



**THE STATES assembled on Tuesday,
17th March, 1987 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.**

All members were present with the exception of –

Edgar John Becquet, Deputy of Trinity – out of the Island.

Prayers

Defence contribution: letter from his Excellency the Lieutenant Governor.

The Deputy Bailiff informed the States that the following letter had been received from His Excellency the Lieutenant Governor –

“Sir,

I have the honour to refer to your letter of 3 March informing me of the decision of the States of Jersey with regard to the request from the United Kingdom Government for an annual contribution towards its expenditure on defence and international representation undertaken on behalf of Jersey.

I have been asked to convey the gratitude of Her Majesty’s Government to the States of Jersey for their careful consideration of this matter and for their agreement to the request. I am also asked to convey the Government’s sincere appreciation for the contribution of £800,000, whilst the Insular Authorities are considering in more detail

the form of their future contribution, which has been passed to the Secretary of State for Defence.

The Ministry of Defence has been alerted to the wish of the Defence Committee to consider the feasibility of the establishment of a Territorial Army Unit and will be pleased to enter into discussions urgently. Officials in the Home Office will, of course, be available to assist in any future discussions.

I have the honour to be,

Sir,

Your obedient servant,

W. Pillar

Lieutenant-Governor of Jersey.

The Bailiff of Jersey.”

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. **Lodging Houses (General Provisions) (Amendment No. 4) (Jersey) Order, 1987. R & O 7602.**
2. **Tourism (General Provisions) (Amendment No. 11) (Jersey) Order, 1987. R & O 7603.**
3. **Invalid Care and Disability Allowances (General Provisions) (Amendment No. 4) (Jersey) Order. 1987. R & O 7604.**
4. **Fire Service (General Provisions) (Amendment No. 9) (Jersey) Order, 1987. R & O 7605.**
5. **Road Racing (Motor Vehicle Sprints) (Jersey) Order, 1987. R & O 7606.**
6. **Road Vehicles Lighting (Amendment No. 13) (Jersey) Order, 1987. R & O 7607.**

**7. Airport Dues (Tariff) (Jersey) Order, 1987.
R & O 7608.**

Public Lotteries: report for 1986. R.C.5.

The Gambling Control Committee by Act dated 3rd March, 1987, presented to the States a Report on Public Lotteries promoted and conducted during 1986.

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

**Draft Data Protection (Jersey) Law, 198 (P.43/87): comments.
P.57/87.**

The Establishment Committee by Act dated 9th March, 1987, presented to the States its comments (and those of the Finance and Economics Committee) on the draft Data Protection (Jersey) Law, 198 (lodged on 24th February, 1987).

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

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 2nd March, 1987, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Telecommunications Board, the sub-lease from The Jersey Electricity Company Limited of a triangular area of land 25.6 feet by 63.3 feet by 68 feet, measuring a total of 810 square feet, at La Collette, St. Helier, required for a cell site in connexion with the introduction of a cellular radio telephone system, for a period of nine years, with effect from 1st March, 1987, at an annual rent of £90;

- (b) as recommended by the Public Works Committee, and subject to the National Trust for Jersey being responsible for ensuring the proper maintenance of the Fort and the land involved –
 - (i) the lease to the National Trust for Jersey for a term of 99 years of l'Etacquerel Fort with land immediately surrounding it, for a nominal consideration of £1 a year, with all payments commuted forward to the inception of the Agreement;
 - (ii) the sale to the National Trust for Jersey for the amount of £3,500 of the area of land, measuring just over 16.5 vergées, surrounding the Fort, with each party being responsible for the payment of its own legal fees;
- (c) as recommended by the Public Works Committee, the leasing to Mr. Michael Barette Le Couteur of Fields 685 and 695, Faldouet, St. Martin, measuring 2.26 vergées, land dependent upon Haut de la Garenne, for a period of one year, on an annual tenancy with effect from 25th December, 1986, at an annual rent of £135.60, representing a rate of £60 per vergée;
- (d) as recommended by the Resources Recovery Board, the assignment from Miss Sandra Burrows to Mr. Edward Lloyd-Jones of the unexpired portion of the lease of the property "Ramadi", Beaumont, St. Peter, on the same terms and conditions;
- (e) as recommended by the Fort Regent Development Committee, the assignment from Mr. Holger Rhensius to Channel Islands Retail and Catering Limited, (beneficial owner Mr. Lyndon Farnham) of the unexpired portion of the lease of "Aladdin's Cave" at Fort Regent, on the same terms and conditions;
- (f) as recommended by the Education Committee, the leasing from the Heart of Variety (Jersey) (Channel

