



THE STATES assembled on Tuesday,
2nd November, 1982 at 10.15 a.m.
under the Presidency of the Deputy
Bailiff, Peter Leslie Crill, Esquire,
C.B.E.

All members were present with the exception of –

Senator Jane Patricia Sandeman – ill.

Senator Pierre François Horsfall – out of the Island.

Senator Anne Baal – out of the Island.

John Le Gallais, Deputy of St. Saviour – out of the Island.

Prayers.

Matters noted – financial transaction.

THE STATES noted an Act of the Finance and Economics Committee, dated 6th October, 1982, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that the Defence Committee had accepted the lowest of nine tenders, namely that submitted by C.A. Mauger Limited in the sum of £357,234.47 in a contract period of 45 weeks for the conversion of Rouge Bouillon School for the Police Annexe and alterations to the existing Police Headquarters.

Matter lodged.

The following subject was lodged “au Greffe” –

**Draft Social Security (Amendment No. 3) (Jersey)
Law, 198 . P.151/82.**

Presented by the Social Security Committee.

The States decided to take this subject into consideration
on 16th November, 1982.

Queen's Valley: Roads and Land. P.29/82.

THE STATES acceded to the request of the President of the Public Works Committee that the Proposition regarding roads and land in Queen's Valley (lodged on 2nd March, 1982) be considered on 9th November, 1982.

Providence Street/Phillips Street: approval of plans. P.121/82.

THE STATES acceded to the request of the Vice-President of the Housing Committee that the Proposition to approve plans regarding Providence Street/Phillips Street (lodged on 14th September, 1982) be considered on 9th November, 1982 instead of 16th November, 1982.

Petition concerning the sentencing of persons convicted in the Police Court. Question and answer.

Deputy Ronald Winter Blampied of St. Helier asked the Attorney General the following question –

“The States will recall that the petition with regard to the sentencing of persons convicted in the Police Court, which I presented on 8th June, 1982, was referred to the Legislation Committee for report. I understood that the Committee cannot proceed with the preparation of its report until certain information is received from the Attorney General.

Will the Attorney General be good enough to tell the States how long he thinks it will be before he is able to supply the necessary information to the Legislation Committee?”

The Attorney General replied as follows –

“At its meeting on the 2nd August, 1982, the Legislation Committee received the Petition with regard to the sentencing of persons convicted in the Police Court which had been lodged ‘au Greffe’ on the 8th June, 1982, by the questioner and referred to the Legislation Committee for consideration and report. It was agreed that the President should discuss the matter with me before giving it detailed consideration.

The President of the Legislation Committee met with me on the 24th August, 1982, and again on the 31st August, 1982, when a number of Legislation Committee

matters, including the Petition, were discussed. As a result, it was agreed that I should prepare a Report for consideration by the Committee.

I am unable to tell the States how long I think it will be before my Report will be in the hands of the Legislation Committee. I have stated, and had so informed the questioner before he put down his question, that I shall complete my Report as soon as is reasonably possible. That remains the position and I cannot be more precise. It is entirely a question of priorities and I cannot forecast how many urgent matters will reach my desk in the coming weeks or the complexity of such urgent matters. I can only repeat that the matter will be dealt with as soon as is reasonably possible.

I should, however, advise the States of two matters that are relevant to the same question.

The first is that in a statement to Channel Television Deputy Blampied accused me of deliberately holding up the petition on law and order. That amounts to an accusation against me of dereliction of duty. Words which are calculated to disparage the reputation of another in the way of any office held by him, or in the way of any lawful profession or calling carried on by him, constitute libel and are actionable without proof of damage. Where a libel reflects on the character of a public officer or professional man, it is a criminal libel. The privilege, or immunity from legal proceedings, enjoyed by members of the States, does not extend to words spoken to the media. Nevertheless, I have decided neither to prosecute, nor to sue, the Deputy, but to treat the allegation with the contempt that it deserves. He would, however, be well advised to choose his words more carefully in the future, because others might not be as kind as me.

