



**THE STATES assembled on Tuesday,
31st March 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of –

Senator Corrie Stein – ill
Jack Roche, Connétable of St. Saviour– ill
Frederick John Hill, Deputy of St. Martin– out of the Island
Maurice François Dubras, Deputy of St. Lawrence– out of the Island.

Prayers

Interception of Communications (Jersey) Law 1993: fourth report of the Commissioner. R.C.18/98

The Bailiff presented to the States the fourth report of the Commissioner, Mr. Robert Harman, Q.C., made under the Interception of Communications (Jersey) Law 1993.

Review of financial legislation and regulatory systems

The Bailiff informed the Assembly that following his letter to the Secretary of State for the Home Department, recorded in the States Minutes of 3rd February 1998, the following correspondence had been exchanged –

“3rd February 1998

Sir Philip Bailhache
The Bailiff of Jersey
The Bailiff's Chambers
Royal Court House
Jersey
JE1 1DD.

Dear Sir Philip,

Thank you for your letter of 27th January in which you register your concern about a lack of consultation over the announcement of a review of financial regulation.

With great respect, your complaint is not one which I can accept. There will be the most extensive consultation with the Islands during the course of Mr. Edwards' review, and the subsequent consideration of his recommendations. But my accountability for the establishment of the review was to the Parliament of the United Kingdom, and to Her Majesty. It would have been false to have implied that we were going to consult widely with the Islands on whether to have a review. That

decision had to be one made by Ministers of Her Majesty's Government taking account of our responsibilities for the Islands.

We were also faced with a difficult balancing act between letting you know officially what was intended without providing the opportunity for detailed information to get into the public domain, either here or in the Islands, well before it was announced in Parliament.

This review, as you acknowledge, is very much in the interests of all those who have the long-term probity and prosperity of the Islands in mind. I am therefore very glad that there is a widespread willingness to co-operate with the review. I know that Lord Williams would be happy to talk the matter over if that would help.

Yours sincerely,

Jack Straw”

“4th February 1998

The Rt Hon Jack Straw, MP,
Home Secretary,
Home Office,
Queen Anne's Gate,
LONDON SW18 9AT

Dear Home Secretary,

Thank you for your letter of the 3rd February, 1998 the contents of which I have noted with regret. I fear that we shall have to agree to differ on the constitutional implications of your statement in the House of Commons. I can agree however that we should now look forward to co-operating in carrying out this review of financial legislation and regulatory systems once the outstanding request for clarification of certain points has been dealt with by your officials.

Yours sincerely,

Philip Bailhache”

Agriculture and Fisheries Committee – appointment of President

There were nominated for appointment as President of the Agriculture and Fisheries Committee –

Senator Jean Amy Le Maistre – proposed by Senator Vernon Amy Tomes; and

Harry Hallewell Baudains, Deputy of St. Clement– proposed by the Connétable of St. Lawrence.

THE STATES having proceeded to a secret ballot, the Bailiff declared that Deputy Harry Hallewell Baudains of St. Clement had been elected President of the Agriculture and Fisheries Committee.

The result of the ballot was as follows –

Senator J.A. Le Maistre	22 votes
Deputy H.H. Baudains	27 votes

Agriculture and Fisheries Committee – appointment of members

Deputy Harry Hallewell Baudains of St. Clement, President of the Agriculture and Fisheries Committee nominated for appointment as members –

Connétable Kenneth Priaulx Vibert of St. Ouen
Deputy Margaret Anne Le Geyt of St. Saviour
Deputy Michael Edward Vibert of St. Brelade
Deputy Stanley John Le Cornu of St. Clement
Deputy Robin Charles Hacquoil of St. Peter
Deputy Kenneth William Syvret of St. Ouen.

Senator Jean Amy Le Maistre was proposed by Senator Stuart Syvret

THE STATES having proceeded to a secret ballot, the Bailiff declared the following results –

Senator Le Maistre	27 votes
Connétable of St. Ouen	34 votes
Deputy Le Geyt	21 votes
Deputy Vibert	42 votes
Deputy Le Cornu	44 votes
Deputy of St. Peter	43 votes
Deputy of St. Ouen	43 votes.

