

**THE STATES assembled on Wednesday  
21st January 2009, at 09.30 a.m. under  
the Presidency of the Deputy Bailiff,  
Michael Cameron St. John Birt Esquire.**

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

Senator Stuart Syvret – en défaut (défaut raised at 9.47 a.m.)  
Senator Philip Francis Cyril Ozouf – en défaut (défaut raised at 9.50 a.m.)  
Senator Terence John Le Main– en défaut  
Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.47 a.m.)  
Connétable Michael Keith Jackson of St. Brelade– en défaut (défaut raised at 9.47 a.m.)  
Deputy Daniel John Arabin Wimberley of St. Mary– en défaut (défaut raised at 9.37 a.m.)

Prayers read by the Deputy Greffier of the States

**Notification of lodged propositions**

Woolworths employees: payment of statutory notice periods. P.9/2009.  
Lodged: 21st January 2009.  
*Deputy G.P. Southern of St. Helier.*

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the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Draft Health and Safety at Work (Amendment No. 4) (Jersey) Law 200. P.170/2008.  
Lodged: 4th November 2008.  
*Minister for Social Security.*

**Woolworths employees: redundancy payments P.2/2009**

THE STATES resumed consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning redundancy payments for Woolworths employees (‘Woolworths employees: redundancy payments’ (P.2/2009) lodged ‘au Greffe’ on 5th January 2009) and an amendment of Senator Alan Breckon that for the figure “£139,500” there should be substituted the figure “up to £289,500” and the proposition should be renumbered as paragraph (a) and after that paragraph there should be inserted the following new paragraphs–

- “(b) to request the Minister for Treasury and Resources to register and pursue a claim for up to £289,500 relating to the payments referred to in paragraph (a) with the Joint Administrators of Woolworths plc., namely Mr. Neville Kahn, Mr. Daniel Butters and Mr. Nick Dargan of Deloit LLP, P.O. Box 810, 66 Shoe Lane, London, EC4A 3WA;
- (c) to request the Minister for Social Security to seek the assistance of the Jersey Advisory and Conciliation Service to verify –
  - (i) whether appropriate notice payments have been made to former Woolworths employees in Jersey in accordance with the requirements of the Employment (Jersey) Law 2003; and
  - (ii) how such payments compare to the terms and conditions and payments made in relation

the redundancy of employees of the company in the United Kingdom.”

THE STATES, after discussion, adopted a proposition of Senator Philip Francis Cyril Ozouf that the Assembly move to the consideration of the next item on the Order Paper.

Members present voted as follows –

**POUR: 30**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator J.L. Perchard  
Senator S.C. Ferguson  
Senator A.J.D. Maclean

Senator B.I. Le Marquand  
Connétable of St. Ouen  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. John  
Connétable of St. Saviour  
Connétable of St. Clement  
Connétable of St. Peter  
Connétable of St. Mary  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy J.B. Fox (H)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy I.J. Gorst (C)  
Deputy A.E. Jeune (B)  
Deputy A.T. Dupré (C)  
Deputy E.J. Noel (L)  
Deputy J.M. Maçon (S)

**CONTRE: 18**

Senator B.E. Shenton  
Senator A. Breckon  
Connétable of St. Helier  
Connétable of St. Martin  
Connétable of St. Lawrence  
Deputy R.G. Le Hérissier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Hilton (H)  
Deputy P.V.F. Le Claire (H)  
Deputy S. Pitman (H)  
Deputy M. Tadier (B)  
Deputy of St. Mary  
Deputy T.M. Pitman (H)  
Deputy T.A. Vallois (S)  
Deputy M.R. Higgins (H)  
Deputy A.K.F. Green (H)  
Deputy D.J. De Sousa (H)

**ABSTAIN: 0**

The Deputy of St. John, in accordance with the provisions of Standing Order 106(1)(a), declared an interest and withdrew from the Chamber for the duration of the debate.

**Ratification of the Agreement for the Exchange of Information Relating to Tax Matters between the Federal Republic of Germany and the States of Jersey P.171/2008**

THE STATES, adopting a proposition of the Chief Minister, agreed to ratify the Agreement for the Exchange of Information Relating to Tax Matters between the Federal Republic of Germany and the States of Jersey as set out in the Appendix to the report of the Chief Minister dated 16th October 2008.

**Draft Taxation (Exchange of Information with Third Countries) (Amendment) (Jersey) Regulations 200-P.172/2008**

THE STATES commenced consideration of the Draft Taxation (Exchange of Information with Third Countries) (Amendment) (Jersey) Regulations 200- and adopted the principles.

