



**THE STATES assembled on Tuesday,
4th February, 1986 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.**

All members were present with the exception of –

Senator John Le Marquand – ill.

Senator Richard Joseph Shenton – out of the Island.

Senator John Stephen Rothwell – out of the Island.

Senator Peter Geoffrey Kevitt Manton – out of the Island.

Philip George Mourant, Deputy of St. Helier – ill.

Prayers

Deputy Bailiff – welcome.

Deputy Sir Martin Le Quesne of St. Saviour, on behalf of Members of the States, welcomed the Deputy Bailiff on the first occasion on which he had presided over the Assembly.

Subordinate legislation tabled.

The following enactment was laid before the States, namely –

**Health Insurance (Pharmaceutical Benefit) (Prescribed List) (Amendment No. 20) (Jersey) Order, 1986.
R & O 7467.**

Matters noted – financial transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 20th January, 1986, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that the Fort Regent Development Committee had accepted the lowest of five tenders, namely that submitted by Charles Le Quesne (1956) Limited in the sum of £230,777.00 in a fixed contract period of 16 weeks for the redevelopment of the Piazza.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **Draft Road Traffic (No. 29) (Jersey) Regulations, 198 . P.16/86.**
Presented by the Defence Committee. The States decided to take this subject into consideration on 4th March, 1986.
2. **Draft Queen’s Valley Reservoir (Jersey) Law, 198 . (P.115/85): seventh amendment. P.17/86.**
Presented by Deputy Corrie Stein of Grouville.

Jersey Police Force – investigations. Questions and answers.

Deputy David John de la Haye of St. Ouen asked Senator John William Ellis, President of the Defence Committee the following questions –

- “1. On what date in 1985 did the United Kingdom Police Officers start the major investigation which has led to three C.I.D. officers being suspended?”
2. Did the investigation have the full backing of the Defence Committee at the time when it was instituted?

3. What is the nature of the complaints being investigated and bearing in mind that the content of the Day Report was never made public, is the President satisfied that this kind of information should be withheld from the public indefinitely?
4. Is the Committee fully informed of the day-to-day findings of the inquiry as it continues?
5. How seriously does the Committee view the suspension of the three C.I.D. officers, who over many years have given of their best to the force and the Island and is it with the Committee's blessing that these suspensions have been effected?"

The President of the Defence Committee replied as follows –

- “1. The United Kingdom police officers commenced their investigations in Jersey on 29th August, 1985.
2. The investigation was authorised by Her Majesty's Attorney General following receipt of a complaint containing serious allegations against a senior police officer. The investigation of alleged criminal offences, and, if prima facie evidence exists, the prosecution of such offences, are not the responsibility of my Committee but of the Attorney General. The question of whether the investigation had the full backing of my Committee did not therefore arise.
3. The complaints which are currently the subject of investigation will result in a report being submitted to the Attorney General. It would not be in the interests of justice to reveal the nature of the investigation. It will be for the Attorney General to decide in due course whether prima facie evidence of criminal offences exists. It would be quite inappropriate for me to comment any further at this stage.

4. No.
5. The Defence Committee takes a very serious view indeed of the suspension of the three C.I.D. Officers.

I am completely satisfied that the decision to suspend the officers was taken quite properly by the Chief Officer, States' Police in the exercise of his authority to do so under Article 40 of the Police Force (General Provisions) (Jersey) Order, 1974.

The Chief Officer is not required to seek the approval of the Defence Committee before suspending an officer from duty, but I was informed of the decisions before they were made public."

Queen's Valley Reservoir. Questions and answers.

Senator Jane Patricia Sandeman asked Philip Martin Bailhache, Her Majesty's Attorney General the following questions –

- "1. Is the Jersey New Waterworks Company exempt from making planning and development applications to the Island Development Committee for work on the Queen's Valley Reservoir project if P.115/85 is agreed by the States Assembly?
2. Will the Board of Arbitration as defined by the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1961 be the appropriate Board of Arbitration to arbitrate on compensation for disturbance to householders or business caused by the Queen's Valley Reservoir project?"

The Attorney General replied as follows –

- "1. I am of the opinion that if the draft Queen's Valley Reservoir (Jersey) Law, 198 ('the

Projet') is passed by the States and sanctioned by the Privy Council, the Jersey New Waterworks Company Limited will not be required to apply to the Island Development Committee under Article 6 of the Island Planning (Jersey) Law, 1964, for permission to carry out the project described in Article 2 of the Projet. My reasons for that opinion are as follows –

Article 5(1) of the Island Planning (Jersey) Law, 1964, provides that the permission of the Island Development Committee shall be required in respect of any development of land, and Article 6(2) provides that where an application is made to the Committee for permission to develop land it may, inter alia, refuse permission. Thus if the Jersey New Waterworks Company Limited is required to make an application for development permission the Committee would have a power to refuse the application. Article 2(1) of the Projet, however, provides that the Company is 'authorised and required' to carry out the project. The Company has thus both a power and a duty to carry out the work, and if it were required to apply to the Committee for permission to do so, the Committee would be able to refuse permission for the doing of that which the States had authorised and ordered to be done. This would be manifestly absurd, and it is a settled principle of statutory interpretation that the legislature is presumed not to intend an absurdity. It is, moreover, an equally fundamental principle that where statutory provisions conflict, the later must prevail over the earlier.

