



**THE STATES assembled on Tuesday,  
27th October, 1987 at 10.15 a.m. under  
the Presidency of the Bailiff,  
Sir Peter Crill, C.B.E.**

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All members were present with the exception of –

Senator John Le Marquand – out of the Island.

Senator Anne Baal – out of the Island.

Senator Peter Geoffrey Kevitt Manton – out of the Island.

Winter Chevalier de Gruchy, Connétable of St. Martin –  
ill.

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

Sir Martin Le Quesne, Deputy of St. Saviour – ill.

Michael Adam Wavell, Deputy of St. Helier – ill.

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Prayers read by Deputy Greffier

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**Election for Senators.**

The Bailiff, on behalf of the States, congratulated the successful candidates in the recent Senatorial elections and offered commiserations to Deputy Hendricus Adolphus Vandervliet of St. Lawrence who had not been successful.

**Recent storm – Bailiff's thanks.**

The Bailiff thanked all those who had assisted in dealing with the difficulties arising from the recent violent storm, in particular the Honorary Police and those concerned in dealing with the damage caused by the storm.

**Recent storm – Senator R. Vibert.**

Senator Ralph Vibert said that he had been very impressed by the way various Committees had acted during and after the recent violent storm, particularly by the Public Works Committee, also the Telecommunications Board and the Connétables.

**Recent storm – Senator B.T. Binnington.**

Senator Bernard Thomas Binnington complimented the States' Departments on the way they had provided services in the recent storm and, as Chairman of the Jersey Electricity Company Limited, thanked all the employees for the excellent work they had done to restore the electricity supply to all consumers.

**Recent storm.**

Senator Richard Joseph Shenton, in his capacity as President of the Defence Committee, Deputy Donald George Filleul of St. Helier, as President of the Public Works Committee, Mr. Charles Alan Le Maistre, on behalf of the Connétables, and Deputy Robin Ernest Richard Rumboll, as President of the Telecommunications Board, expressed their appreciation and paid tribute to all the work so willingly undertaken by their Departments and Parish Authorities to assist the public and in a successful effort to repair and clear the damage caused by the recent violent storm.

**Foire de Caen – Gold medal.**

The Bailiff congratulated the Agriculture and Fisheries Committee on the award of a gold medal at the recent Foire de Caen.

**Deputy M.A. Wavell.**

The Bailiff informed the States that he was pleased to be able to report that Deputy M.A. Wavell's recent operation at Jersey General Hospital had been successful and that he was making a good recovery.

**Distinguished visitors from Madeira.**

The Bailiff welcomed to the States the Mayor of Funchal, Madeira, Mr. Joao Heliodora Da Silva Dantes and the Minister for Tourism and Culture for Madeira, Mr. Joao Carlos de Abreu.

**Subordinate legislation tabled.**

The following enactments were laid before the States, namely –

1. **Road Traffic (Saint Mary) (Amendment No. 4) (Jersey) Order, 1987. R & O 7680.**
2. **Merchant Shipping (Registry of British Ships) (Jersey) Order, 1987. R & O 7681.**
3. **Pilotage (Dues) (Jersey) Order, 1987. R & O 7682.**
4. **Motor Vehicles (Construction and Use) (Amendment No. 21) (Jersey) Order, 1987. R & O 7683.**
5. **Importation of Equine Animals (Amendment No. 3) (Jersey) Order, 1987. R & O 7684.**

6. **Destructive Insects and Pests (Amendment No. 2) (Jersey) Order, 1987. R & O 7685.**
7. **Data Protection (Fees) (Jersey) Order, 1987. R & O 7686.**