Members present voted as follows –

**POUR: 33**

**CONTRE: 0**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator J.L. Perchard  
Senator A. Breckon  
Senator S.C. Ferguson  
Senator A.J.D. Maclean  
Senator B.I. Le Marquand  
Connétable of St. Ouen  
Connétable of Trinity  
Connétable of St. Brelade  
Connétable of St. Saviour  
Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of St. Mary  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy J.B. Fox (H)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy S.S.P.A. Power (B)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy A.E. Jeune (B)  
Deputy A.T. Dupré (C)  
Deputy E.J. Noel (L)  
Deputy T.A. Vallois (S)  
Deputy A.K.F. Green (H)  
Deputy J.M. Maçon (S)

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 to 5.

THE STATES, in pursuance of Article 2(1) of the Taxation (Implementation) (Jersey) Law 2004 and paragraph 1.8.5 of the Strategic Plan 2006-2011 approved by the States on 28th June 2006 and following the decision of the States, taken on 21st January 2009, to adopt Projet 171 of 2008, made Regulations entitled the Taxation (Exchange of Information with Third Countries) (Amendment) (Jersey) Regulations 2009.

#### **Draft Protection of Children (Restriction on Supply of Goods) (Jersey) Law 200- P.175/2008**

THE STATES commenced consideration of the Draft Protection of Children (Restriction on Supply of Goods) (Jersey) Law 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, and subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Protection of Children (Restriction on Supply of Goods) (Jersey) Law 200-.

**Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 10) (Jersey) Regulations 200 P.176/2008**

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 10) (Jersey) Regulations 200 and adopted the principles.

Members present voted as follows –

**POUR: 41**

**CONTRE: 0**

**ABSTAIN: 0**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator J.L. Perchard  
Senator A. Breckon  
Senator S.C. Ferguson  
Connétable of St. Ouen  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. Martin  
Connétable of St. John  
Connétable of St. Saviour  
Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of St. Mary  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy R.G. Le Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy of St. John  
Deputy M. Tadier (B)  
Deputy A.E. Jeune (B)  
Deputy of St. Mary  
Deputy T.M. Pitman (H)  
Deputy A.T. Dupré (C)  
Deputy E.J. Noel (L)  
Deputy T.A. Vallois (S)  
Deputy M.R. Higgins (H)  
Deputy A.K.F. Green (H)  
Deputy D.J. De Sousa (H)  
Deputy J.M. Maçon (S)

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 to 2.

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 10) (Jersey) Regulations 2009

**Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 13) (Jersey) Regulations 200- P.177/2008**

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 13) (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 to 4.

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 13) (Jersey) Regulations 2009

**Arrangement of public business for the present meeting**

THE STATES, in accordance with Standing Order 87(1), agreed to debate the following propositions at the present meeting.

**Planning Applications Panel: appointment of members P.183/2008**

THE STATES, adopting a proposition of the Minister for Planning and Environment, agreed to appoint, in accordance with Article 9A(2) of the Planning and Building (Jersey) Law 2002, the following persons as members of the Planning Applications Panel for a period of 3 years with immediate effect–

- (a) Connétable Graeme Frank Butcher of St. John;
- (b) Deputy Paul Vincent Francis Le Claire of St. Helier; and,
- (c) Deputy Jeremy Martin Maçon of St. Saviour.

**Jersey Overseas Aid Commission: appointment of non-States Commissioner P.3/2009**

THE STATES, having adopted a proposition of Deputy Ian Joseph Gorst of St. Clement, Chairman of the Jersey Overseas Aid Commission, agreed to appoint, in accordance with clause 7.4 of the Constitution of the Jersey Overseas Aid Commission as set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005 Mrs. Toni Roberts as a Non-States Commissioner for a further period of 3 years.

**Jersey Financial Services Commission: appointment of Commissioners P.4/2009**

THE STATES commenced consideration of a proposition of the Minister for Economic Development concerning the appointment of Commissioners of the Jersey Financial Services Commission. The Deputy Bailiff, in accordance with the provisions of Standing Order 82, ordered all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed.

THE STATES, having concluded the debate in camera, proceeded to vote in public assembly and, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, appointed Messrs. John Clark Averty and

Thomas Alastair Clark as Commissioners of the Jersey Financial Services Commission with effect from 20th January 2009 for a period of 3 years.

### **Chief Officer of the States of Jersey Police: review of procedure regarding suspension P.182/2008**

THE STATES commenced consideration of a proposition of the Connétable of St. Helier concerning a review of the suspension procedure for the Chief Officer of the States of Jersey Police. The Deputy Bailiff, in accordance with the provisions of Standing Order 82, ordered all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed.

THE STATES, having concluded the debate *in camera*, proceeded to vote in public assembly and rejected the proposition to request the Minister for Home Affairs to commission a compliance check on the procedures followed by his predecessor, the former Minister for Home Affairs, in suspending the Chief Officer of the States of Jersey Police on 12th November 2008 and to report to the States on the outcome of this compliance check no later than 1st March 2009.

