



THE STATES assembled on Tuesday,  
9th October, 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 –

Senator Ralph Vibert – out of the Island.

Senator John Le Marquand – out of the Island.

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

Hendricus Adolphus Vandervliet, Deputy of St. Lawrence –  
out of the Island.

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Prayers.

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### **Visit of Home Secretary – Letter.**

The Bailiff informed the Assembly that a letter had been received from The Right Honourable Leon Brittan, Q.C., M.P., Secretary of State for Home Affairs, thanking them for the honour of addressing the House on his recent visit to the Island.

### **Commonwealth Parliamentary Association – Isle of Man Visit.**

Deputy Donald George Filleul of St. Helier reported to the House on his recent visit to the Annual Commonwealth Parliamentary Association Conference in the Isle of Man.

### **Subordinate legislation tabled.**

The following enactments were laid before the States, namely –

1. Warble Fly (Jersey) Order, 1984. R & O 7322.
2. Telecommunications (Telex) (Amendment No. 5) (Jersey) Order, 1984. R & O 7323.

**Matters noted – land transactions.**

THE STATES noted an Act of the Finance and Economics Committee dated 3rd October, 1984, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Public Works Committee, the renewal of the lease to Channel Islands Co-operative Society Limited of Georgetown Car Park, St. Saviour, at an annual rent of £2,428.80, to be effective from 1st July, 1984 to 30th June, 1987;
- (b) as recommended by the Public Works Committee, the sale to Mr. John Dixon Habin of approximately 1,456 square feet of land beyond the east boundary of the property Beauvoir, Mont Arthur, St. Brelade, for a consideration of £250 together with the payment of all legal costs by Mr. Habin;
- (c) as recommended by the Public Works Committee, the lease to Mr. Roy Thérin of two vergées of grazing land at Rozel, St. Martin, for a period of one year from 26th September, 1984, at an annual rent of £25;
- (d) as recommended by the Public Works Committee, the purchase from Mr. Douglas John Quérée of 1,539 square feet of land required for road improvement purposes at La Rue de la Ville à l'Évêque, Trinity, for the sum of £1,250 (81p a square foot), subject also to accommodation works involving the reconstruction of a wall in granite;
- (e) as recommended by the Housing Committee, the passing of a Contrat de Transaction with Mr. Peter John Davis and Mrs. Carolyn Marlene Davis, née Vautier, the purchasers of No. 27 Columbus Street, St. Helier, in order to agree that the gable wall between Nos. 27 and 29 Columbus Street might be recognised as being in party ownership, and that the

fascia board and gutter which had been erected on that part of the wall owned by the Housing Committee might remain as they were at present, subject to Mr. and Mrs. Davis being responsible for the payment of all legal costs;

- (f) as recommended by the Housing Committee, the passing of a Contrat de Transaction with Mr. Paul Jones and Mrs. Lynne Angela Jones, née Maine, in order to establish each party's rights with regard to the joint gable of the properties 24, Poonah Road and 40 Aquila Road, St. Helier, subject to Mr. and Mrs. Jones being responsible for the payment of all legal fees.

#### **Matters noted – financial transaction.**

THE STATES noted an Act of the Finance and Economics Committee, dated 3rd October, 1984, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that the Housing Committee had accepted the lowest of nine tenders, namely that submitted by Thatcher Limited in the sum of £57,238.00 in a contract period of 28 weeks of the construction of two one-bedroomed units of accommodation at 37 Midvale Road, St. Helier.

#### **Matters lodged.**

The following subject was lodged “au Greffe” –

##### **Bonding arrangements for Thrift Clubs on licensed premises. P.143/84.**

Presented by Deputy Graham Douglas Thorne of St. Brelade. The States decided to take this subject into consideration on 23rd October, 1984.

##### **Annulment of Motor Vehicles (Construction and Use) (Amendment No. 4) (Jersey) Order, 1984. P.110/84.**

THE STATES acceded to the request of the President of the Defence Committee that the Proposition regarding the annulment of the Motor Vehicles (Construction and Use) (Amendment No. 4)

(Jersey) Order, 1984 (P.110/84 – lodged on 7th August, 1984) be considered on 16th October, 1984.

