



THE STATES assembled on Tuesday,
31st January, 1984 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

All members were present with the exception of –

Senator Reginald Robert Jeune – out of the Island.

Senator John William Ellis – out of the Island.

Senator John Stephen Rothwell – out of the Island.

Michael Walter Bonn, Deputy of St. Peter – out of the Island.

John Nicolle Le Fondré, Deputy of St. Lawrence – out of the
Island.

Graham Douglas Thorne, Deputy of St. Brelade – out of the
Island.

Prayers.

Subordinate legislation tabled.

The following enactments were laid before the States,
namely –

1. Diseases of Animals (Importation of Live Fish)
(Jersey) Order, 1984. R & O 7253.
2. Export of Agricultural Produce (Amendment No. 3)
(Jersey) Order, 1984. R & O 7254.
3. Road Traffic (Saint Helier) (Amendment No. 5)
(Jersey) Order, 1984. R & O 7255.

Jersey Council for Safety and Health at Work 1982–1983. R.C.3.

The Social Security Committee by Act dated 12th January,

1984 presented to the States the Report and Accounts of the Jersey Council for Safety and Health at work for the year 1982–1983.

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

Resources Recovery Board Report 1982. R.C.4.

The Resources Recovery Board by Act dated 15th December, 1983, presented to the States its Report on the operation of the services administered by the Board for the year 1982.

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

Contingencies vote of credit – Agriculture and Fisheries Committee.

THE STATES noted an Act of the Finance and Economics Committee dated 25th January, 1984, informing the House that it had made available to the Agriculture and Fisheries Committee the sum of £22,000 from the Contingencies vote of credit for the purchase of a Protein Testing machine for use in Milk Recording.

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 25th January, 1984, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Island Development Committee, the passing of a contrat de bornement between the public and Mr. Vincent Vasne Vasiliou, to agree the boundary between the property No. 24 Mont es Croix Estate, St. Brelade, and Field No. 546, St. Brelade;
- (b) as recommended by the Public Works Committee, the acquisition from Overseas Trading Corporation (1939) Limited of a small area of land as shown on Drawing No. 331/11B, adjoining the new access from the Corporation premises to the new road

which was to be constructed to Bellozanne Valley from St. Aubin's Road, for a nominal sum of £10.

Matters lodged.

The following subjects were lodged "au Greffe" –

1. **Draft Architects (Registration) (Amendment) (Jersey) Law, 198 . P.8/84.**
Presented by the Legislation Committee.
2. **Draft Service of Process and Taking of Evidence (Amendment) (Jersey) Law, 198 . P.9/84.**
Presented by the Legislation Committee.
3. **Draft Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Act, 198 . P.10/84.**
Presented by the Finance and Economics Committee. The States decided to take this subject into consideration on 14th February, 1984.

The following subject was lodged "au Greffe" on 24th January, 1984 –

Social Security: Supplementary Convention with Austria. P.7/84.

Presented by the Social Security Committee. The States decided to take this subject into consideration on 7th February, 1984.

Bellozanne Valley link road – Covenant on land. P.158/83.

THE STATES acceded to the request of the President of the Public Works Committee that the Proposition relating to the link road to Bellozanne Valley: covenant on land (lodged on 6th December, 1983) be considered on 7th February, 1984.

States Rental Accommodation: policy. P.4/84.

THE STATES acceded to the request of the President of the Housing Committee that the Proposition regarding States Rental Accommodation: policy (lodged on 17th January, 1984) be considered on 21st February, 1984.

Legislation Committee business: statement.

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

“In the light of some ill-informed criticism of the Legislation Committee by some members of the House, I would like to place on record –

- (a) the legislative matters with which the Committee had dealt, and which have been approved by the States, during the past two years; and
- (b) those legislative and other matters which are still pending for the reasons stated herein.

Part 1 does not include those non-legislative matters (e.g. Reports, Conventions, decisions not to legislate, policy decisions not requiring legislation) dealt with by the Committee in an equally expeditious manner.