The Bailiff accordingly declared that the following had been elected members of the Committee –

Senator Le Maistre
Connétable of St. Ouen
Deputy Vibert
Deputy Le Cornu
Deputy of St. Peter
Deputy of St. Ouen.

Defence Committee – resignation of member

THE STATES noted the resignation of Deputy Harry Hallewell Baudains of St. Clement from the Defence Committee.

Matters presented

The following matters were presented to the States –

Criminal Injuries Compensation Board: report for 1997 –R.C.15/98.
Presented by the Defence Committee.

Agricultural loans: report for 1997 – R.C.16/98.
Presented by the Agriculture and Fisheries Committee.

Commission Amicale: report for the period ending 31st December 1997 – R.C.17/98.
Presented by the Jersey Delegation to the Commission Amicale.

THE STATES ordered that the said reports be printed and distributed.

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 23rd March 1998, recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land –

- (a) as recommended by the Agriculture and Fisheries Committee, the lease from Mrs. Jane Martinez Werrin, née Buchanan, of an area of land (measuring 16.0 perches) situated within Field No. 121, Crabbé, St. Mary, for the purpose of composting, for a period of 99 years from 29 November 1994 at an annual rent of £40, subject to rent reviews every three years in line with the open market rental value for waste land of a similar quality, on the basis that the lessee would have an option to terminate the lease upon giving the lessor one year's prior written notice (and in such an event would be responsible for reinstating the land to its original condition before the lessee took occupation of the land) and that the lessee would be responsible for – (i) the payment of foncier rates and occupier rates, if levied by the Parish of St. Mary; (ii) maintaining a public liability insurance policy for not less than £2 million; and (iii) the lessor's reasonable legal costs arising from the transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to Spellbound Holdings Limited of the ground floor of Alares House, Jersey Airport (Letting No. B04A) measuring 910 square feet, for a period of nine years from 1st January 1998, at an annual rent of £11,273.96 (representing a rate of £12.39 a square foot), subject to annual rent reviews on 1st January throughout the term of the lease in line with the Jersey Retail Prices Index;
- (c) as recommended by the Harbours and Airport Committee, the lease to Huelin Air Freight Limited of one freight bay (Letting No. B119) measuring 1,440 square feet, for a period of three years from 1st January 1998, at an annual rent of £7,099.20 (representing a rate of £4.93 a square foot), subject to annual rent reviews on 1st January throughout the term of the lease in line with the Jersey Retail Prices Index;
- (d) as recommended by the Planning and Environment Committee, the lease from Mrs. Margaret Norman of the disused quarry at La Pulente, St. Brelade, for a period of three years from 25th December 1997, for use as a car park for people visiting the area of La Pulente and L'Oeillere headland, on the basis of a single payment of £350 together with the payment of all the lessor's reasonable legal fees arising from the transaction, all other terms of the lease to remain as at present;
- (e) as recommended by the Planning and Environment Committee, the entering into a Deed of Arrangement with Mrs. Kathleen Minty, née Mollet, in respect of No. 9 Clarence Road St. Helier, in order to acquire the right to insert rock anchor bolts that would penetrate through the rock in the vicinity of the north-eastern corner of the property and pass beneath the property in order to secure the stability of the rock and the party-owned wall that it supported, on the basis that the Committee would be responsible for Mrs. Minty's reasonable legal fees arising from the transaction;
- (f) as recommended by the Health and Social Services Committee, the lease from Mr. Edward Gordon Weekes of No. 16 Magnolia Gardens, La Route de St. Aubin, St. Lawrence (a three-bedroom '(j)' category property) for a period of two years from 1st February 1998 with the lessee having the option to extend for a further one year upon giving written notice prior to 31st October 1999 of this intention, at an annual rent of £18,000 for the first two years payable quarterly in advance, with the rent for a third year to be subject to an increase in line with the Jersey Retail Prices Index over the previous two-year period, on the basis that the lessee would be responsible for keeping the interior of the property in the same good state of repair, decoration and condition as found, with each party to be responsible for its own legal fees arising from the transaction;
- (g) as recommended by the Health and Social Services Committee, the extension of the lease from Mrs. Joan Annie Perrée, née Swift, of Flat 1, No. 73 Rouge Bouillon, St. Helier, for a further

period of one year from 19th October 1997, at an annual rent of £6,972.54, with all other terms and conditions to remain as at present, on the basis that each party would be responsible for its own legal fees arising from the transaction;