**Draft Maincrop Potato Marketing Scheme (Amendment No. 5) (Jersey) Act, 198 . P.131/84.**

THE STATES acceded to the request of the President of the Agriculture and Fisheries Committee that the Proposition regarding the draft Maincrop Potato Marketing Scheme (Amendment No. 5) (Jersey) Act, 198 (P.131/84 – lodged on 18th September, 1984) be considered on 16th October, 1984.

**Public Works Committee – Public Buildings: supplementary vote of credit. P.140/84.**

THE STATES acceded to the request of the President of the Public Works Committee that the Proposition regarding the Public Works Committee – Public Buildings: supplementary vote of credit (P.140/84 – lodged on Supply Day on 25th September, 1984) be considered on 16th October, 1984.

**Establishment Committee – States Personnel Department: supplementary vote of credit. P.142/84.**

THE STATES acceded to the request of the President of the Establishment Committee that the Proposition regarding the Establishment Committee – States Personnel Department: supplementary vote of credit (P.142/84 – lodged on Supply Day on 25th September, 1984) be considered on 16th October, 1984.

**Fraud Squad. Question and answer.**

Senator Jane Patricia Sandeman asked Senator John William Ellis, President of the Defence Committee, the following question –

“In view of the fact that a prosecution was abandoned recently because several years had elapsed since the time of the alleged offence of fraud, is the President satisfied that he has adequate resources available within the Fraud

Squad of the States of Jersey Police to ensure that a similar delay does not occur again?"

The President of the Defence Committee replied as follows –

“The decision to abandon a criminal prosecution is one for the Attorney General to take and not the Police. The Police simply investigate alleged offences and place the evidence before the Law Officers of the Crown for their decision as to prosecution.

Commencing in November 1981, Senior Officers of the Metropolitan and City of London Police Company Fraud Branch have visited the States of Jersey Police on no less than four occasions in the interests of establishing an efficient Commercial Branch within the Force.

These visits have led to four separate reports:

November 1981

November 1982

September 1983

June 1984.

The recommendations contained in those reports have ranged over a wide area; including staffing levels, training of staff, operational and administrative procedures, preparation of case files, formulation of charges, changes in legislation and judicial procedures.

The Defence Committee is satisfied that all those recommendations which are within his authority to implement, have been implemented by the Chief Police Officer.

The recommendations involving changes in legislation and/or judicial process have been supported by the Defence Committee and are currently under active consideration by the Legislation Committee and the Law Officers.

I am satisfied that adequate resources exist within the States of Jersey Police Force to deal as expeditiously as possible with all offences of fraud which are brought to their attention.

No complacency exists, however, and the Defence Committee will continue to monitor the situation and will not hesitate to ensure through the Chief Police Officer, that the Force Commercial Branch continues to be adequately manned, well-equipped and efficient.”

**Use of Private Dwellings and Self-Catering Accommodation. Statement.**

The Vice-President of the Housing Committee made a statement in the following terms –

“At the meeting of the Policy Advisory Committee, held on the 18th September, 1984, concern was expressed at the amount of private dwelling accommodation which was being advertised as available for self-catering holidays. Following that meeting, the President informed the media that his Committee had asked the Housing Committee to issue guidelines regarding the use of private dwelling accommodation for the provision of self-catering holidays. The Housing Department was, in fact, already dealing with the matter, but a related problem had arisen regarding the legal definition of what constituted a unit of private dwelling accommodation. Regrettably, this coincidence of events led to a period of uncertainty, during which some people did not know whether they were breaking the Law or not. I am pleased to say that guidelines to clarify the situation were published last Friday.

The position is that there are two types of units of private dwelling accommodation. Firstly, those which are the subject of a condition of a housing consent, restricting their occupation to particular classes of persons, usually local residents and, secondly, those which are not subject to such a condition of consent. Whilst everybody should check the conditions of consent relating to any property in which they have an interest, the following will generally be found to apply:–

1. Consents issued prior to about 1972 specify the person or persons by whom the principal residence on the land may be occupied but, generally, do not restrict the occupation of additional units of accommodation, either existing on the land at the

time of the issue of consent, or created thereafter, to persons qualifying under the Regulations.