Islands) Incorporated, of the property "Oakwell", Park Estate, St. Brelade, to be used as a home for mentally handicapped children, for a period of nine years, with effect from 1st April, 1987, at an annual rent of £1;

- (g) as recommended by the Housing Committee, with the support of the Island Development Committee, the purchase from Mr. Roy Anderson of the site of Norfolk Cottage, 2, St. Mark's Road, St. Helier, required in connexion with a second phase of Highbury Court, for a consideration of £62,500 and the payment of legal fees.

Matters noted – financial transactions.

THE STATES noted Acts of the Finance and Economics Committee dated 2nd March, 1987, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that –

- (a) the Fort Regent Development Committee had accepted the lowest of four tenders, namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the revised sum of £1,734,690 in a contract period of 78 weeks for the development of the Rotunda at Fort Regent;
- (b) the Harbours and Airport Committee had accepted the lowest of four tenders, namely that submitted by B & C Construction Limited in the revised sum of £114,244 for the extension of the Airport Departure Hall Buffet Area and the provision of permanent in-flight catering facilities.

Matters lodged.

The following subject was lodged "au Greffe" –

States' Committees: co-opted members. P.58/87.

Presented by Senator Richard Joseph Shenton.

The following subjects were lodged on 10th March, 1987 –

1. **13/15 Don Street, St. Helier: lease for Probation Service. P.55/87.**
Presented by the Public Works Committee. The States decided to take this subject into consideration on 24th March, 1987.
2. **Draft Data Protection (Jersey) Law, 198 (P.43/87): amendment. P.56/87.**
Presented by the Establishment Committee.

Hire Cars. Questions and answers.

Deputy Corrie Stein of Grouville asked Senator John William Ellis, President of the Defence Committee, the following questions –

- “1. How many hire cars have so far been licensed in 1987 compared with the same period during 1986, 1985 and 1984?
2. How many hire cars were registered in total in 1986 compared with 1985 and 1984?
3. Does the Committee propose to take any action to restrict the number of imported hire cars?”

The President of the Defence Committee replied as follows –

- “1. Comparison of hire car figures –

Hire vehicles registered to 9th March, 1987	2,117
Hire vehicles registered to 8th March, 1986	1,100
Hire vehicles registered to 8th March, 1985	1,158
Hire vehicles registered to 9th March, 1984	961.

2.	<u>Motor Cars</u>	<u>Mopeds/ Motor- cycles</u>	<u>Mini- buses</u>	<u>Total</u>
1986	10,727	64	99	10,890
1985	7,534	76	74	7,684
1984	4,858	97	81	5,036.

3. During October 1986 the Policy Advisory Committee presented a report to the States concerning the importation of hire cars, as a certain section of the local motor trade was concerned at the increased importation figures. The motor traders were of the opinion that these additional vehicles caused a disruption in the normal pattern of the motor trade, reduced the employment of motor mechanics and caused parking difficulties.

The Committee came to the conclusion that the changing pattern of trade as dictated by the market did not in this instance call for a restriction in numbers.

The Defence Committee intends to monitor the coming season closely, but there is doubt as to whether the manufacturers will continue with their current policy. The Motor Traffic Office when recommending this year's hire licence fee increase suggested that next year's licence fee should be more in keeping with current prices, which might in turn held to reduce numbers."

Diabetic Patients. Questions and answers.

Senator John William Ellis asked Deputy Francis Hedley Morel of St. Saviour, President of the Social Security Committee, the following questions –

"Bearing in mind that Her Majesty's Government is to make free syringes and needles available to diabetic patients who require regular injections of insulin, will the President inform the States –

1. How many diabetic patients are there in Jersey?
2. Will the Committee provide a similar free service to local patients?"

