



THE STATES assembled on Tuesday,
12th June, 1984 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

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All members were present with the exception of –

Donald George Filleul, Deputy of St. Helier – out of the
Island.

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Prayers.

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Connétable of St. Lawrence: welcome.

The Bailiff, on behalf of Members of the States, welcomed to
the Assembly the newly appointed Connétable of St. Lawrence,
Mrs. Iris Medora Le Feuvre, and congratulated her on being the
first lady to hold the office of Connétable.

**Telecommunications Board: appointment of President and
Members.**

THE STATES, on the proposition of the Deputy of Trinity,
appointed Deputy Jack Roche of St. Saviour as President of the
Telecommunications Board.

THE STATES, on the proposition of Deputy Roche, appointed
the following as members –

Senator John William Ellis

John Pepin Le Sueur, Connétable of St. John

Charles Alan Le Maistre, Connétable of Grouville

Edgar John Becquet, Deputy of Trinity

Robin Ernest Richard Rumboll, Deputy of St. Helier.

Operation of the Committee System. R.C.15.

The Policy Advisory Committee by Act dated 20th February, 1984, presented to the States a Report on the operation of the Committee System.

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

Resources Recovery Board Policy Report 1984. R.C.16.

The Resources Recovery Board by Act dated 24th May, 1984, presented to the States a Policy Report, 1984.

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

Matter lodged.

The following subject was lodged “au Greffe” –

Deputies: payment of salary. P.80/84.

Presented by Deputy Maurice Clement Buesnel of St. Helier.

Draft Policing of Beaches (Amendment No. 6) (Jersey) Regulations, 198 . P.62/84.

THE STATES acceded to the request of the President of the Tourism Committee that the draft Policing of Beaches (Amendment No. 6) (Jersey) Regulations, 198 (lodged on 22nd May, 1984) be considered on 26th June, 1984.

House prices and price controls. Questions and answers.

Senator Richard Joseph Shenton asked Deputy Hendricus Adolphus Vandervliet of St. Lawrence, President of the Housing Committee, the following questions –

- “1. Will the President inform the House as to the progress of the Committee’s investigation into house prices in Jersey?”

2. Does the Committee consider that their policy of price control on properties between willing sellers and willing purchasers with (a) – (h) categories serves any useful purpose?
3. Is the Committee aware of cases where price controls exercised by them on land transactions have provided for profit for the developer?
4. Would the President confirm that properties advertised at the present time in the Jersey Evening Post on a close development with three bathrooms are being offered at £163,000 with the Committee's consent?
5. If the answer to 4. is correct then how can the Committee justify its agreement to such a development which is not in the public interest insofar as either water conservation or land usage is concerned?"

The President replied as follows –

- “1. The Working Party investigating building costs has met on numerous occasions and has held discussions with local manufacturers, the principal builders' merchants, the Builders' Federation, architects and quantity surveyors. Further meetings have yet to be held with representatives of the Island Development Committee, Senator Shenton himself, and any members of the general public who wish to make representations. The subject is extremely complex and involves a great deal of technical analysis and the cross-checking of information supplied. I am advised, however, that the Working Party is confident that its findings and recommendations will be fruitful and that it hopes to present its report to the Committee within the next two to three months.
2. Yes, but, the Committee is currently undertaking a complete review of all its policies, including price control, and will be presenting a report to the States in the very near future.

3. The Committee is not aware of cases where price control on land for building has specifically provided profit for the developer.
4. The properties referred to are not so advertised with the Committee's consent.
5. In view of the answer to Question 4, this question does not require an answer."

**Visit of Her Majesty Queen Elizabeth, The Queen Mother.
Questions and answers.**

Senator Richard Joseph Shenton asked the Royal Visit Committee the following questions –

- “1. Did the Committee consider arranging for primary school children to be given leave of absence on 1st June so that they and their parents could all have had the opportunity of seeing Her Majesty Queen Elizabeth The Queen Mother during the recent visit?
2. Bearing in mind that some Members of the States seemed to have had the opportunity of seeing Her Majesty on more than one occasion during the visit, is the Committee satisfied that a satisfactory balance was achieved to enable Her Majesty to meet representatives from as many sections of the community as possible?