- (h) as recommended by the Public Services Committee, the lease to Mr. Sean Anthony Heatley Faulkner of the property known as the Bunker at L'Etacq, La Route des Havres, St. Ouen, for a period of 21 years from 1st January 1998, at a commencing annual rent of £2,500 payable quarterly in advance, with the lessee having an option to renew the lease for a further 21 years subject to triennial rent reviews in line with open market values, on the basis that the premises were to be used solely in connexion with the lessee's trade as a fish merchant, fisherman and fish retailer and that any change of use was to be at the discretion of the lessor, the lessee not to assign, sub-let or part possession with the whole or any part of the property, nor to make any structural alterations or extension to the building, without the written consent of the lessor, with the lessee to be responsible for all repair and maintenance of the property except those in association with the existing standard central faults as agreed with the lessor, as well as insurance in relation to the premises (including Public Liability Insurance), with each party being responsible for its own legal costs arising from the transaction;
- (i) as recommended by the Committee for Postal Administration, the extension of the lease from Mr. Nicholas John Agathangelou and Mrs. Androula Agathangelou, née Papageorgiou, of the property known as No. 2 Le Clos de Malershe, Mont Millais, St. Helier, for continue occupation by the Director of Postal Operations, for the period from 5th January 1999 to 31st July 1999, at an annual rent of £16,000;
- (j) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Sun Bowls Club, Jersey of the pavilion and grounds known as The Sun Bowls Club, First Tower, St. Helier for a period of nine years from 1st January 1996, at a commencing annual rent of £3,200 subject to triennial rent reviews in line with the open market rental value of the premises, on the basis that each party would be responsible for its own legal fees arising from the transaction;
- (k) as recommended by the Housing Committee, the entering into a Deed of Arrangement with Mr. Joseph Illing and Mrs. Christine Illing, née Cox, the owners of No. 5 St. Clement's Road, St. Helier, in respect of the clarification of the boundary between that property and No. St. Clement's Road, St. Helier (a block of flats administered by the Committee), subject to the terms specified in an Act, dated 30th January 1998, of the Housing Committee, on the basis that Mr. Lyndon John De Carteret and Mrs. Monique Louise Suzanne De Carteret (who had sold the property to Mr. and Mrs. Illing on 5th September 1997) would be responsible for the payment of all legal expenses incurred by the public in relation to the preparation and passing of the Deed.

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 23rd March 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had consented to the acceptance by the Public Services Committee of the tender submitted by Clyde Richard Simon Limited in the sum of £502,304, for Phase II of the Incinerator Ash Separation Scheme (which was not the lowest tender received).

Matters lodged

The following matters were lodged "au Greffe" –

Public elections legislation – P.55/98.
Presented by the Legislation Committee.

Stopford Court, Stopford Road, St. Helier: transfer of administration of land– P.56/98.
Presented by the Housing Committee.

OTC housing development, First Tower, St. Helier: lease of shop units– P.57/98.
Presented by the Housing Committee.

States members' income support and expense allowance (P.207/97): amendment – P.58/98.
Presented by Senator R.J. Shenton.

Draft Investment Business (Jersey) Law 199 – P.59/98.
Presented by the Finance and Economics Committee.

Shops: Sunday trading – P.60/98.
Presented by Deputy A. Breckon of St. Saviour.

Field 818, Trinity: development for aged persons' housing – P.61/98.
Presented by the Planning and Environment Committee.

Draft Financial Services Commission (Amendment No. 2) (Jersey) Law 199– P.62/98.
Presented by Senator S. Syvret and referred to the Finance and Economics Committee.