The President of the Social Security Committee replied as follows –

- "1. The Social Security Department does not have available to it clinical information on which to provide this statistical clinical information. However, to be constructive and helpful, a guestimate has been made that there could be approximately 400 such patients. It may be that the Public Health Committee will be able to provide more accurate information.
2. The United Kingdom National Health Service is very largely funded from General Taxation. In Jersey the Hospital Service and the H.I.E. Scheme are funded from General Revenue. In addition, appliances, equipment, surgical boots, etc., are provided by the Public Health Committee either free of charge at a cost to General Revenue or, alternatively, an appropriate charge is made. In addition the Parish Welfare Authorities may provide assistance or grants for the provision of such items. The General Medical Practitioner and Pharmaceutical Schemes to provide medicines are financed solely from contributions by the employer and worker. If it is considered desirable to make free syringes and needles available to all diabetic patients irrespective of their circumstances at a charge to General Revenue, then the best method of administering such a Scheme will need careful consideration. However, such a move would be contrary to general States' policies on concentrating

resources on those most in need. The Public Health Committee might wish to consider provision within its existing arrangements for providing appliances, etc. In the meantime the Social Security Committee would not consider it appropriate to issue these items free of charge under the Pharmaceutical Scheme.”

Nicholson Park, St. Helier. Statement.

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

- “1. Given the number of press and media reports on the current situation at Nicholson Park, and on plans which the Housing Committee may have for the future of the estate, I consider that it might help the House and the public if I were to give a brief account of the situation.
2. Nicholson Park was one of the many housing estates affected by the very cold weather conditions experienced in January, amongst the coldest ever reached in the Island’s history. Since that time my Department has taken the following actions –
 - (a) Immediately after the damage caused to the flats, a team of plumbers was appointed to work solely on Nicholson Park and replace those appliances which had failed during the freezing temperatures. The work necessary to restore a full water supply to all tenants is now complete and it is being followed by more general insulation to vulnerable areas to prevent, hopefully, a repeat of the problems incurred in January.
 - (b) All flats damaged by the pipe bursts were visited by officers of the Department very soon afterwards and are in the process of being redecorated where necessary. The same process is being applied to all the other estates affected.

Given our demands, and those from homeowners and tenants in the private sector on decorators, the work required has necessarily taken time to complete. In due course, however, all of our units requiring redecoration due to flood damage will have been attended to.

3. Suggestions have been made, and reported in the press and media, that the Housing Department has insisted on a tenant being moved, against her will, back into a flat at Nicholson Park which was not fit for human habitation. I would like to assure the House that this was not the case. The flat in question had been dried out over a number of weeks, using heaters and dehumidifiers, whilst its occupants were temporarily rehoused by the Department. The flat was then redecorated and rendered ready for re-occupation. The condition of the flat was checked by an officer of the Public Health Department on the day that its occupants were due to return and was confirmed as suitable for re-occupation.
4. Clearly, at this time of year, whether or not a unit has experienced flood damage, adequate heating needs to be applied to keep a unit reasonably warm and dry. This particular unit has a coal fire and, in addition, was provided with three electric heaters. Whilst financial assistance was offered to all tenants who incurred additional expense when drying out their dwellings immediately after the flooding, the Housing Committee cannot accept as one of its obligations the provision of heating allowances to tenants who cannot heat their homes adequately. Heating is the responsibility of the tenants themselves.
5. Members may feel concerned when, from time to time, they hear allegations that the Committee may have acted in ways which show disregard for the safety of its tenants. Whilst I am not prepared to prolong an argument through the media and the press (if, for no other reason than that it may not always be desirable for the Committee or Department to give all

the facts in a given situation), I can assure the House that at all times my Committee and its officers have acted in these very difficult circumstances with the safety of its tenants uppermost in their minds.

6. Finally, and more generally, comment has been made on plans the Committee may have in hand for the future of the Nicholson Park estate. We appreciate that the future of the older estates needs to be examined, and indeed we have in the past discussed the future of Nicholson Park. No decisions have been taken and no plans exist.

The Committee finds itself in the difficult situation of having to build homes urgently, and acquire sites for further homes, to cope with the demands of a waiting list of some 700 families, many of whom are living in overcrowded and inadequate conditions. Until we have felt the effects of our current building programme, providing for hundreds of new homes, we must unfortunately defer decisions on the future of older estates, though we shall not lose sight of the need to address the problem.”

Jersey New Waterworks Company Limited: appointment of Director.

THE STATES, adopting a Proposition of the Finance and Economics Committee, approved the appointment of Deputy Leonard Norman of St. Clement as a Director of the Jersey New Waterworks Company Limited, in accordance with Article 74(a) of the Articles of Association of the company, to replace Deputy John Le Gallais of St. Saviour.

Family Allowances (Jersey) Regulations, 1987. P.40/87.