PART 1.**Matters previously dealt with by Committee.**

- (1) Membership of Parish Assemblies: Proposition requesting amendments to the law referred to Committee by States on 23rd November, 1982; Committee’s Report and draft law approved 6th December, 1982 (by Committee) and lodged.
- (2) Separation and Maintenance Orders: request for amending legislation received June, 1982; draft law approved by Committee 2nd August, 1982 and lodged.

- (3) Standing Orders relating to Transactions in Land: request for amendments received 16th July, 1982; draft amendments approved by Committee 2nd August, 1982, and lodged.
- (4) Matrimonial Causes: in October, 1980 the previous Committee requested Law Draftsman to draft amendments to the law; re-activated by Committee 2nd August, 1982; draft approved by Committee 6th September, 1982, and lodged.
- (5) Worship and Doctrine Measure: request for legislation received July, 1982; draft Law approved by Committee 4th October, 1982 and lodged.
- (6) Law Reform/40 day Rule: proposals agreed by Committee February, 1982; draft law approved by Committee March, 1982, and lodged.
- (7) Summer Time: proposals for amending Law received December, 1982; draft law approved by Committee December, 1982, and lodged.
- (8) National Trust for Jersey Law: referred to Committee by States for report 25th January, 1983; report and draft law approved by Committee 5th April, 1983, and lodged.
- (9) Jersey Mutual Insurance Society/Alteration of Rules: petition presented to States 13th April, 1983; report and draft law approved by Committee 16th May, 1983, and lodged.
- (10) Police and Petty Debts Court Laws: proposed amendments agreed by (previous) Committee and referred to Law Draftsman November, 1980; re-activated by Committee February, 1982 – February, 1983; drafts received by Committee May, 1983 approved by Committee May, 1983, and lodged.
- (11) Office of Judicial Greffier: proposals for amending law received and considered by Committee 16th May, 1983;

draft law approved by Committee 26th May, 1983, and lodged.

- (12) States Members/Minimum Income: request for increase received 14th June, 1983; draft Act approved in principle by Committee 9th August, 1983; approved by Finance and Economics Committee 7th September, 1983; formal approval by Committee 13th September, 1983, and lodged.
- (13) Bank Holidays/Xmas: proposals for amending Act of the States received by Committee 14th September, 1982; draft law approved by Committee 4th October, 1982, and lodged.

PART II.

Matters pending.

- (1) Supreme Court Act – legislation to give effect to Maritime Conventions: proposals for introducing legislation received by Committee January, 1982; agreed and referred to Law Draftsman February, 1982; at present with the Law Officers.
- (2) Costs in Criminal Cases: proposals for amending the law were received by Committee in January, 1982; agreed and referred to Law Draftsman February, 1982; draft received and approved by Committee 6th September, 1982; and lodged, but subsequently withdrawn; instructions to revise draft given to Law Draftsman 14th September, 1982; revised draft has been with Attorney General since February, 1983.
- (3) European Court Judgment/Dudgeon Case: Judgment brought to Committee's attention May, 1982, and referred to Law Officers for advice; advice received November, 1982; Law Draftsman requested to draft legislation December, 1982; this is now with the Law Officers.

- (4) Criminal Procedure: proposed interim amendments to reduce size of a jury etc. pending new laws (see below) received by Committee July, 1983; draft law approved in principle by Committee 13th September, 1983 and circulated to appropriate bodies for comment; comments having now been received (3rd January, 1984) draft will be reconsidered at next meeting in February, 1984.
- (5) Evidence in Legal Proceedings: request to introduce legislation received by Committee September, 1983; discussed and agreed by Committee 3rd October, 1983 and referred to Law Draftsman on that date for the necessary action; this is now with the Law Officers.
- (6) Death Penalty/Proposed Abolition: this was discussed and agreed by Committee on 3rd October, 1983 and referred to the Law Draftsman on that date for the necessary action; this is now with the Law Officers.
- (7) Criminal Justice: proposed introduction of various defences to a charge of murder; this was considered and approved by Committee 3rd October, 1983 and referred to the Law Draftsman on that date for the necessary action; this is now with the Law Officers.
- (8) Offences against the person – Legislation needed to cover institution of proceedings where a person dies outside the Island of criminal injuries sustained in the Island and vice versa; proposals for amending the law received on 8th September, 1983; approved by Committee and referred to Law Draftsman on 13th September, 1983; this matter is now with the Law Officers.
- (9) Arbitration – Bill to enact legislation to suit the Island's needs and replace the existing Law; request for legislation received September, 1983; matter was discussed and agreed by the Committee on 18th October, 1983 and referred to the Law Draftsman on that day for the necessary action.