### **Matters lodged.**

The following subjects were lodged “au Greffe” –

1. **Draft Entertainments on Public Roads (Amendment) (Jersey) Law, 198 . P.165/87.**  
Presented by the Public Works Committee. The States decided to take this subject into consideration on 10th November, 1987.
2. **Draft Public Employees (Retirement) (Amendment No. 3) (Jersey) Law, 198 . P.166/87.**  
Presented by the Establishment Committee. The States decided to take this subject into consideration on 10th November, 1987.
3. **Advisory Training Council: development of training in Jersey – proposals. P.167/87.**  
Presented by the Education Committee. The States decided to take this subject into consideration on 17th November, 1987.
4. **Storm damage: assistance to growers with glasshouses and polythene tunnels. P.168/87.**  
Presented by the Agriculture and Fisheries Committee. The States decided to take this subject into consideration on 10th November, 1987.
5. **Advisory Council for Sport, Leisure and Recreational Activity: appointment of Chairman. P.169/87.**  
Presented by the Education Committee. The States decided to take this subject into consideration on 10th November, 1987.

The following subject was lodged on 20th October, 1987 –

**Le Jardin de la Chappelle, St. Aubin: purchase and development. P.164/87.**

Presented by the Housing Committee. The States, having rejected the request of the President of the Housing Committee that this Proposition be considered on 3rd November, 1987, decided to take this subject into consideration on 10th November, 1987.

**Dairy Industry: financial assistance. P.160/87.**

THE STATES acceded to the request of the President of the Agriculture and Fisheries Committee that the Proposition regarding financial assistance to the Dairy Industry (lodged on 6th October, 1987) be considered on 17th November, 1987.

**Draft Shell-Fish (Underwater Fishing) (Amendment) (Jersey) Regulations, 198 . P.143/87.**

THE STATES acceded to the request of the President of the Agriculture and Fisheries Committee that the draft Shell-Fish (Underwater Fishing) (Amendment) (Jersey) Regulations, 198 (lodged on 25th August, 1987) be considered on 10th November, 1987.

**Fuel Oil – fourth supplier. Questions and answers.**

Senator John Stephen Rothwell asked Senator Reginald Robert Jeune, President of the Finance and Economics Committee, the following questions –

- “1. In view of the time which has elapsed since the Finance and Economics Committee reported that it agreed that a fourth supplier of fuel oil should be established in the Island, will the President state when

the Committee intends to ask the House to support that view?

2. Will the President confirm that a suitable site does exist at La Collette on which the storage tanks required for a fourth supplier could be sited?"

The President of the Finance and Economics Committee replied as follows –

- “1. The Finance and Economics Committee will ask the House to consider proposals relating to a fourth supplier of oil as soon as the position on possible competing demands on the available, suitable land at La Collette is clarified, and the States can be given a complete picture.

The report my Committee presented to the States earlier this year (P.121/87) identified certain competing demands for the land available at La Collette which a fourth supplier would require. The Chairman of the Jersey Electricity Company has since confirmed that the land requirements for coal storage need not intrude on the area concerned. What remains therefore is the land requirements for strategic oil reserves. This has been the subject of investigation by the Resources Recovery Board and I understand the Board has recently sent a report and proposition to the Defence Committee for its comments.

In July of this year a meeting was held in the office of the Economic Adviser attended by the Presidents of the Finance and Economics and Defence Committees and of the Resources Recovery Board, which meeting was arranged to try and reconcile the views of the Board with those of the then Defence Committee. The view of the Resources Recovery Board at that time was that additional storage was required in respect of

motor spirit, a view not shared by the then Defence Committee, and the statutory provisions for the storage of volatile motor spirit, and the need for the fuel to be turned over more or less continuously whereas gas oil can be stored under far less stringent conditions for periods running into years, suggested a possible competing demand for the site area required for a fourth supplier to be established. It has been the view of the Finance and Economics Committee that the States would not wish to consider the establishment of a fourth oil supplier without at the same time having a clear picture of the strategic storage requirements from either the Resources Recovery Board or the Defence Committee.

2. As the answer to the previous question indicates, there is a suitable site at La Collette on which the storage tanks required for a fourth supplier could be sited. This was also made clear in the Committee's report presented to the States earlier this year. As stated in my answer to the first question, the only obstacle to further progressing the matter of a fourth supplier of fuel oil is the resolution of the outstanding issue of the site requirements for strategic oil storage."