Senator Ralph Vibert replied as follows on behalf of the Committee –

- “1. One of the matters which the Committee had in the forefront of its mind when arranging the programme was in fact to give an opportunity for all schoolchildren, not just primary schoolchildren, to be able to see the Queen Mother. Because of the large number of school holidays already fixed for May, another holiday on 1st June was neither desirable nor practicable. It was therefore decided that the States Reception should be held at a school, Grainville School, to allow children both from that

school and the F.C.J. Primary School to see Her Majesty at very close quarters. In addition, children of all ages were very much involved with the Maufant event and the route of the afternoon tour was deliberately chosen to pass as many schools as was possible. The Head Teachers were encouraged to allow their pupils out of the school at the time Her Majesty was due to pass. The fact that the day was not a public holiday would of course have meant that even if a school holiday had been declared, working parents would not have been able to be with their children.

2. The fact that a Member of the States has more than one official responsibility in areas covered by the Royal visit has no relevance to the opportunities afforded to other sections of the community to see Her Majesty.

Indeed, this particular visit was marked by the relatively small part that the States played in the day's events. The only purely States function was the reception offered immediately before lunch and the Committee was for a time concerned that complaints could have been made by States Members that they were not given a sufficient opportunity to meet Her Majesty. The guest list for the R.N.L.I. ceremony was drawn up by the Institution and the Committee had no part in it. Likewise, the opening of the Maufant Youth Centre was very much a Variety Club matter with the Youth Movement also being involved. The tree planting ceremony at Communicare again was in the hands of the Men of the Trees and Communicare.

In the time which was available on the actual day, the Committee has no doubt whatsoever that the programme enabled Her Majesty to meet representatives from as many sections of the community as was possible.

The care taken by the Committee in selecting the route of the drive and its publication before the day afforded the opportunity for many members of the public to see Her and this opportunity was readily

taken, for instance, at the Cottage Homes and Communicare.”

Laws on Wills and Successions: proposed reform.

THE STATES commenced consideration of a proposition of the Legislation Committee regarding proposed reforms to the Laws on Wills and Successions. Having adopted a proposition of Deputy Francis Hedley Morel of St. Saviour that sub-paragraph (c) of paragraph (1) “extension at the Court’s discretion of time limit for challenging a will;” be referred back to Committee and having accepted amendments of Senator Ralph Vibert to paragraph (2) as follows –

in sub-paragraph (a), for the word “retention” substitute the word “abolition” and add the words “the rules governing ‘acquêts’ to apply to all real property”;

in sub-paragraph (c) delete the words “(except where it is a ‘propre’)”; and

after sub-paragraph (c) add –

“(d) where there is issue, surviving spouse to be entitled either to the life enjoyment of the matrimonial home or to an equal share with the children or more remote issue in the capital of the real estate.”

the States adopted the proposition and instructed the Legislation Committee to amend the Laws on Wills and Successions to provide as follows –

(1) Wills Disposing of Immovable Property

- (a) removal of prohibition on testamentary gifts to churches and religious bodies;
- (b) repeal of the 40 day Rule;
- (c) heir to be liable for debts of deceased only up to the value of his inheritance.

(2) Succession to Immovables on Intestacy

- (a) abolition of distinction between “propres” and “acquêts”, the rules governing “acquêts” to apply to all real property;
- (b) in collateral succession of “acquêts” –
 - (i) the rule whereby the paternal side excludes the maternal side in equality of degree to be abolished;
 - (ii) rights of representation to be extended to surviving descendant of an uncle or aunt or brother or sister of the deceased;
 - (iii) (subject to the rules of representation) all heirs to share equally as tenants in common;
- (c) where there is no issue, surviving spouse to take the whole of the immovable property;
- (d) where there is issue, surviving spouse to be entitled either to the life enjoyment of the matrimonial home or to an equal share with the children or more remote issue in the capital of the real estate.