- (10) Copyright – U.K. Copyright Act to be extended to Jersey by Order in Council: request received by Committee May, 1983; considered by Committee June and August, 1983; a draft is being prepared by the Law Officers.
- (11) Draft Service of Process and Taking of Evidence (Amendment) (Jersey) Law, 198 : in September, 1980 the previous Committee instructed the Law Draftsman to draft legislation to give effect to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; the draft was submitted to the Committee in January, 1982, approved on 15th February, 1982, and lodged;

Important information affecting the draft subsequently came to the Committee's attention, and on 15th March, 1982 the Committee instructed the Law Draftsman to amend the draft;

following consultation with the Home Office, the amended draft was submitted to the Committee in December, 1983 and approved at its next meeting, (January, 1984).

The 1982 draft has now been withdrawn, and the revised draft will be lodged in the course of the next two weeks, following approval by the Law Officers of a Report and Proposition relative to the draft.

- (12) The Architects (Registration) (Jersey) Law, 1954: request for amending legislation received 8th December, 1983; matter considered and draft approved 11th January, 1984; lodged today.
- (13) Payment to States Members: Proposition lodged by Deputy H.A. Vandervliet on 13th December, 1983 and considered by the Committee on 11th January, 1984.
- (14) Recording of States proceedings: Deputy Rumboll's proposition was referred to the Committee for consideration and report on 13th December, 1983 and

was discussed initially by the Committee on 11th January, 1984; further enquiries are proceeding.

- (15) States Members Expenses: draft Act considered and approved in principle by Committee on 11th January, 1984; awaiting Finance and Economics Committee approval before lodging.
- (16) Civil Liability/Negligence: on 10th November, 1980, the previous Committee considered and approved proposals for introducing a short law nullifying the effects of unfair contracts, and instructed the Law Draftsman to draft the necessary legislation;

a draft law was submitted to the Committee on 16th September, 1983, and has been the subject of discussion between myself and the Attorney General; discussions are continuing and are likely to be concluded when the Committee reconsiders the matter at its next meeting.

- (17) Franchise Law: following discussions between the Connétables and the Committee between March – July, 1982, proposals for amending the law were agreed in October/November, 1982, and referred to the Law Draftsman for comment in December, 1982;

no reply was received, and in June, 1983 the Committee, having reconsidered the matter asked the Connétables to reconsider their proposals;

following a series of consultations between the Committee and the Connétables (June – October, 1983) revised proposals were agreed between the Committee and the Connétables, and on 5th December, 1983 the Law Draftsman was asked to draft the necessary legislation for the consideration of the Committee at an early date;

the Committee awaits the draft.

- (18) Criminal Procedure: in 1969 the previous Committee appointed a Sub-Committee (chaired by the then Attorney General and present Deputy Bailiff Mr. P. Crill) to review the Criminal law and procedure in the Island; the

Sub-Committee's Report which recommended the repeal and re-enactment with amendments of the existing laws on Criminal Procedure (i.e. the Loi (1864) réglant la procédure criminelle and the Police Court (Miscellaneous Provisions) (Jersey) Law, 1949) was submitted to that Committee in February, 1973, together with the comments of interested parties; after lengthy discussion and consultation the previous Committee approved the Report and in June, 1975 instructed the Law Draftsman to draft the necessary legislation;

first working drafts were produced and circulated to interested parties in July, 1977 for comments;

following a period of inactivity, discussions with the Solicitor General and Judicial Greffier took place between October, 1979 – July, 1981, and an amended draft was circulated for comment in September, 1981;

a number of policy decisions remain to be taken before drafting can be completed;

the draft has been with the Law Draftsman since March, 1982, and has not yet been submitted to the Committee for political decisions or otherwise.