### **Violent storm – emergency procedures. Questions and answers.**

Senator John Stephen Rothwell asked Senator Richard Joseph Shenton, President of the Defence Committee, the following questions –

- “1. Could the President inform the House why he failed to recognise the need to treat the Island-wide devastation caused by the violent storm as a civil emergency when it was apparent there was a clear need to direct and co-ordinate a range of vital services from a central point?

2. Could the President inform the House what duties were performed by the Civil Emergency Controller during the period immediately following the violent storm to-date?"

The President of the Defence Committee replied as follows –

- “1. There is currently no statute by which I can declare a Civil Emergency. The only Law available is the Jersey Emergency Powers Law, 1964, under which the Lieutenant Governor may declare a State of Emergency following which the Defence Committee is empowered to make Orders I do not think anything would have been achieved by these draconian and relatively slow measures.

I have had discussions with the Governor and the Bailiff with regard to updating our Emergency Statutes. I and my Committee will be considering what is needed to update regulations with particular attention to the type of emergency we have just suffered and will bring the matter before the House in due course.

I have to say that there is no central point in the Island at present which is big enough or has adequate local communications to act as a co-ordination centre to control activities from one point. The Parishes, Public Works and the Utilities know the tasks which they have to perform, and would not be happy to accept outside direction. I am sure the House would wish to thank all those involved for the tremendous efforts that they have made in the last few days to get the Island back on its feet.

2. In a peace time emergency the role of the Civil Emergency Organisation is to back up the Emergency Services by, for example setting up rest centres for homeless people, if this was beyond the capacity of



the Parishes. Welfare in this context is primarily a Parish matter.

The Civil Emergency Officer was called in by the States Police at 5 a.m. on 16th October, since at that time it was considered possible that the level of destruction was such that rest centres might have been required. Mercifully this was not the case.

Subsequently a small team of Civil Emergency personnel were called in to assist the Police and man the Incident Room which had already been set up. The team continued to operate until approximately 2.30 p.m. when it was decided they were no longer required. The Civil Emergency Officer returned to the Incident Room again in the evening of the 16th but was not required.

My Committee are to look closely at the role of the Civil Emergency Organisation in peace time emergencies, to see what changes, if any, are required.”

### **Nursing and Old Persons' Homes. Questions and answers.**

Senator Betty Brooke asked Deputy Robin Ernest Richard Rumboll, Vice-President of the Public Health Committee, the following questions –

- “1. Will the President accept that the present policy of the Public Health Committee is placing a burden on privately run nursing homes and homes for the aged?
2. Will the President give details of the inspection system carried out by the Medical Officer of Health and Committee members of registered nursing homes and old persons' homes?

3. Assuming that a recent article was basically correct about the conditions existing in one registered home, will the President assure the House that there are no other registered homes in which such conditions exist?"

The Vice-President of the Public Health Committee replied as follows –

- “1. I will assume that the question related to the impact of the Public Health Committee’s policies on Services for Elderly People, approved by the House in June of this year on the privately run nursing homes (9 currently registered) and old persons’ homes (25 currently registered).

The Committee’s primary responsibility is to approve the registration of the homes in accordance with the relevant laws and then to ensure that acceptable standards of care are maintained. The Committee has a wider responsibility to ensure that there are adequate beds available to meet the Island’s needs and I can, therefore, confirm that there are beds available in both types of homes, notwithstanding that a number of the old persons’ homes are full constantly.

The majority of residents of old persons’ homes are admitted privately and the Committee has no statutory jurisdiction to fix the level of charges in such cases. However, where residents of old persons’ homes are eligible for Parish relief, then a standard rate of boarding-out fee, currently £90 per week, is negotiated by the proprietors with the Public Health Committee and the Connétables Supervisory Committee. This is paid by the Parish if the resident is a native of that Parish and by the Public Health for all non-natives. In addition, where extra nursing care is required, a further allowance is paid to the homes by the Public Health Committee of either £24.50 or £42

per week dependent on the degree of extra nursing deemed to be necessary. As announced last week, certain proprietors of old persons' homes recently met with members of my Committee, together with representatives of the Connétables Supervisory Committee, to discuss an increase in the existing rates to be effective from January, 1988. The representatives of the old persons' homes have made strong claims that the current level of charges are inadequate to enable them to carry out the improvements required under the Public Health Committee's guidelines and it is hoped that agreement will be reached by all parties in the near future.