2. All consents issued to Companies are subject to a condition that any units of private dwelling accommodation existing or created upon the land may or may not, without the consent of the Committee, be occupied other than by local residents.
3. Consents issued from about 1972 onwards specify the person or persons by whom the principal place of residence on the land may be occupied and may not carry a condition relating to the occupation of any additional units of accommodation which existed on the land at the time of the issue of consent. All such consents will, however, carry a condition specifying that any additional units of dwelling accommodation created upon the land after the issue of consent, can only be occupied by local residents.

The significance of the foregoing is that any unit of dwelling accommodation which is not subject to a condition of consent, specifying the classes of persons by whom it may be occupied, can be used for self-catering purposes, or to accommodate lodgers or personal or paying guests, provided that the test of a lodging situation, as set out in the guidelines, is satisfied. In general terms, this means that a tenancy must not be created, the accommodation must be serviced and a Police Register must be kept. Units of private dwelling accommodation which are the subject of a condition of consent, specifying the classes of persons by whom they can be occupied, cannot be used for self-catering purposes, or for the accommodation of lodgers or personal or paying guests. The exception is that anybody in his own principal place of residence can take in up to five lodgers or personal or paying guests. The position is somewhat complex and is probably best illustrated by an example. If a property consists of a main house and a dower cottage, and the housing consent does not restrict the occupation of the dower cottage to persons who qualify under the Housing Regulations, then the owner of the main house can permit the dower cottage to be used for self-catering holiday purposes, or he may accommodate his own lodgers or personal

or paying guests in it, provided that a tenancy is not created and that the tests of a lodging situation are satisfied. If, however, the housing consent restricts the occupation of the dower cottage to persons with residential qualifications, then the owner of the main house cannot use the cottage for the provision of self-catering accommodation, or in which to house his own lodgers or personal or paying guests. However, if the dower cottage is let to a local resident, in accordance with the terms of the consent, then the tenant can take in up to five lodgers or personal or paying guests, provided that the tests of a lodging situation are satisfied.

The problem which arose concerning the legal definition of what constituted a separate unit of a private dwelling accommodation can also be best illustrated by an example. When a person acquired a house, there was a condition attached to the housing consent stating that if he created any additional units of private dwelling accommodation, then those units could only be occupied by local residents. The person built an extension over his garage at first floor level and created a self-contained bedsitting room flat, the only access to which was through the main house. This Committee, and previous Committees, had taken the view that where such an additional unit of private dwelling accommodation was used in a manner which satisfied the tests for a lodging situation, then that use did not contravene the condition of the consent. The Attorney General has, however, advised the Committee that the proper legal test is whether or not the additional unit of private dwelling accommodation is sufficiently self-contained that it is capable of being used as a separate unit of accommodation. He has further advised that, in the example quoted, the bedsitting room flat constitutes an additional unit of private dwelling accommodation and that it is, therefore, subject to the condition of consent, i.e. that it can only be occupied by local residents.

The Committee is aware that people have created additional units of dwelling accommodation for the specific purpose of housing elderly relatives who do not possess residential qualifications. Some of such dwelling units will be subject to a condition of



consent specifying that they can only be occupied by persons with residential qualifications. However, in most cases, it is quite clear that the units of accommodation would not have been provided had the need to house an elderly relative, or relatives, without residential qualifications, not arisen. It must be made clear that the Housing Law does not give the Committee the power to exercise direct control over immigration. The purposes of the Housing Law are to prevent further aggravation of the housing shortage and to ensure that sufficient dwellings are available to house the inhabitants of the Island. On the one hand, the provision of a flat in which to house elderly relatives does nothing to further aggravate the housing shortage, because an additional unit of accommodation is provided and, on the other hand, the dwelling would not have been created if it were restricted to occupation by local residents. Whilst every application will have to be considered on its merits, the Committee, in the light of the foregoing, will give sympathetic consideration to applications for consent to the continued occupation of such dwelling units by the elderly relatives for whom specifically provided. When such dwelling units are no longer required to house the elderly relatives, they must either be occupied in accordance with the conditions of the consent or, if the Island Development Committee so agrees, be incorporated back into the main dwelling.