- (19) Petty Debts Court: in October, 1975 the previous Committee instructed the Law Draftsman to repeal and re-enact with amendments the Loi (1867) sur la Cour pour le recouvrement de menus dettes;

a first draft was completed by August, 1976, but has not yet been submitted to the present Committee by the Law Draftsman.

- (20) Wills and Successions: as Members will recall, this matter was the subject of Questions and Answers in the House in October, 1983;

discussions are almost concluded, and the Committee hopes to present its proposals to the States at an early date.

In making the above Report the Committee wishes to make it clear that it has received the utmost help and co-operation from the Law Officers of the Crown and is well aware that most of the matters to which reference has been made require a great deal of research and consideration before they can be presented to the House.

It is felt, however, that perhaps some Members of the House do not quite appreciate the intricacies and difficulties with which the Committee has to contend in its deliberations on many complex subjects, and this Report may serve to establish the fact that the Committee has not been inactive during the past two years.

Indeed, as will be seen from the above, it is the Committee's policy to consider every matter referred to it, where possible, at the very next Committee meeting, and since practically every item on a Committee Agenda is accompanied by a Report, a great deal of research and consultation takes place between meetings.

To date, there are no outstanding matters which the Committee should have discussed and agreed upon other than those referred to in this Report which are under active consideration at this time."

Rouge Bouillon/Queen's Road junction. Statement.

The President of the Public Works Committee made a Statement in the following terms –

"The Public Works Committee was informed at its meeting on Thursday last that the Board of W.J. Morvan Ltd., owners of the Norfolk Lodge Hotel, wished to withdraw their offer of an exchange of land to enable the Committee's plan for the improvement of the Queen's Road/Rouge Bouillon junction to proceed.

In these circumstances the Committee does not intend to resist the rescission proposition (P.99/83) lodged by Senator R.J. Shenton and due for debate on 14th February, 1984.

The Committee remains convinced, however, that the need for improvement of the traffic flow in the Ring Road is of paramount importance and that the approval proposals for the Queen's Road junction were the best available to it.

It is now the intention of the Public Works Committee to reconsider its plans for this junction and re-submit a solution as a part of the philosophy inherent in the Island Plan; if necessary at the same time such compulsory purchase powers as may be required for the implementation could be sought.

Shortly the Public Works Committee will lodge a proposal to delay any proposals for development which might preclude improvements to the Ring Road and its capacity until such time as the Island Plan, and particularly the section devoted to St. Helier traffic, has been debated and resolved in the States."

Jersey Airport – lease of accommodation.

THE STATES, adopting a Proposition of the Harbours and Airport Committee –

- (a) approved the lease to O.S.L. Channel Islands Travel Service Limited of 1,547 square feet of office accommodation in the Airline Administration Building No. 2 at Jersey Airport for the period 1st December, 1983 to 31st August, 1984 at an annual rent of £6,188 representing £4 a square foot a year;
- (b) authorised the Greffier of the States to sign the necessary agreement;
- (c) authorised the Treasurer of the States to receive the rent as it became due.

Field 779, St. Peter.

THE STATES, adopting a Proposition of the Harbours and Airport Committee –

- (a) approved the purchase from Mr. Peter Allan Wade and Miss Anita Milner Wade of Field 779, St. Peter, measuring approximately 3.97 vergées and outlined in red on Drawing No. 60/58/61/1(19) for a consideration of £1,900 a verge;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract;
- (c) authorised the Treasurer of the States to make the necessary payment out of vote of credit No. 1706 – Airport Operating Expenses.

New North Quay, Port of St. Helier: lease of E. store.