Subject to the satisfactory outcome of the discussions referred to, my Committee is of the opinion that privately run homes for the aged are well placed to meet the effects of the policies for the care of elderly people.

The Committee has no jurisdiction to determine fees in registered nursing homes as all patients are admitted to such homes on a private basis. As stated in paragraph 2, beds are currently available in nursing homes and my Committee does not believe that its policies are placing a burden on such establishments.

2. The Public Health Committee has a statutory responsibility under the Nursing Homes (Registration) (Jersey) Law, 1950 and the Old Persons' Homes (Registration) (Jersey) Law, 1964 to approve annually and register the relevant homes and to ensure that generally accepted standards are maintained.

For many years the Public Health Committee has appointed a Residential Homes Sub-Committee to advise and assist in the administration of the relevant Laws. The Sub-Committee comprises political

representatives from the Public Health Committee, the Medical Officer of Health and a number of co-opted lay members. The Sub-Committee meets on a formal and regular basis and may also be called together to attend to any urgent matters arising.

The Medical Officer of Health has responsibility for co-ordinating the activities of the Sub-Committee and all recommendations arising from the Sub-Committee are subsequently considered and, if appropriate, approved by the full Public Health Committee.

Formal visits to the old persons' homes are made and, in addition, members of the Sub-Committee make unannounced visits to the homes either in the course of other normal activities or specifically to pursue enquiries or complaints. All such enquiries and complaints are recorded by the Medical Officer of Health. Registrations are reviewed and renewed annually.

The Committee has issued extensive model guidelines to assist proprietors of homes to provide a good standard of care and, where necessary, recommendations for improvements are made by the Medical Officer of Health.

The visiting of nursing homes is the responsibility of the political members of the Sub-Committee and the Medical Officer of Health. In addition the Environmental Health Section of the Public Health Department inspects the kitchens and sanitary facilities in nursing homes and old persons' homes and, again, will make such recommendations for alterations and improvements as may be appropriate.

3. On 20th October, 1987 I announced in the media that, following the publication of an article in the Jersey Evening Post on 19th October, I proposed to carry out

an investigation into certain allegations relating to the home in question some two years go. The House will appreciate that, at this stage of my enquiries, I am unable to comment on the content of the article and will report to the Public Health Committee thereon as soon as possible.

I can assure the House, however, that the alleged conditions as described in the article do not exist at this particular home now or, in the opinion of the Committee, in any other registered home in Jersey.”

### **Grainville School. Questions and answers.**

Senator Betty Brooke asked Deputy Philip George Mourant of St. Helier, President of the Education Committee, the following questions –

- “1. In the light of the re-organisation for one year of Grainville School and the news that a senior teacher has been seconded from the Jersey College for Girls, could the President say who is taking that teacher’s job at the Jersey College for Girls and has an extra member of staff been recruited to fill the vacancy?
2. The appointment of two retired members of the Education Department namely Mr. Wally Clarke and Mr. Jack Clarke to Grainville has been announced. What is the basis of their employment? Are they on full pensions and being paid a salary for these appointments?
3. The news that one of the Deputy Headmasters has now been suspended as well as the announcement that the Headmistress, Miss Skeavington, is on one year’s detachment is disturbing. How much does it cost the taxpayer to have two senior teaching staff on full paid leave?”

