



**THE STATES assembled on Tuesday,
24th February, 1987 at 10.15 a.m. under
the Presidency of the Bailiff,
Peter Leslie Crill, Esquire, C.B.E.**

His Excellency The Lieutenant Governor,
Admiral Sir William Pillar, G.B.E., K.C.B.,
was present.

All members were present with the exception of –

Senator Pierre François Horsfall – out of the Island.

Senator Terence John Le Main – ill.

Henri Leon Dubras, Deputy of St. Martin – out of the
Island.

Prayers

Distinguished visitors from Balearic Islands – welcome.

The Bailiff welcomed to the House the President of the Government of the Balearic Islands with the Ministers of Tourism and Public Buildings, the Chief of Protocol and Senor Henning.

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 16th February, 1987, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Housing Committee, the abandonment by the public of the Island of the right of pedestrian access over an area of land measuring approximately 308 square feet of land situated to the south of Convent Court Phase II and to the east of the United Reform Church, (owned by Madok Limited) St. Helier, in favour of Madok Limited. for a consideration of £100, with each party being responsible for its own legal costs;
- (b) as recommended by the Housing Committee, the granting to The Jersey Electricity Company Limited of a wayleave, free of charge, to enable the company to lay high tension cables through the first phase of Clos Gossett, St. Saviour, in order to service the second phase of the development, as shown on Drawing No. 3338/03A, with each party being responsible for its own legal costs;
- (c) as recommended by the Housing Committee, the cession, free of charge, by Mr. Graeme Thomas Gallichan of 25.35 square feet of land situated to the north of The Nest, Roussel Street, St. Helier in order to establish the boundary between his property and Le Clos de Balmain, St. Helier, with the award to Mr. Gallichan of £200 compensation towards costs involved in alterations to his north boundary wall, and with the Committee being responsible for all legal costs;
- (d) as recommended by the Housing Committee, the sale to the Parish of St. Helier of an area of land measuring 19.40 square feet, shown on Drawing No. 1/H/167, situated at the corner of Aquila Road and Poonah Road, St. Helier for a consideration of £5, with each party being responsible for its own legal costs;
- (e) as recommended by the Housing Committee, the public of the Island being party to a deed to be registered in the records of the Royal Court whereby

minor transgressions over the party wall between the properties belonging to the public of the Island and Elenko Limited at Scotia, Great Union Road, St. Helier might remain as they were, subject to Elenko Limited being responsible for all legal costs;

- (f) as recommended by the Public Works Committee, the leasing to the Jersey Model Aero Club of a bunker at Les Landes, St. Ouen, adjacent to the Club's model aircraft landing ground, for use as a store and workshop, for a period of nine years with effect from 1st March, 1987, at an annual rent of £20;
- (g) as recommended by the Public Works Committee, the purchase from Resthaven Limited of 179 square feet of land bordering the property Resthaven at the junction of Highlands Lane with St. Saviour's Hill, St. Saviour, in order that a footpath could be constructed and visibility improved, for a consideration of £358, subject to the Committee being responsible for all accommodation works and the payment of all legal costs;
- (h) as recommended by the Public Works Committee, the purchase from Mr. James Dalrymple Tennant of 908 square feet of land from the frontage of Field 739, St. Brelade, required in connexion with the construction of a bus lay-by on the north side of La Route des Gênets, St. Brelade, for a consideration of £908, subject to the Committee being responsible for all accommodation works and the payment of all legal costs;
- (i) as recommended by the Public Works Committee, the purchase from Mr. Giles Arnold Trollope, Mr. Nicholas Clifford Trollope and Mrs. Anna Theresa Maidon, née Trollope, of 1,550 square feet of land on the south side of La Route des Gênets, St. Brelade, required in connexion with the construction of a footpath from Mont Nicolle to Woodbine's Corner, St. Brelade for a consideration of £1,550, subject to the Committee being responsible

for all accommodation works and the payment of all legal costs;

