3, having adopted an amendment of the Minister for Treasury and Resources that in Article 3, in the inserted Article 3AE –

- (a) in paragraph (1)(c) for the words “distribution out” there should be substituted the word “transfer”;
- (b) for paragraph (2) there should be substituted the following paragraph –

“(2) For the purposes of paragraph (1) –

- (a) sub-paragraph (b) and (c) do not include any interest of money which is chargeable to tax under Case I of Schedule D or Case III(a) of Schedule D (whether such interest is charged or not);
- (b) sub-paragraph (c) does not include a transfer of assets where the following conditions are satisfied –
 - (i) the advance, where made on or after 1st January 2013, is on a commercial basis and remains on a commercial basis until fully repaid or, if made before that date is on a commercial basis on that date and remains on a commercial basis until fully repaid, and
 - (ii) the advance is made to a trading company or a company within a trading group and is repayable by a trading company or a company within a trading group throughout the period from the date the advance is made until the advance is fully repaid.”;

- (c) for paragraph (6) there should be substituted the following paragraph –

“(6) In this Article –

‘new consideration’ means consideration not provided (directly or indirectly) out of the assets of a company and, for this purpose –

- (a) any amount retained by the company by way of capitalizing a distribution; or
- (b) the transfer of shares to a company pursuant to the purchase or redemption by the company of its own shares,

is not regarded as new consideration;

‘share’ includes stock and any other interest of a member in a company (whether or not the company is limited by shares).”.

THE STATES adopted Articles 4 to 7.

THE STATES adopted Article 8, having adopted an amendment of the Minister for Treasury and Resources, that in Article 8, in the inserted Article 78(1A) –

- (a) after the words “a company shall not be charged” there should be inserted the words “under Case III of Schedule D”;

- (b) for sub-paragraph (b) there should be substituted the following sub-paragraph –
 - “(b) so much of a distribution as represents a return of share capital where the company received new consideration in respect of the issue of that share capital;”;
 - (c) in sub-paragraph (c), for the full-stop there should be substituted a semi-colon;
 - (d) after sub-paragraph (c) the following sub-paragraph should be added –
 - “(d) so much of a distribution as an individual can prove to the satisfaction of the Comptroller has been made out of the same profits as those that have been used to determine that an earlier distribution is a relevant distribution for the purposes of Case IX of Schedule D.”.
- (2) For the inserted Article 78(1B) there should be substituted the following paragraph –
- “(1B) For the purposes of paragraph (1A)(b) –
- (a) the reference to share capital includes stated capital of a no par value company and share premium;
 - (b) ‘new consideration’ has the meaning set out in Article 3AE(6).”.

THE STATES adopted Article 9, having adopted an amendment of the Minister for Treasury and Resources, that in the inserted Article 81Q for paragraph (3) there should be substituted the following paragraph –

- “(3) For the purposes of Articles 81Q to 81Z –
- (a) any reference to a distribution being made to an individual is a reference to a distribution being made directly to the individual or to a distribution where the individual is otherwise entitled to it; and
 - (b) any reference to the amount of a distribution shall, where the distribution is other than for a cash amount, refer to the market value of the distribution at the time it is made.”.

and for the inserted Article 81R there should be substituted the following Article –

“81R Meaning of ‘relevant distribution’

- (1) Except where an individual has made an election under paragraph (4), if the amount of a distribution made to an individual in a current year of assessment at a relevant time is equal to or less than the individual’s allocated share of specified profits at that relevant time, that distribution is a relevant distribution.
- (2) If the amount of a distribution made to an individual in a current year of assessment at a relevant time is greater than the individual’s allocated share of specified profits at that relevant time, such a distribution is a relevant distribution only to the extent that the value of the distribution is equal to the individual’s allocated share of specified profits at the relevant time.