I reach the conclusion, therefore, that the Company would be exempt from the requirement

to obtain development permission from the Island Development Committee.

2. The Board of Arbitrators referred to in the question is a statutory body, and, as such, it can only exercise such powers as are conferred upon it by the Compulsory Purchase of Land (Jersey) Law, 1961, under which it was created, or by subsequent legislation.

The powers conferred upon the Board of Arbitrators by the Compulsory Purchase (Jersey) Law, 1961, are set out in Article 8 of that Law and are to determine any question as to compensation for land which is acquired by Compulsory Purchase, or, where any part of the land is subject to a lease which comprises land not to be acquired, any question as to the apportionment of the rent payable under the lease.

The only references to a Board of Arbitrators in the draft Queen's Valley Reservoir (Jersey) Law 198 ('the Projet') are to be found in Article 1 (which defines the Board) and Article 6(4) provides that the Board of Arbitrators shall determine, in default of agreement between the highway authority and the Company, the price at which the land forming the 'fonds' of any length of road which has been extinguished shall be sold. The Board of Arbitrators is not referred to in Article 11 of the Projet which confers certain rights to compensation. It follows that the Board of Arbitrators will have no jurisdiction to arbitrate on compensation for disturbance. Arbitration under Article 11 of the Projet would have to be conducted by an arbitrator appointed by all the parties to the dispute. If the parties were unable to agree then an arbitrator could in my opinion be appointed by the Royal Court."

St. Catherine's and Rozel catchment area. Question and answer.

Senator Jane Patricia Sandeman asked Deputy Donald George Filleul of St. Helier, President of the Public Works Committee, the following question –

“The 1975 Hawksley Report on Water Resources in Jersey gave the estimated yield of the St. Catherine's and Rozel catchment areas as 130 m.g. per annum. In his reply to a question on 19th November, 1985, the President gave the yield of these areas as 60 m.g. p.a. Will the President say which figure is correct?”

The President of the Public Works Committee replied as follows –

“The 1975 Hawksley Report did not give an estimated yield of St. Catherine's and Rozel catchment areas as 130 m.g. p.a. It included a diagram which a layman could misinterpret as an indication of such a figure.

At a meeting held on Friday last at the offices of the Jersey New Waterworks Company Limited, Senator Sandeman was invited by officers of the Company, together with my Vice-President and myself, to seek any information she wanted in the preparation of her rescindment projet, and during the course of our discussions the graph in question was explained to us all; it became clear that no such inference could correctly be drawn from it.

The design year estimated yield of St. Catherine's and Rozel Valleys is, as stated by me, 60 m.g. p.a.”

Val de la Mare Reservoir. Statement.

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

“On 1st January Senator Sandeman said that I had not yet advised the House of the outcome of enquiries

promised by my Committee into the alleged ambiguity in statements made by Messrs. Watson Hawksley, consultants to the Jersey New Waterworks Company Limited, in 1983.

Having now researched the matter I find that a full explanation was given to the House in my response to Deputy Stein's projet P.18 of 1985 in which she sought a re-evaluation of the Val de la Mare Reservoir plans.

Members will recall that there had been a change in the scientific meaning of the term 'Active Fault' and I spent some time clarifying the point.

If there be any requirement for a repetition of this explanation I will be happy to oblige, either privately or to this or any other Sitting, but in the absence of such a request will assume that the House would not wish to have its time taken up on what must now be a rather academic point."

Fort Regent Membership: Petition. P.53/85.

THE STATES, adopting a Proposition of Deputy John Le Gallais of St. Saviour granted the prayer of the Petition of Mrs. J. Cobden and others that the Fort Regent Development Committee re-introduce the half-yearly family subscription.

Members present voted as follows –

“Pour” (32)

Senators

Vibert, Jeune, Binnington, Sandeman, Horsfall, Ellis.

Connétables

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

Deputies

St. Ouen, Morel(S), Le Maistre(H), Quenault(B), Perkins(C), Le Gallais(S), Le Brocq(H), Filleul(H), Le Fondré(L), Rumboll(H), Grouville, St. Mary, Wavell(H), Billot(S), St. Peter, Carter(H), St. Martin.

“Contre” (15)

Senators

Baal, Le Main.

Connétables

St. John, Trinity, St. Helier.

Deputies

Roche(S), Trinity, Vandervliet(L), Farley(H), Beadle(B), Thorne(B), Blampied(H), Norman(C), St. John, Mahoney(H).

Housing Estates: resident caretakers. P.136/85.

THE STATES, before commencing consideration of a Proposition of Deputy Norman Stuart Le Brocq of St. Helier regarding the provision of resident caretakers on estates where the tenants are predominately elderly, decided to refer the Proposition to the Housing Committee for consideration and report.

THE STATES rose at 12.10 p.m.

E.J.M. POTTER,

Greffier of the States.