The following matters were lodged on 24th March 1998 –

Draft Limited Liability Partnerships (Insolvent Partnerships) (Jersey) Regulations 199 – P.53/98.
Presented by the Finance and Economics Committee.

Draft Limited Liability Partnerships (Jersey) Law 1997 (Appointed Day) Act 199 – P.54/98.
Presented by the Finance and Economics Committee.

Arrangement of public business for the next meeting on 21st April 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 21st April 1998 –

Draft Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 199 – P.17/98.
Lodged: 17th February 1998.
Defence Committee.

Draft Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 199 (P.17/98): amendments– P.29/98.
Lodged: 24th February 1998.
Deputy F.J. Hill of St. Martin.

Draft Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 199 (P.17/98): second amendments – P.30/98.
Lodged: 24th February 1998.
Deputy J.L. Dorey of St. Helier.

Fort Regent redevelopment – P.35/98 Revised.
Lodged: 3rd March 1998.
Sport, Leisure and Recreation Committee.

Policing of the Island – P.49/98.
Lodged: 17th March 1998.
Defence Committee.

Draft Limited Liability Partnerships (Insolvent Partnerships) (Jersey) Regulations 199 – P.53/98.
Lodged: 24th March 1998.
Finance and Economics Committee.

Draft Limited Liability Partnerships (Jersey) Law 1997 (Appointed Day) Act 199 – P.54/98.
Lodged: 24th March 1998.
Finance and Economics Committee.

Field 818, Trinity: development for aged persons' housing – P.61/98.
Lodged: 31st March 1998.
Planning and Environment Committee.

Rent arrears – question and answer (Tape No. 436)

Deputy Philip John Rondel of St. John asked Senator Corrie Stein, President of the Housing Committee, the following question –

“On 22nd April 1997 in response to my question, the President advised members that 572 tenants of the Housing Committee owed a total of £469,122 in rent arrears. Would the President inform members of the amount of those arrears that are still outstanding and what steps have been taken to recover those monies?”

Deputy Terence John Le Main of St. Helier replied on behalf of the President as follows–

“The Housing Committee has just over 4,500 tenants who paid £11.60 million in rent in 1997 and who will be expected to pay in the region of £12.27 million in rent during 1998. Of these, over 87 per cent of tenants are either up to date or in advance with their rent payments.

Rent arrears is a constant problem to the Committee and much staff time is spent ensuring payment of rent but it is inevitable that some tenants, particularly those with social or financial problems, will fall into arrears.

In April 1997, there were 572 tenants in arrears, owing a total of £469,122, representing 4.04 per cent of annual rental income of £11.60 million.

At present, in March, 1998, there are 566 tenants in arrears, owing a total of £504,822, representing 4.11 per cent of annual rental income of £12.27 million.

While it is not possible to advise the Deputy of the current arrears position of the 572 tenants who were in arrears in April 1997, the position of those 10 tenants with the highest arrears in 1997 is now as follows –

April 1997	£44,700
March 1998	£41,983.

Nine of the tenants now owe less than they did in 1997 with the sole exception being a pensioner aged 84.

Although the overall arrears position has worsened slightly since 1997 this is partly due to a more vigorous campaign by the Department to uncover fraudulent claims for rent subsidy. One example alone in late 1997 resulted in a tenant falling £7,000 into arrears due to the failure of the tenant to declare income over a period of years, and consequent reassessment of rent due.

The Committee does not write off rent arrears and, therefore, the total sum is carried forward each year. The Committee has a duty to the vast majority of tenants who pay their rent on time to ensure that tenants who fall into arrears are required to clear those arrears in the future. The Committee operates the Rent Abatement Scheme for all its tenants, to ensure that rents charged are affordable.

The reduction of arrears can only be achieved over a period of time, sometimes amounting to years, as many tenants housed by the Committee are on low incomes with very limited means.