- (3) If more than one distribution is made to an individual at a relevant time, “the amount of a distribution” in paragraphs (1) and (2) shall be read as referring to the aggregate value of those distributions.
- (4) An individual may, by notice in writing to the Comptroller, elect that, in respect of year of assessment 2013, paragraphs (1) and (2) shall not apply.
- (5) An election under paragraph (4) must be made on or before 31st December 2015.
- (6) Where an election has been made by an individual under paragraph (4), any distribution made to the individual at a relevant time during year of assessment 2013 is a relevant distribution.”.

and for the inserted Article 81V(3) there should be substituted the following paragraph –

- “(3) If, at the immediately previous relevant time –
- (a) Article 81T(3), 81U(4), 81W(4) or paragraph (4) below applied, Q is the same value as Q calculated under Article 81T(2)(b), 81U(2)(b), 81W(2)(b) or Step 4 above, at the immediately previous relevant time, as the case may be;
 - (b) Article 81T(4), 81U(5), 81W(5) or paragraph (5) below applied, Q is calculated as follows –

$$G + H$$

Where –

G is the amount of the distribution (or, if more than one, the aggregate value of the distributions) made to the individual at the immediately previous relevant time chargeable to tax under Case III(f) of Schedule D (disregarding so much of the distribution, if any, made out of the profits of a financial period of the company, such financial period ending on or before 31st December 2011), less the value of so much of the amount of the distribution, if any, that is exempt from tax under Article 78;

H is the amount (if any) by which the value of Q exceeded the value of P for the purposes of Article 81T(2)(b), 81U(2)(b), 81W(2)(b) or under Step 4 above, at the immediately previous relevant time, as the case may be.”.

THE STATES adopted Articles 10 to 18.

THE STATES adopted Article 19, having adopted an amendment of the Minister for Treasury and Resources that in the amended Schedule 5 –

- (a) for paragraph 11(2) there should be substituted the following sub-paragraph –

“(2) In this paragraph –

- (a) words and expressions shall have the same meanings as such words and expressions have in Articles 81B to 85H, notwithstanding the repeal of those Articles by the Income Tax (Amendment No. 38) (Jersey) Law 2011; and
- (b) references to a financial period of a company shall include any deemed financial period of the company ending on 31st December 2011 in accordance with Article 81CB, notwithstanding the repeal of that Article by Income Tax (Amendment No. 38) (Jersey) Law 2011.”;

(b) for paragraph 12(2) there should be substituted the following sub-paragraph –

“(2) In this paragraph –

- (a) words and expressions shall have the same meanings as such words and expressions have in Articles 81B to 85H, notwithstanding the repeal of those Articles by the Income Tax (Amendment No. 38) (Jersey) Law 2011; and
- (b) references to a financial period of a company shall include any financial period of the company ending on 31st December 2011 that is specified in paragraph 7(4) of this Schedule as if it were a financial period of the company.”.

THE STATES adopted Articles 20 to 39.

THE STATES commenced consideration of Article 40 and granted leave to the Minister for Treasury and Resources, in accordance with Standing Order 80A (3), for his amendment to Article 40 to be considered at the current meeting.

THE STATES, adopting an amendment of the Minister for Treasury and Resources, agreed that for Article 40 there should be substituted the following Article –

“40 Years of assessment for which this Part has effect

This Part has effect for year of assessment 2009 and ensuing years.”.

THE STATES adopted Article 40, as amended.

THE STATES adopted Articles 41 to 49.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 41) (Jersey) Law 201-.

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 15 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled 'Income Tax (Amendment No. 41) (Jersey) Law 201-' should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Members present voted as follows –

POUR: 43

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

Draft Goods and Services Tax (Amendment No. 4) (Jersey) Law 201- P.105/2012

THE STATES commenced consideration of the Draft Goods and Services Tax (Amendment No. 4) (Jersey) Law 201- and adopted the principles.

THE STATES adopted Articles 1 to 4.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Goods and Services Tax (Amendment No. 4) (Jersey) Law 201-.

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 15 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled ‘Goods and Services Tax (Amendment No. 4) (Jersey) Law 201-’ should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

Old Age Pension: increase for 2012 P.97/2012

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the annual increase in old age pensions and, adopting an amendment of Deputy Geoffrey Peter Southern of St. Helier, agreed that the words “for those resident in Jersey” should be deleted.

THE STATES, adopting a proposition of Deputy Geoffrey Peter Southern of St. Helier, as amended, agreed that the 2012 annual increase in the old age pension should be increased by a further 1.4% to match the RPI (Pensioners) figure for June 2012; and requested the Minister for Social Security to bring forward for approval at the earliest possible opportunity the necessary amendments to legislation to give effect to the proposal, together with a matching rise in the disregard in respect of pension income available to Income Support claimants.