- (j) as recommended by the Public Works Committee, the leasing to Mr. Robert Edward Furness of a bunker at Le Braye Slip, St. Brelade, for a period of nine years, with effect from 25th December, 1986, at an annual rent of £100, with rent reviews at the end of the third and sixth years;
- (k) as recommended by the Public Works Committee, the purchase from Mr. George Roger de Carteret of 1,070 square feet of land at Field 730, St. Peter, required in connexion with a road improvement at Mont Fallu, St. Peter, for a consideration of £1,070, with the Committee being responsible for all accommodation works, and the purchase by Mr. de Carteret from the public of the Island of 105 square feet of land to the west of the private road leading to Broadlands and Broadlands Villa and 625 square feet of land lying to the east of that private road, for a consideration of £730, subject to the Committee being responsible for the payment of all legal costs.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **Draft Family Allowances (Jersey) Regulations, 198 . P.40/87.**
Presented by the Social Security Committee. The States decided to take this subject into consideration on 17th March, 1987.
2. **Draft Pilotage (General Provisions) (Amendment No. 10) (Jersey) Regulations, 198 . P.41/87.**
Presented by the Harbours and Airport Committee.

3. **Economic Development Committee: appointment. P.42/87.**
Presented by Deputy Donald George Filleul of St. Helier.
4. **Draft Data Protection (Jersey) Law, 198 . P.43/87.**
Presented by the Establishment Committee. The States decided to take this subject into consideration on 24th March, 1987.
5. **Draft Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 198 (P.148/86): amendments. P.44/87.**
Presented by Deputy David John de la Haye of St. Ouen.
6. **Fields 591, 592 and 593, La Rue de la Fosse au Bois, St. Ouen: purchase. P.45/87.**
Presented by the Housing Committee.

Draft Shops (Sunday Trading) Regulations, 198 , and amendments. P.115/86, P.38/87, P.148/86, P.44/87, P.165/86.

THE STATES acceded to the request of the Members concerned that the following draft Regulations and amendments be considered on 17th March, 1987 –

Draft Shops (Sunday Trading) (No. 6) (Jersey) Regulations, 198 . P.115/86.

Lodged: 2nd September, 1986. Preamble adopted on 3rd February, 1987. Regulations 1, 2 and 3 referred back.
Senator Pierre François Horsfall.

Draft Shops (Sunday Trading) (No. 6) (Jersey) Regulations, 198 : amendment. P.38/87.

Lodged: 17th February, 1987.
Senator Pierre François Horsfall.

Draft Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 198 . P.148/86.

Lodged: 4th November, 1986. Preamble adopted on 3rd February, 1987. Regulations 1 and 2 referred back.
Deputy David John de la Haye of St. Ouen.

Draft Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 198 : amendments. P.44/87.

Lodged: 24th February, 1987.

Deputy David John de la Haye of St. Ouen.

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

Lodged: 2nd December, 1986. Preamble adopted on 3rd February, 1987. Regulations 1 and 2 referred back.

Deputy Carlyle John Le Hérissier Hinault of St. John.

Applications under Part II and Part III of the Regulation of Undertakings and Development (Jersey) Law, 1973, as amended: policy. Statement.

The President of the Finance and Economics Committee made a statement in the following terms –

“Applications under Part II of the Regulation of Undertakings and Development (Jersey) Law, 1973, as amended.

1. The Finance and Economics Committee in considering applications under Part II of the Regulation of Undertakings and Development Law prior to 1986 complied with the States' request that licences generally should be granted freely where applications are made by persons with full residential qualifications (i.e. qualified under Housing Regulations 1(1)(a) to (h), but that otherwise licences should only be granted where the undertakings concerned are expected to produce a substantial benefit to the Island.
2. In October 1985 the States indicated support 'in Committee' for tightening of the policy regarding local residents and in the past year the Finance and Economics Committee, for example, more frequently has placed limits on the number of persons that could be employed in respect of undertakings carried on by those with full residential qualifications.

3. The rate of expansion of the Island's economy, and the consequent increase in population, is reflected in the number of applications received from local residents to commence new undertakings in the past three years. With the adoption by the States on 28th January, 1987 of the Policy Advisory Committee's proposition (P.6/87) requesting a more rigorous application of the Law to persons with residential qualifications, it is necessary for the Committee to revise its present policy.

New undertakings

4. In implementing the States' decision, the Finance and Economics Committee proposes to continue to grant relatively freely applications from local residents seeking to establish a new undertaking on their own account with two or less employees (including working principals). This will be particularly so where the intention is to supply goods and services, other than financial services, to local residents. Where application is made by a local resident to commence an undertaking requiring more than two employees (including working principals) the Committee in deciding whether to grant or refuse consent, or grant a consent subject to condition, will have regard to the matters referred to below in respect of applications for the enlargement of existing undertakings.
5. Where a financial services undertaking is concerned, serving either local residents or non-residents, the Committee will grant consent only in exceptional circumstances, and in all such cases where, because of a lack of appropriate qualifications or experience, or through other factors bearing on the reputation of the Island as a finance centre, the Committee is of the view that the best interests of the Island would not be served by the commencement of the undertaking, a consent will not be granted.