The following is a summary of the steps taken by the Department to reduce and recover rent arrears –

1. A tenant failing to pay his rent by the end of his regular payment period is sent a letter enquiring whether there has been an oversight.
2. If this does not result in prompt settlement, a second letter is sent and an appointment made with the Arrears Officer.
3. If there is no response or no improvement in payment, a home visit is made.
4. Persistent offenders and those where large arrears have occurred over a long period of time, are seen on a regular basis by housing officers, with the majority signing up to regular arrears repayment plans.
5. Where appropriate, arrangements are made with employers and the Parish for rent payments to be made from wages or benefits direct to the Housing Department.
6. A debt collector is employed specifically to call weekly on 50 tenants who persistently fall behind with their rental payments.
7. Despite these measures, during the last 12 months it has been necessary for 75 tenants to be taken to the Petty Debts Court for recovery of rent arrears.
8. The Housing Committee does not wish to cause homelessness or break up families but nevertheless, in the last 12 months, four tenants have been served with eviction notices, of which three have been pursued to repossession of the property. Where families with young children or pensioners are involved, repossession of their dwelling for rent arrears is very much a last resort.

In summary the Committee will continue to take all reasonable steps to recover rent arrears and to reduce the incidence of non-payment of rent.”

14+ transfer system – statement

The President of the Education Committee made a statement in the following terms –

“In recent years, the arrangements for the non-fee paying sector of secondary education have been the subject of much consideration within the Education Service, by the Education Committee and the States Assembly.

In July 1995, the States, in defeating a proposition brought by the Education Committee of the day, charged the Education Committee to continue the 14+ transfer system, while recognising that the existing procedures for selection were inadequate. There was wide acceptance in the States that there are considerable benefits in educating pupils of high ability in a separate school and also that the pupils who are not selected for that separate provision should not be disadvantaged.

In accordance with the wishes of the States, the Education Committee introduced changes in the 14+ procedures in 1996 with the intention of making the system fairer and more rigorous through the application of published criteria. Further improvements were introduced for the 1997 transfer but increasing concern was expressed concerning the effects of guided parental choice in undermining the purposes of the transfer process: ‘to facilitate the transfer of students of high ability to Hautlieu School’. In response to these concerns and in order to maintain the integrity of the system of 14+ transfer, the States, in September 1997, agreed to replace arrangements whereby ‘priority for transfer to Hautlieu School [was] given to the wishes of the parents and the student even when they are contrary to other indications’ with a system based on selection.

Members will be aware that planning has now been commenced for the long overdue replacement of

Hautlieu School so that the school has the premises and resources which are essential to ensure an appropriate education for its students. This is a vital element of the redevelopment of all our secondary schools, laying the foundations for the Island's future success.

In view of the planned redevelopment of Hautlieu School, my Committee seized the opportunity to consider whether the current system of selective transfer at 14+ should be replaced with a system based on a common transfer point for all pupils at the end of the primary phase.

To support its examination of this issue, the Committee commissioned research into the effects of selective transfer at different stages and consulted with all headteachers, having encouraged them to secure the views of their teaching staff. The Committee also travelled to South Warwickshire to visit both primary and secondary schools within areas (Stratford and Alcester) where there is selection at 11+. This visit involved meetings with elected representatives, senior officers, headteachers and teachers and included extensive briefings and discussions, supported through tours of five schools.

The Committee has now given detailed consideration to the evidence it has obtained from research, consultation and direct observation and has decided that there is no clear evidence to support the reorganisation of our system of education in the non-fee paying secondary sector. We believe that, with the improvements that have been made to the process of selection over the past three years and with the commitment of headteachers and teachers to work together to ensure the best and most appropriate opportunities for their pupils, the non-fee paying sector, as presently organised, will continue to serve the Island's young people effectively for the foreseeable future."

Proposed industrial action – statement

The President of the Establishment Committee made a statement in the following terms –

"The Establishment Committee and the Employer's Side of the Manual Workers Joint Council have been advised this morning by the Transport and General Workers Union (TGWU) that its manual worker members in States departments and Parishes will "commence a work to contract" with effect from Monday, 6th April, 1998.

It is understood that the "work to contract" will involve manual workers working contractual hours and duties only – no voluntary overtime or any other duties relying on "good will" will be worked.

Whilst it is not possible at this stage to estimate the effect which the work to contract will have on the provision of public services (it will depend on the incidence of sickness amongst manual workers, for instance), it is expected that areas such as the Airport and refuse incineration could be affected.