The second matter relates to background information. I explained to the questioner that in order to do justice to such a vast question as law and order, it would be necessary to do a considerable amount of research into crime statistics, sentencing policy and so on. Hence the need for delay. The questioner then informed me that he had himself carried out a great deal of research and had available a large amount of information. I invited him to make available to me the whole of his researched

information, only because it might enable me to save time by using, instead of researching, the information at his disposal. The questioner refused to make such information available to me, his reason being, so far as I was able to ascertain it, that he would wish to check any information that I provided to the Legislation Committee against his own, hoping, I suppose, to catch me out in any discrepancy. In a letter dated 22nd October, 1982, I repeated my request that the questioner should provide me with details of the research which he had carried out. I suggested that he might lend me his file and I would copy such parts as might be useful to me and return the file very promptly. I stressed the fact that my sole purpose was to avoid duplicating work, in order to save time and enable me to produce a Report to the Legislation Committee more speedily than might otherwise be the case. I might add that, so far as I am concerned, we are all on the same side in these matters, attempting to achieve the best result in the public interest. However, by letter dated the 27th October, Mrs. Blampied, on her husband's behalf, has again refused my request. I quote from her reply 'This information was given to me on the understanding that it would not be divulged to anyone. Some of it came from senior civil servants.' I can only add that I find it passing strange that information produced by senior civil servants should be withheld from the Attorney General."

Petition concerning the sentencing of persons convicted in the Police Court. Question and answer.

Deputy Ronald Walter Blampied of St. Helier asked Deputy Edgar John Becquet of Trinity, President of the Legislation Committee, the following question –

“Arising from the Attorney General's reply to my question in relation to the petition with regard to the sentencing of persons convicted in the Police Court which I presented to the States on 8th June, 1982, can the President state how soon the States may expect to receive his Committee's report on the petition; after certain information required for the preparation of that report has been supplied by the Attorney General?”

The President of the Legislation Committee replied as follows –

“I cannot forecast how soon the States may expect to receive my Committee’s report on the petition relating to the sentencing of persons convicted in the Police Court which the questioner presented to the States on 8th June, 1982.

As the House has heard, the matter has been referred to the Attorney General for his advice. His report will be presented to my Committee as soon as is reasonably possible.

Once my Committee has received the Attorney General’s report, it will embark upon a detailed consideration of the subject. It may well be, however, that my Committee will find it desirable to consult with other individuals and/or bodies to obtain their advice and comments, and it is impossible to forecast how long such process of consultation might take. It follows that my Committee too can only undertake to report to this House as soon as is reasonably possible.”

Rezoning of land in St. Clement for residential development.

THE STATES, adopting a Proposition of the Island Development Committee, agreed –

- (a) to re-zone about 4.2 vergées of land to the rear of Priory Farm, St. Clement (field 133) as shown on Drawing No. 03/125/4 from “White land” to use for States (basic) loan residential development;
- (b) to re-zone about 2 vergées of land at Oaklands Vineries, La Rue du Presbytère, St. Clement as shown on Drawing No. 03/125/5 from “White land” to use for States (basic) loan residential development;
- (c) to re-zone about 2.4 vergées of land at Baycroft Nursery, La Rue de la Chapelle, St. Clement as shown on Drawing No. 03/125/6 from “White land” to use for States (basic and supplementary) loan residential development;
- (d) in the event of planning proposals for private development of any of the land described in (a)–(c) failing to satisfy the requirements of the Island Development Committee and the Housing

Committee within 1 year of the land being re-zoned, to authorise the Island Development Committee to negotiate with the owners for the purchase of the land at a fair and proper price to be agreed with the Finance and Economics Committee;

- (e) to re-zone about 2.7 vergées of land at field 145, St. Clement, as shown on drawing 03/125/4 from “White land” to use for States (basic) loan residential development;
- (f) to authorise the payment or discharge of any expenses incurred in connexion with the acquisition of the said land and of all interest therein, and the payment of all legal expenses, from the Island Development Committee Major Reserve Vote C.0904;
- (g) to authorise the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which it might be found necessary to pass in connexion with the said properties and any interests therein.

Members present voted as follows for paragraph (b) –

“Pour” (41)

Senators

Vibert, Le Marquand, Shenton, Jeune, Averty, Ellis, Rothwell.

Connétables

St. Ouen, St. Clement, St. Helier, St. Mary, Grouville, St. Saviour, St. John, Trinity, St. Brelade, St. Martin, St. Peter.