The President of the Education Committee replied as follows –

- “1. Following the transfer for one year of the Deputy Headmistress of Jersey College for Girls to Grainville School, a senior Head of Department has been appointed Acting Deputy Headmistress for the year and another member of staff is acting as Head of Department in that teacher’s place. Part-time teachers equivalent to 0.8 of a full-time teacher have been appointed for the year.
2. Mr. Walter Clarke, former Principal of Highlands College, and Mr. Jack Clarke, former Head of In-Service Education, have been engaged to undertake specific work at Grainville School and will be paid fees for their services, (neither is paid a salary). Under the terms of the teachers’ superannuation fund, from which they both draw pensions, retired teachers may be re-employed in the Education Service on a part-time basis so long as the pension and the payment for part-time work together do not exceed the salary paid immediately prior to retirement. Mr. Walter Clarke has been engaged for a total of 20 days; Mr. Jack Clarke has been retained to work for two days per week for one year.
3. The Deputy Headmaster of Grainville School has not been suspended. He is on secondment for one year during which it is planned that he will undertake a course in management, followed by development projects in Jersey involving the use of computing in school administration and the development of records of achievement.

Each year the Education Committee budgets for the secondment of teachers on one term and one year courses equivalent to the cost of two full-time teachers. The cost of the secondment of the Headmistress and Deputy Headmaster of Grainville

School is estimated to be £41,150 of which £26,300 will be recoverable under agreements made with the Department of Education and Science.”

### **BBC Radio Jersey. Statement.**

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

“On behalf of the Broadcasting Committee I wish once again to pay tribute to BBC Radio Jersey.

During the violent storm in the early hours of 16th October, the Station commenced broadcasting at 5.30 a.m. in order that as many members of the public as possible could be informed of the situation. The staff of Radio Jersey experienced considerable difficulty in reaching Broadcasting House, but were very conscious of the importance of transmitting at an early hour the facts to the public.

The medium wave transmitter was out of action as a result of the weather conditions and the information, therefore, could only be heard on VHF. It is hoped, however, that action will be taken to ensure that in future the medium wave will be able to continue uninterrupted.

The Committee feels sure that the House will wish to join it in placing on record its appreciation to the Manager and staff of Radio Jersey.”

### **Highlands College Lecturers. Statement.**

Deputy Graham Douglas Thorne of St. Brelade made a statement in the following terms –

“I would like to apologise to the President and Committee of Education regarding the questions I asked on Tuesday,

6th October, not for the intent, but for my approach. With hindsight I should have used an alternative route, which would have caused far less disruption and concern.

I would like to apologise to the lecturers of Highlands because my intention was to strengthen the credibility of Highlands but my approach could have had an adverse effect. There again by hindsight I should have taken another 'route'.

I do not apologise for putting my political life before any other aspects of my life, in my concern for the terms of employment and conditions of young people. I believe if we did not show respect for the young they in turn will show little concern for us."

**Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Act, 1987.**

THE STATES, in pursuance of Article 6 of the Court of Appeal (Jersey) Law, 1961, as amended, made an Act entitled the Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Act, 1987.

**Passenger Terminal Building, west of Albert Pier, St. Helier: approval of drawings. P.170/87.**

THE STATES commenced consideration of a Proposition of the Harbours and Airport Committee regarding the approval of drawings for the Passenger Terminal Building, west of Albert Pier, St. Helier. After discussion, and on the proposition of Senator Ralph Vibert, the Proposition was lodged "au Greffe".

**Jersey Council for Safety and Health at Work: appointment of Chairman.**

THE STATES, adopting a Proposition of the Social Security Committee, approved the appointment of Mr. Noel Nat Martin as Chairman of the Jersey Council for Safety and Health at Work for three years with effect from 1st July, 1988.



**Boats and Surf-Riding (Control) (Amendment No. 6) (Jersey) Regulations, 1987. P.157/87.**

THE STATES in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December 1851, Article 49 of the Road Traffic (Jersey) Law, 1956, as amended, and Article 4 of the Harbours (Administration) (Jersey) Law, 1961, as amended, made Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 6) (Jersey) Regulations, 1987.

**Pilotage (Jersey) Law, 1987. P.158/87.**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Pilotage (Jersey) Law, 1987.

**Public Holidays and Bank Holidays (Jersey) Act, 1987. P.159/87.**

THE STATES, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law, 1951, as amended, made an Act entitled the Public Holidays and Bank Holidays (Jersey) Act, 1987.

THE STATES rose at 12.15 p.m.

**R.S. GRAY,**

*Deputy Greffier of the States.*