The industrial action is being taken in support of the TGWU's dispute with the Education Committee over that Committee's intention to contract out the cleaning of the new Jersey College for Girls (due to be opened sometime in 1999) and to redeploy to other schools' employees currently employed to clean the existing Jersey College for Girls.

The Employers' Side repeats below the salient points of the dispute with Education.

1. The Committee has been contracting out the cleaning of its new schools, and school extensions for at least the last ten years. This policy is known to the Transport and General Workers Union which has worked within the scope of the policy during this time.
2. The policy of outsourcing non-core activities such as cleaning is consistent with States policy that such activities should be transferred to the private sector where quality standards can be assured.
3. The Education Committee has consulted extensively with the existing cleaners at Jersey College for Girls and their trade union representatives.
4. The Committee wishes to transfer existing cleaners to other schools administered by the Committee in a way which best suits the wishes and circumstances of individual employees.

5. There will be no redundancies involved, no loss of jobs and no loss in pay.
6. The TGWU has acknowledged the Education Committee's contractual right to transfer staff within the Education Service. If the Union supports Education in its discussions with staff about the opportunities for relocation, the President of Education has offered not to undertake any relocations until September, 1998, and also to revisit the position on outsourcing if the Policy and Resources Report, soon to be produced, introduces major changes in States policy. This was not taken up by the TGWU.

The Employers' Side very much regrets the decision of the TGWU to take this action, and will do everything within its power to achieve a resumption of normal working as soon as possible.

Further information will be made available as the situation becomes clearer."

Acts annulling certain Road Traffic Orders relating to public parking places – P.52/98

THE STATES rejected a proposition of Deputy A.S. Crowcroft of St. Helier to adopt Acts annulling the following Orders –

Road Traffic (Public Parking Places) (Amendment No. 36) (Jersey) Order 1998 (R & O 9220)
 Road Traffic (Public Parking Places) (Amendment No. 35) (Jersey) Order 1998 (R & O 9200)
 Road Traffic (Saint Helier) (Amendment No. 3) (Jersey) Order 1998 (R & O 9218)
 Road Traffic (Saint Helier) (Amendment No. 2) (Jersey) Order 1998 (R & O 9201)
 Road Traffic (Saint Lawrence) (Amendment No. 11) (Jersey) Order 1998 (R & O 9219)
 Road Traffic (Saint Lawrence) (Amendment No. 10) (Jersey) Order 1998 (R & O 9202)

Members present voted as follows –

“Pour” (15)

Senators

Shenton, Rothwell, Syvret, Kinnard.

Deputies

Le Geyt(S), Routier (H), Dorey (H), Breckon(S), Grouville, St. John, Le Main(H), Rabet (H)
 Crowcroft (H), Vibert(B), St. Ouen.

“Contre” (33)

Senators

Horsfall, Le Maistre, Quérée, Bailhache, Tomes, Norman, Walker.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Martin, St. C
 Trinity.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche (L), St. Mary, S. Baudains(H), Trinity, Pullin(
 Johns(H), Duhamel(S), Layzell(B), Huet(H), Blampied (H), de la Haye(B), Le Cornu(C), St. Peter.

Petroleum-Spirit (Control) (Jersey) Regulations 1998 – P.20/98

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884, made Regulations entitled the Petroleum-Spirit (Control) (Jersey) Regulations 1998.

Milk (Sale to Special Classes) (Jersey) Regulations 1998 – P.41/98

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884, made Regulations entitled the Milk (Sale to Special Classes) (Jersey) Regulations 1998.

Shellfish (Underwater Fishing) (Jersey) Regulations 1998 – P.50/98

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884, made Regulations entitled the Shellfish (Underwater Fishing) (Jersey) Regulations 1998.