Deputies

Mourant(H), Morel(S), St. John, Quenault(B), Perkins(C), Troy(S), Le Brocq(H), Le Quesne(S), Trinity, St. Martin, Filleul(H), Vandervliet(L), St. Peter, O’Connor(C), Farley(H), Le Fondré(L), Buesnel(H), Grouville, St. Mary, Beadle(B), Thorne(B), Wavell(H), Blampied(H).

“Contre” (2)**Deputies**

St. Ouen, Le Maistre(H).

Members present voted as follows for paragraph (c) –

“Pour” (42)**Senators**

Vibert, Le Marquand, Shenton, Jeune, Averty, Ellis,
Rothwell.

Connétables

St. Ouen, St. Clement, St. Helier, St. Mary, Grouville,
St. Saviour, St. John, Trinity, St. Brelade, St. Martin,
St. Peter.

Deputies

Mourant(H), St. Ouen, Morel(S), Le Maistre(H),
St. John, Quenault(B), Perkins(C), Troy(S), Le Brocq(H),
Le Quesne(S), Trinity, St. Martin, Filleul(H),
Vandervliet(L), St. Peter, Farley(H), Le Fondré(L),
Buesnel(H), Grouville, St. Mary, Beadle(B), Thorne(B),
Wavell(H), Blampied(H).

“Contre” (1)**Deputy**

O’Connor(C).

Corbière Development Plan: revocation.

THE STATES, adopting a Proposition of the Island Development Committee, decided to revoke the Corbière Development Plan approved by Act of the States dated 13th July, 1967.

Deputy Douglas Graham Thorne of St. Brelade declared an interest and withdrew from the Chamber.

St. Brelade's Plan: exception.

THE STATES, adopting a Proposition of the Island Development Committee, authorised that Committee to permit the development of one bungalow in the garden of Le Houmet, Mont Sohier, St. Brelade's Bay, as shown on Drawing No. 12.131.1 as an exception to the terms of the Act of the States, dated 30th April, 1968 which granted approval to the St. Brelade's Bay Plan.

Review of States Financial Policy.

THE STATES rejected a Proposition of Deputy Donald George Filleul of St. Helier that –

1. It is timely to re-assess the financial policy and therefore to appoint a Working Party to investigate and report on the following possible changes –
 - (i) allow the writing-off of capital expenditure in certain conditions and for specific purposes;
 - (ii) remove the requirement for capital repayments by non-trading Committees;
 - (iii) remove the requirement for interest payments by non-trading Committees;
 - (iv) enable "Trading Committees" to retain profits for use within their operational areas;
 - (v) enable "Trading Committees" to seek capital from sources other than States funds;
 - (vi) enable "Trading Committees" to operate in the same way as public corporations, e.g. the Jersey Electricity Company and Jersey New Waterworks Company, with shareholders and directors from the private sector;
 - (vii) enable non-trading Committees operating in special areas of activity to retain for the development of those activities the profits earned therefrom;

- (viii) any other variations from current law or practice which may in the course of their investigations commend themselves to the Working Party;
2. the Working Party should comprise four members of the House, one of whom should be nominated as Chairman, and that no present member of the Finance and Economics Committee should be eligible for membership;
 3. the Working Party shall have the right to co-opt non-members of the States of acknowledged skill and experience in any field relevant to the matter under investigation;
 4. the report of the Working Party, together with the comments of the Finance and Economics Committee thereon, should be submitted to the States not later than June, 1983.

Members present voted as follows for paragraph 1 –

“Pour” (13)

Senator

Jeune.

Connétable

St. Lawrence.

Deputies

Perkins(C), Roche(S), Le Brocq(H), Le Quesne(S), Filleul(H), Le Main(H), O’Connor(C), Farley(H), Buesnel(H), Grouville, St. Mary.

“Contre” (29)

Senators

Vibert, Le Marquand, Averty, Binnington, Ellis.

Connétables

St. Ouen, St. Helier, St. Mary, Grouville, St. Saviour,
St. John, Trinity, St. Brelade, St. Martin, St. Peter.

Deputies

Mourant(H), St. Ouen, Morel(S), St. John, Quenault(B),
Trinity, St. Martin, Vandervliet(L), St. Peter,
Le Fondré(L), Rumboll(H), Beadle(B), Wavell(H),
Blampied(H).

THE STATES rose at 4.40 p.m.

E.J.M. POTTER,

Greffier of the States.