(3) Rights of Surviving Spouse

- (a) surviving spouse to have life enjoyment of matrimonial home and outright ownership of household effects, without prejudice to rights of dower or “franc veuvage” on any other property of deceased;
- (b) surviving spouse to be liable for payment of interest on charges on matrimonial home;
- (c) reversionary owner to be liable for repayment of the capital.

(4) Wills Disposing of Movable Property

Subject to a specified minimum sum for the surviving spouse in the case of a small estate –

- (a) testator to be entitled to dispose by Will of one-third of net value of his personal or movable property;
- (b) surviving spouse to be entitled to one-third of the net value of the property where there is issue, and two-thirds if there is no issue;
- (c) issue to be entitled to one-third if there is a surviving spouse and two-thirds if there is no surviving spouse;
- (d) surviving spouse to be entitled to apply for grant of Probate in appropriate cases.

(5) Intestacy of Movable Property

- (a) where there is no issue, surviving spouse to take the whole of the movables;
- (b) where there is issue, half to the surviving spouse and half to the issue;
- (c) surviving spouse to be entitled to apply for grant of Letters of Administration to the Estate in appropriate cases;
- (d) in collateral succession –
 - (i) the rule whereby the paternal side excludes the maternal side in equality of degree to be abolished;
 - (ii) rights of representation to be extended to include the surviving descendant of an uncle or aunt or the brother or sister of the deceased;
 - (iii) (subject to the rules of representation) all heirs to share equally.

(6) General

- (a) abolition of the “Année de Jouissance”;

- (b) abolition of Norman Customary Dower;
- (c) married person under the age of majority to be deemed to have testamentary capacity;
- (d) contract leases to be deemed to be immovables;
- (e) devise, legacy or gift made to testator's spouse to be null and void if marriage is dissolved after the execution of the will, unless provision is made in the will to the contrary;
- (f) enactment of provision relating to Commorientes.

Field 105, La Petite Route des Mielles, St. Brelade: development.

THE STATES rejected a proposition of Deputy Enid Clare Quenault of St. Brelade that paragraph (d) of their Act dated 25th May, 1982, rezoning about 3.8 vergées of land at Field 105, La Petite Route des Mielles, St. Brelade, be amended by adding, after the word "development" in the last line, the words "comprising not more than sixteen units of dwelling accommodation".

Members present voted as follows –

"Pour" (7)

Senators

Sandeman, Rothwell.

Connétables

Trinity, St. Brelade.

Deputies

St. Ouen, Quenault(B), Thorne(B).

“Contre” (36)**Senators**

Vibert, Jeune, Averty, de Carteret, Horsfall, Ellis.

Connétables

St. Ouen, St. Mary, Grouville, St. Saviour,
St. Martin, St. Peter, St. Helier, St. Clement,
St. Lawrence.

Deputies

Mourant(H), Morel(S), Perkins(C), Le Gallais(S),
Roche(S), Le Brocq(H), Le Quesne(S), Trinity,
St. Martin, Vandervliet(L), Farley(H), Le Fondré(L),
Rumboll(H), Buesnel(H), Grouville, St. Mary,
Beadle(B), Blampied(H), Billot(S), Norman(C),
St. John.

Shops (Sunday Trading) (No. 4) (Jersey) Regulations, 1984.

THE STATES, in pursuance of Article 6 of the Shops (Sunday Trading) (Jersey) Law, 1960, as amended, made Regulations entitled the Shops (Sunday Trading) (No. 4) (Jersey) Regulations, 1984.

THE STATES rose at 7 p.m.

E.J.M. POTTER,

Greffier of the States.