Maritime offices, La Route du Port Elizabeth, St. Helier– P.37/98

THE STATES, adopting a proposition of the Planning and Environment Committee –

- (a) approved the construction and fitting out of a new four-storey building of approximately 23,582 square feet gross (17,373 square feet net) for use as maritime offices at La Route du Port Elizabeth, St. Helier (as shown on drawing No. 1227/007), for occupation by the Customs, Immigration and Harbours Departments who would pay internal rental charges to the Planning and Environment Committee on the terms identified within the report of the Planning and Environment Committee dated 5th February 1998; and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Planning and Environment Committee to enter into such agreements with the Waterfront Enterprise Board Limited as were necessary for the procurement of the building;
- (c) approved the granting of a lease ('the head lease') by the public to the Royal Bank of Scotland International Limited for a period of 125 years, of the area of land at La Route du Port Elizabeth St. Helier as shown on drawing No. 1227/007, the exact area of land to be agreed between the Committee and the Royal Bank of Scotland International Limited and on the terms set out in the report of the Planning and Environment Committee dated 5th February 1998;
- (d) accepted from the Royal Bank of Scotland International Limited, a sub-lease of the agreed area of land and building referred to in sub-paragraph (a) for a term of 125 years less one week, subject to the annual payments set out in the Appendix to the report of the Planning and Environment Committee dated 5th February 1998;
- (e) authorised a scheme whereby the public would be entitled to purchase the head lease from the Royal Bank of Scotland International Limited, such entitlement to be exercisable in 21 years after the completion of the development or in such circumstances as the Planning and Environment Committee decided was necessary in the public interest;
- (f) authorised the Attorney General and the Greffier of the States to pass, and the Greffier of the States to sign, as appropriate, on behalf of the public, such contracts or agreement as might be necessary; and
- (g) authorised the Treasurer of the States to receive the sum of £4 million from the Royal Bank of Scotland International Limited and to credit that sum to a suspense account established for this purpose in the name of the Planning and Environment Committee under Articles 7(1)(e) and 20(2) of the Public Finances (Administration) (Jersey) Law 1967, as amended, and authorised that Committee to pay from that account the costs of development to its agent, the Waterfront Enterprise Board Limited.

Building Loans (Miscellaneous Provisions) (Amendment No. 25) (Jersey) Regulations 1998– P.33/98

THE STATES commenced consideration of the draft Building Loans (Miscellaneous Provisions) (Amendment No. 25) (Jersey) Regulations 1998 and adopted the preamble.

Regulations 1 and 2 were adopted.

Members present voted on Regulations 1 and 2 as follows –

“Pour” (41)

Senators

Shenton, Horsfall, Le Maistre, Quérée, Bailhache, Tomes, Norman, Walker, Kinnard.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Ouen, Trinity.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H), Geyt(S), Trinity, Pullin(S), Johns(H), Routier(H), Dorey(H), Layzell(B), Breckon(S), Huet(H), Le Main(H) Blampied(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cornu(C), St. Peter, St. Ouen.

“Contre” (2)

Senator

Syvret.

Deputy

Duhamel(S).

THE STATES, in pursuance of Article 15 of the Building Loans (Jersey) Law 1950, as amended, made Regulations entitled the Building Loans (Miscellaneous Provisions) (Amendment No. 25) (Jersey) Regulations 1998.

Nelson House, David Place, St. Helier: lease– P.34/98

THE STATES, adopting a proposition of the Finance and Economics Committee –

- (a) approved the leasing by the Finance and Economics Committee from JCN Investments (Jersey) Limited of part of the ground floor, the first floor and second floor office accommodation, comprising 9,429 square feet of floor space, and car parking at Nelson House, 30 David Place, St. Helier, to accommodate the Financial Services Department, the functions of which would, in due course, in accordance with the Financial Services Commission (Jersey) Law 1998, be assumed by the Jersey Financial Services Commission, for a period of nine years, with a tenant's option to break the lease at the end of the fifth year and seventh year of the term upon giving the landlord one year's prior notice in writing, at a commencing annual rental of £183,904 a year (£10 a square foot for the ground floor reception area, £20 a square foot for the first and second floor offices and £6 a square foot for kitchens), with a three month rent free fitting-out period, together with £17,500 a year (£1,750 a space a year) for 10 covered basement car parking spaces, with three yearly rent reviews to open market rental value, such rental to remain the same or increase;

- (b) approved the assignment of the lease to the Jersey Financial Services Commission upon its obtaining corporate status and agreed that the Finance and Economics Committee, on behalf of the States, would at that time provide a 'letter of comfort' confirming that should the Jersey Financial Services Commission cease to exist, then the States of Jersey would continue to honour the terms of the lease.
- (c) authorised the Attorney General and the Greffier of the States to sign the lease;
- (d) authorised the Treasurer of the States to pay the rent as it became due until such time as the lease was assigned to the Jersey Financial Services Commission.