Members present voted as follows –

#### **POUR: 21**

Senator S. Syvret  
Senator A. Breckon  
Connétable of St. Helier  
Connétable of St. Peter  
Connétable of St. Lawrence  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy R.G. Le Hérisier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville  
Deputy P.V.F. Le Claire (H)  
Deputy S. Pitman (H)  
Deputy M. Tadier (B)  
Deputy of St. Mary  
Deputy T.M. Pitman (H)  
Deputy T.A. Vallois (S)  
Deputy M.R. Higgins (H)  
Deputy A.K.F. Green (H)  
Deputy D.J. De Sousa (H)  
Deputy J.M. Maçon (S)

#### **CONTRE: 29**

Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator F.E. Cohen  
Senator J.L. Perchard  
Senator A.J.D. Maclean  
Senator S.C. Ferguson  
Senator B.I. Le Marquand  
Connétable of St. Ouen  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. John  
Connétable of St. Saviour  
Connétable of St. Clement  
Connétable of St. Mary  
Deputy J.B. Fox (H)  
Deputy of St. Ouen  
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 K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy A.E. Jeune (B)  
Deputy A.T. Dupré (C)  
Deputy E.J. Noel (L)

#### **ABSTAIN: 1**

Deputy of St. John

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

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) –

**3rd February 2009**

Draft Gender Recognition (Jersey) Law 200-. P.174/2008.  
Lodged: 25th November 2008.  
*Chief Minister.*

Draft Gender Recognition (Jersey) Law 200- (P.174/2008): amendment. P.174/2008.  
Lodged: 20th January 2009. Amd.  
*Chief Minister.*

Draft Amendment (No. 10) of the Standing Orders of the States of Jersey. P.179/2008.  
Lodged: 5th December 2008.  
*Privileges and Procedures Committee.*

Draft Employment (Minimum Wage) (Amendment No. 5) (Jersey) Regulations P.180/2008.  
200-.  
Lodged: 9th December 2008.  
*Minister for Social Security.*

Ministerial government: review. P.181/2008.  
Lodged: 10th December 2008.  
*Deputy of St. John.*

Draft Companies (Amendment No. 10) (Jersey) Law 200. P.185/2008.  
Lodged: 23rd December 2008.  
*Minister for Economic Development.*

Draft Companies (Amendment No. 3) (Jersey) Regulations 200. P.186/2008.  
Lodged: 23rd December 2008.  
*Minister for Economic Development.*

Rôle of the unelected members of the States: review. P.5/2009.  
Lodged: 6th January 2009.  
*Deputy of St. Martin.*

Energy from Waste facility: rescindment. P.8/2009.  
Lodged: 20th January 2009.  
*Deputy of St. Mary.*

Woolworths employees: payment of statutory notice periods. P.9/2009.  
Lodged: 21st January 2009.  
*Deputy G.P. Southern of St. Helier.*

**24th February 2009**

Draft Sex Offenders (Jersey) Law 200-. P.178/2008.  
Lodged: 3rd December 2008.  
*Minister for Home Affairs.*

Ann Court Site, St. Helier: use for sheltered social housing for the over-55s. P.184/2008.  
Lodged: 23rd December 2008. (re-issue)  
*Deputy J.A. Martin of St. Helier.*

Voisinage and customary law: review. P.1/2009.  
Lodged: 5th January 2009.  
*Senator B.E. Shenton.*

Draft Summary Fines (Miscellaneous Amendments) (Jersey) Law 200-. P.6/2009.  
Lodged: 13th January 2009.  
*Comité des Connétables.*

Property sold by the public: restriction on renting back. P.7/2009.  
Lodged: 20th January 2009.  
*Deputy P.V.F. Le Claire of St. Helier.*

### **24th March 2008**

Draft Income Tax (Amendment No. 32) (Jersey) Law 200. P.161/2008.  
Lodged: 21st October 2008.  
*Minister for Treasury and Resources.*

Draft Income Tax (Amendment No. 32) (Jersey) Law 200 (P.161/2008): P.161/2008.  
comments. Com.  
Presented: 25th November 2008.  
*Corporate Services Scrutiny Panel.*

### **31st March 2008**

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

Rates: the States' liability (P.147/2008) – comments. P.147/2008.  
Presented: 16th January 2009. Com.  
*Minister for Treasury and Resources.*

La Pouquelaye old school site: provision of youth and community facilities. P.187/2008.  
Lodged: 24th December 2008.  
*Connétable of St. Helier.*

### **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 –

Woolworths employees: redundancy payments. P.2/2009.  
Lodged: 5th January 2009.  
*Deputy G.P. Southern of St. Helier.*

THE STATES rose at 4.45 p.m.

**M.N. DE LA HAYE**

*Greffier of the States*