There will likewise be many people who are using such units of accommodation to accommodate lodgers or paying guests in the belief that they are doing so quite lawfully. Indeed, there will be some who, over the years, have been so advised either by the Department or by the Committee. Such people are requested to supply full details to the Department so that the Committee can consider each case on its individual merits.

It must be stressed that the principal purpose of the present exercise is not to seek to prosecute people for inadvertently breaking the Law, but rather to clarify the position for all concerned. The situation cannot be catered for by a general amnesty because there are undoubtedly cases where people are

knowingly and deliberately in breach of the Law for personal gain and who will deserve to be prosecuted.

Finally, I would like to clarify a slight ambiguity in the guidelines. The requirement to keep a Police Register relates to the accommodation of persons for reward, it does not apply in the case of personal guests.”

**Midland Bank Trust Corporation (Jersey) Limited (Jersey) Law, 1982 (Appointed Day) Act, 1984.**

THE STATES, in pursuance of Article 1 of the Midland Bank Trust Corporation (Jersey) Limited (Jersey) Law, 1982 made an Act entitled Midland Bank Trust Corporation (Jersey) Limited (Jersey) Law, 1982 (Appointed Day) Act, 1984.

**Clos de Quennevais, St. Brelade: transfer of land.**

THE STATES, adopting a Proposition of the Housing Committee approved the transfer of the administration of 657 square feet of land at Clos de Quennevais, St. Brelade, from the Housing Committee to the Public Works Committee, so as to enable a bus lay-by to be provided.

**Island Development Committee – vote of no confidence and resignation.**

THE STATES, adopting a Proposition of Senator Richard Joseph Shenton, decided that they had no confidence in the Island Development Committee.

Members present voted as follows –

**“Pour” (25)**

**Senators**

Shenton, Jeune, de Carteret, Horsfall, Ellis.

**Connétables**

St. Ouen, St. Mary, St. John, Trinity, St. Brelade, St. Helier.

**Deputies**

Quenault(B), Roche(S), Filleul(H), St. Peter,  
Le Main(H), Farley(H), Le Fondré(L), Rumboll(H),  
Buesnel(H), Grouville, Wavell(H), Blampied(H),  
Norman(L), St. John.

**“Contre” (22)****Senators**

Averty, Binnington, Sandeman, Baal, Rothwell.

**Connétables**

Grouville, St. Saviour, St. Martin, St. Peter,  
St. Clement, St. Lawrence.

**Deputies**

St. Ouen, Morel(S), Perkins(C), Le Brocq(H),  
Le Quesne(S), Trinity, St. Martin, St. Mary,  
Beadle(B), Thorne(B), Billot(S).

Thereupon the President of the Island Development Committee, together with his Committee, resigned.

Deputy Jean Amy Le Maistre of St. Helier, having declared an interest in the matter, arising from an application at present under consideration by the Committee, withdrew from the Chamber.

**Island Development Committee – vacancy in Presidency.**

In accordance with Article 28(3) of the States of Jersey Law, 1966, the Bailiff gave notice that there was a vacancy in the office of President of the Island Development Committee.

**Public Business: items deferred.**

THE STATES, adopting a Proposition of Deputy Edgar John Becquet of Trinity, agreed to defer the remaining items of Public Business until 16th October, 1984 and further agreed on a Proposition of Deputy Sir Martin Le Quesne of St. Saviour that the

Proposition regarding aid to the Dairy Industry (P.125/84 – lodged on 11th September, 1984) be considered as the first item of matters lodged under Public Business on that date.

THE STATES rose at 6.30 p.m.

**R.S. GRAY,**

*Deputy Greffier of the States.*