Les Creux, St. Brelade: land use strategy– P.36/98

THE STATES, having accepted an amendment of the Sport, Leisure and Recreation Committee that a new sub-paragraph (b) should be substituted for the proposed sub-paragraph, adopted a proposition of the Sport, Leisure and Recreation Committee, and –

- (a) expressed their support for the strategic planning proposals for Les Creux as set out in the report dated August 1997 of Land Use Consultants and summarised in paragraphs 7 and 8 of the report dated 4th September 1997 of the Sport Leisure and Recreation Committee;
- (b) requested the Finance and Economics Committee, under Article 18B(2) of the Public Finance: (Administration) (Jersey) Law 1967, as amended, to approve the expenditure of £271,715.89 from the unused balance of funds in the Committee's capital vote of credit "Les Creux Golf Course" (Vote No. C1241) for the development of two outdoor bowling greens and parking facilities at Les Creux.

Members present voted as follows –

“Pour” (37)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Quérée, Bailhache, Syvret, Walker, Kinnard.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Ouen, Trinity.

Deputies

Wavell(S), Coutanche(L), St. Mary, S. Baudains(H), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), Le Main(H), Crowcroft(H), Vibert(B), de laHaye(B), St. Peter, St. Ouen.

“Contre” (3)

Deputies

Dorey(H), Blampied(H), Le Cornu(C).

Les Creux/La Moye Farm, St. Brelade: rezoning of land– P.204/97

THE STATES, adopting a proposition of the Planning and Environment Committee, referred to their Act dated 3rd November 1987 in which they approved the Island Map, as amended 1-87, and –

- (a) rescinded the designation of land at Les Creux/La Moye Farm, St. Brelade, as shown on drawing

No. 586/1, for use for sport and leisure, namely the construction of an 18 hole golf course;

- (b) approved the designation of Fields 195, 198 and 198A, St. Brelade, as shown on plan No. 587/ for use for recreation and leisure purposes.

Jersey Mutual Insurance Society, Incorporated: petition – P.19/98

THE STATES, adopting a proposition of the Connétable of Trinity, granted the prayer of a Petition presented on behalf of the Jersey Mutual Insurance Society, Incorporated that legal effect be given to the amendment to the Fundamental Rules set out in the Petition.

Jersey Mutual Insurance Society, Incorporated, (Alteration of Rules) (No. 5) (Jersey) Law 199 – P.39/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Jersey Mutual Insurance Society, Incorporated (Alteration of Rules) (No. 5) (Jersey) Law 199 .

Drug Trafficking Offences (Designated Countries and Territories) (Amendment) (Jersey) Regulations 1998 – P.42/98

THE STATES, in pursuance of Article 18 of the Drug Trafficking Offences (Jersey) Law 1988, as amended made Regulations entitled the Drug Trafficking Offences (Designated Countries and Territories) (Amendment) (Jersey) Regulations 1998.

Drug Offences (International Co-operation) (Enforcement of Overseas Forfeiture Orders) (Amendment) (Jersey) Regulations 1998 – P.43/98

THE STATES, in pursuance of Article 6 of the Drug Offences (International Co-operation) (Jersey) Law 1996, made Regulations entitled the Drug Offences (International Co-operation) (Enforcement of Overseas Forfeiture Orders) (Amendment) (Jersey) Regulations 1998.

Adjournment

THE STATES then adjourned, having agreed that the remaining items of public business would be considered as the first items of matters lodged “au Greffe” listed under Public Business at the next meeting.

THE STATES rose at 6.30 p.m.

G.H.C. COPPOCK

Greffier of the States.