THE STATES, in pursuance of Article 7 of the Family Allowances (Jersey) Law, 1972, as amended, made Regulations entitled the Family Allowances (Jersey) Regulations, 1987.

Shops (Sunday Trading) (No. 6) (Jersey) Regulations, 1987. P.115/86 and P.38/87.

THE STATES, referring to their Act of 3rd February, 1987, continued consideration in Second Reading of Regulation 1 of the draft Shops (Sunday Trading) (No. 6) (Jersey) Regulations, 1987 and adopted an amendment of Senator Pierre François Horsfall that in paragraph (b) for the words “(l) flowers and ornamental plants” there should be substituted the following –

- “(l) (i) flowers grown on the holding where they are sold;
- (ii) young plants and cuttings grown on the holding where they are sold;”.

Regulations 1, 2 and 3 were adopted.

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. 6) (Jersey) Regulations, 1987.

Members present voted for the amendment as follows –

“Pour” (24)**Senators**

Shenton, Horsfall, Baal, Rothwell, Le Main.

Connétables

Grouville, St. John, Trinity, St. Brelade, St. Martin, St. Peter, St. Helier, St. Clement.

Deputies

Roche(S), Filleul(H), Vandervliet(L), Farley(H), Grouville,
Beadle(B), Thorne(B), Blampied(H), St. John, Mahoney(H),
St. Martin.

“Contre” (22)**Senators**

Vibert, Jeune, Binnington, Manton, Brooke.

Connétables

St. Lawrence, St. Mary, St. Ouen, St. Saviour.

Deputies

Mourant(H), St. Ouen, Morel(S), Quénault(B), Le Gallais(S),
Le Brocq(H), Le Fondré(L), St. Mary, Billot(S), Norman(C),
St. Peter, Carter(H), Baudains(C).

**Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 1987.
P.148/86 and P.44/87.**

THE STATES, referring to their Act of 3rd February, 1987, continued consideration in Second Reading of Regulation 1 of the draft Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 1987 and adopted an amendment of Deputy David John de la Haye of St. Ouen that for sub-paragraph (b) of Regulation 1 there should be substituted the following –

“(b) after sub-paragraph (l) there shall be substituted the following sub-paragraphs –

‘(m) the following items at the premises where they are made –

(i) decorative candles and their accessories;

(ii) hand-crafted wooden goods;

(iii) pottery;

(iv) hand-crafted cork and metal tableware;

(v) hand-crafted leather goods;

(n) solid fuel.' "

Regulations 1 and 2 were adopted.

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. 7) (Jersey) Regulations, 1987.

Draft Shops (Sunday Trading) (No. 8) (Jersey) Regulations, 198 . P.165/86.

THE STATES, referring to their Act of 3rd February, 1987, when the Preamble of the draft Shops (Sunday Trading) (No. 8) (Jersey) Regulations, 198 was adopted and Regulations 1 and 2 were referred back, acceded to the request of Deputy Carlyle John Le Hérisser Hinault of St. John that the draft Regulations be withdrawn as the provisions had been incorporated in the amendments to the Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 1987.

States' Contracts. P.53/87.

THE STATES rejected a Proposition of Senator Richard Joseph Shenton that –

- (a) the contracts of the professional consultants engaged by the Fort Regent Development Committee should be terminated at the end of the Rotunda contract;
- (b) as a matter of some urgency, the Public Works Committee should be requested to all States' contracts prior to their acceptance by the Committee concerned.

Members present voted as follows –

“Pour” (3)**Senator**

Shenton

Deputies

St. Ouen, St. Peter.

“Contre” (44)**Senators**Vibert, Le Marquand, Jeune, Binnington, Ellis, Baal, Rothwell,
Le Main, Manton, Brooke.**Connétables**Trinity, St. Brelade, St. Martin, St. Peter, St. Helier,
St. Lawrence, St. Mary, St. Ouen, St. Saviour.**Deputies**Mourant(H), Morel(S), Quénault(B), Le Gallais(S), Roche(S),
Le Brocq(H), Le Quesne(S), Filleul(H), Vandervliet(L),
Farley(H), Le Fondré(L), Rumboll(H), Grouville, St. Mary,
Beadle(B), Thorne(B), Wavell(H), Blampied(H), Billot(S),
Norman(C), St. John, Carter(H), Mahoney(H), St. Martin,
Baudains(C).

THE STATES rose at 3.30 p.m.

E.J.M. POTTER,*Greffier of the States.*