Members present voted as follows –

POUR: 36**CONTRE: 1****ABSTAIN: 0**

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour

Deputy A.K.F. Green (H)

Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.J. Rondel (H)

In accordance with Standing Order 106(1)(b), Senators Paul Francis Routier, Bryan Ian Le Marquand and Sir Philip Bailhache, the Connétables of Trinity, Grouville, St. Clement and St. John and Deputies Gerard Clifford Lemmens Baudains of St. Clement and John Hilary Young of St. Brelade declared an interest but remained in the Chamber for the duration of the debate.

Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- P.101/2012

THE STATES commenced consideration of the Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 31

Senator P.F. Routier
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Deputy R.C. Duhamel (S)

CONTRE: 4

Connétable of St. John
 Deputy G.P. Southern (H)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)

ABSTAIN: 1

Deputy of St. Ouen

Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy J.A. Hilton (H)
 Deputy M. Tadier (B)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.G. Bryans (H)
 Deputy R.J. Rondel (H)

THE STATES rejected a proposition of Deputy Montfort Tadier of St. Brelade that, in accordance with Standing Order 79, the Health, Social Security and Housing Scrutiny Panel should be requested to consider having the proposition referred to it.

Members present voted as follows –

POUR: 10

Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. John
 Connétable of St. Brelade
 Deputy R.C. Duhamel (S)
 Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy T.A. Vallois (S)
 Deputy G.C.L. Baudains (C)
 Deputy J.H. Young (B)

CONTRE: 30

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy of Trinity
 Deputy E.J. Noel (L)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.J. Rondel (H)

ABSTAIN: 2

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

THE STATES, having resumed consideration of the Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201-, adopted Regulations 1 to 11.

Members present voted as follows –

POUR: 38

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisser (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)
 Deputy of St. John
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.J. Rondel (H)

CONTRE: 4

Connétable of St. John
 Deputy G.P. Southern (H)
 Deputy M.R. Higgins (H)
 Deputy G.C.L. Baudains (C)

ABSTAIN: 1

Deputy M. Tadier (B)

THE STATES adopted Regulations 12 to 15.

THE STATES commenced consideration of Regulations 16 to 18 and of an amendment of the Minister for Social Security that in Regulation 17, in the inserted Article 54C for paragraph (1) there should be substituted the following paragraph –

“(1) Article 24(1)(b)(iv) and (5) shall not apply in the case of a person who –

- (a) immediately before commencement, was entitled to survivor’s benefit; or
- (b) before commencement, has attained the age of 57.”.

THE STATES rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier that in the substituted paragraph (1)(b) of the inserted Article 54(C) for the words “has attained the age of 57” there should be substituted the words “has attained the age of 50”.

Members present voted as follows –

POUR: 6

Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy G.C.L. Baudains (C)
 Deputy R.J. Rondel (H)

CONTRE: 29

Senator P.F.C. Ozouf
 Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Senator L.J. Farnham
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy K.C. Lewis (S)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy J.M. Maçon (S)
 Deputy J.P.G. Baker (H)
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin

ABSTAIN: 0

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), Deputy Anne Enid Pryke of Trinity declared an interest and withdrew from the Chamber for the duration of the debate on the amendments to Regulations 17 and 18.

Adjournment

THE STATES, adopting a proposition of the Deputy of St. Ouen, agreed to adjourn.

Members present voted as follows –

POUR: 23

Senator A. Breckon
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator L.J. Farnham
 Connétable of St. Helier
 Connétable of Grouville
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.H. Young (B)

CONTRE: 19

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator F. du H. Le Gresley
 Connétable of Trinity
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. John
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy T.A. Vallois (S)
 Deputy J.P.G. Baker (H)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy R.J. Rondel (H)

ABSTAIN: 0

THE STATES adjourned, having agreed to reconvene on Thursday 6th December 2012 to continue consideration of the Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201-(P.101/2012) and the outstanding items of public business.

THE STATES rose at 5.26 p.m.

A.H. HARRIS

Deputy Greffier of the States