THE STATES, adopting a Proposition of the Harbours and Airport Committee –

- (a) approved the lease to Huelin Renouf Shipping Services Limited of E. Store on the New North Quay, Port of St. Helier, for a three year term commencing 1st January, 1984, at a rent of £4,130.70 a year representing a rate of £2.10 a square foot a year;
- (b) authorised the Greffier of the States to sign the necessary agreement with the company;
- (c) authorised the Treasurer of the States to receive the rent as it became due.

La Collette – lease of areas to J.E.C. Ltd.

THE STATES commenced consideration of a Proposition of the Harbours and Airport Committee regarding the lease to the Jersey Electricity Company Limited of areas at La Collette. After discussion, and on the Proposition of Deputy Ronald Winter Blampied of St. Helier, the Proposition was lodged “au Greffe”.

Social Security Tribunal: appointment.

THE STATES commenced consideration of a Proposition of the Social Security Committee regarding the appointment of a Chairman and Members of the Social Security Tribunal. After discussion, and on the Proposition of Senator Jane Patricia Sandeman, the Proposition was lodged "au Greffe". The States decided to take this subject into consideration on 14th February, 1984.

Employment Agencies (Registration) (Amendment) (Jersey) Law, 1984.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Employment Agencies (Registration) (Amendment) (Jersey) Law, 1984.

Safeguarding of Workers (Amendment No. 4) (Jersey) Law, 1984.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Safeguarding of Workers (Amendment No. 4) (Jersey) Law, 1984.

Attendance Allowances (Amendment No. 2) (Jersey) Law, 1984.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Attendance Allowances (Amendment No. 2) (Jersey) Law, 1984.

Health Insurance (Amendment No. 5) (Jersey) Law, 1984.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Health Insurance (Amendment No. 5) (Jersey) Law, 1984.

Employers' Liability (Compulsory Insurance) (Amendment) (Jersey) Law, 1984.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Employers' Liability (Compulsory Insurance) (Amendment) (Jersey) Law, 1984.

Richmond Road, St. Helier – rezoning of land.

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

- (a) to rezone about seventeen vergées of land at Fields 1226, 1226A and 1233, and a small part of 1232, La Pouclée Farm, St. Helier, as shown on Drawing No. 01.135.2 from 'White Land' to use for States basic and supplementary loan or States rental residential developments;
- (b) to rezone about two vergées of land at Field 1233 from 'White Land' to educational use;
- (c) to permit the construction of a single dwelling in the Green Zone on Field 1231;
- (d) to authorise the Island Development Committee to negotiate with the owner for the purchase of the said land at a fair and proper price to be agreed with the Finance and Economics Committee;
- (e) to authorise the payment or discharge of the expenses to be incurred in connexion with the acquisition of the said land and of all legal expenses from the Island Development Committee Acquisition and Servicing of Land Vote C.0903;
- (f) to authorise the Island Development Committee to transfer the administration of the land described in proposition (a) to the Housing Committee and in proposition (b) to the Education Committee when acquired;

- (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 acquisition of land.

Family Allowances (Jersey) Regulations, 1984.

THE STATES, in pursuance of Articles 7 and 21 of the Family Allowances (Jersey) Law, 1972, as amended, made Regulations entitled the Family Allowances (Jersey) Regulations, 1984.

10 Hill Street, St. Helier – lease.

THE STATES, adopting a Proposition of the Public Works Committee –

- (a) agreed to take over from O. & Le C. Properties Limited, as from 25th March, 1984, the unexpired term of the lease of No. 10 Hill Street, St. Helier, which is due to expire on 25th December, 1995, with an option to renew for a further period of 10 years from that date, at a rent of £17,804 a year, to be reviewed at 25th December, 1984, and thereafter every 5 years in accordance with the market rent prevailing at that time, and on payment of £20,000 for the benefits of the unexpired term of the lease;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the States; and
- (c) authorised the Treasurer of the States to pay the said sums as they fell due, out of the Vote of Credit No. 2082 – Public Buildings: Premises.

THE STATES rose at noon.

R.S. GRAY,

Deputy Greffier of the States.