6. At present a person with full residential qualifications commencing an undertaking on his or her own account, from the principal place of residence and without employees is exempt from the need to apply for a licence. This does not apply to those carrying on an undertaking on their own account without employees away from the place of residence. Such self-employed persons are subject to licence whether or not they have residential qualifications.
7. The Committee is unlikely to refuse to grant a licence for a new undertaking serving local residents, other than a financial services undertaking, where existing vacant shop or similar premises are to be occupied. However, there will be exceptions to this policy where the number of employees is considered to be excessive and where it is clear to the Committee that the job opportunities to be created will call for immigrant labour, either directly or indirectly, because of the limited number of local residents with the required skill and experience.
8. While the Committee can, and will, exercise control over the number of persons to be employed when a new undertaking is commenced, it is conscious that where an undertaking proposes to provide a financial service to non-residents of the Island a restriction on the number of staff of what may become an expanding business may adversely affect the standard of service offered. Where this is considered to be a possibility the Committee may refuse consent for an undertaking to be established by an applicant, even though it involves few or no employees at the outset, on the grounds that the 'potential' pressure on the Island's scarce labour resources is considered to be contrary to the Island's best economic interests.
9. The Committee shares the view of the Policy Advisory Committee that there is a need to balance the degree of control required to limit population growth with a proper respect for the freedom of the

individual. In general it is expected that if the heat of the economy can be reduced there will be fewer applications for the commencement of businesses serving the resident population, and it will be the market place rather than the Committee that will exercise the desired restraint.

Enlargement and transfer of existing undertakings.

10. The Committee's existing powers under Part II of the Regulation of Undertakings and Development Law as they relate to the enlargement and transfer of existing undertakings, provide that –

- (i) no person may enlarge the floor space of an undertaking by more than 100 square feet in any period of 12 months;
- (ii) no person may transfer an undertaking occupying 100 square feet or more of floor space to a new situation;

without first obtaining a licence.

In applying these powers the Committee will continue to limit the additional number of persons to be employed. Particularly will this be so where applications relate to businesses requiring employees with skills/experience not readily available in the Island and/or where the job opportunities to be created can be expected to be filled directly or indirectly by immigrants rather than through the recruitment and training of local residents. The Committee will seek to encourage in every way the recruitment and training of local residents, and in particular school-leavers.

11. The Committee in deciding whether to grant or refuse consent, or grant a consent subject to condition, will have regard for –

- (i) the track record of the undertaking in terms of profitability, and the recruitment and training of local residents;
- (ii) the importance of the service rendered to local residents;
- (iii) the need to maintain a range of job opportunities for local residents;
- (iv) the need to maintain job opportunities for school-leavers;
- (v) the need to maintain competition to protect consumer interests;
- (vi) any other factors bearing on the economic situation of the Island, and on the general well-being of the residents of the Island.

These factors will also apply when consideration is given to applications to commence new undertakings where the employment of a number of persons is envisaged and in due course also to applications by existing undertakings to increase the number of persons employed.

12. The Committee in considering applications for the enlargement of existing undertakings will have regard to the need of businesses to know how States' policy will bear on their future plans, covering a number of years. The Committee also will have in mind the importance of maintaining appropriate standards of service, particularly where financial services are being provided. Businesses will be encouraged to discuss their future plans with the Economic Adviser so that the Committee can consider those plans in principle at an early stage, and indicate the extent to which they are able to be accommodated.
13. The Committee also would wish to emphasise again a point made in the statement made to the House on

Tuesday, 17th February, 1987. The intention is to tighten controls as requested by the States but in a selective, pragmatic and sympathetic way so as not to frustrate the continued development of the Island's rôle as an international finance centre or to intrude unduly on personal freedoms.

Applications under Part III of the Regulation of
Undertakings and Development (Jersey)
Law, 1973, as amended.

1. Under Part III of the Regulation of Undertakings and Development Law no person may carry out any development of more than 1,500 square feet unless he or she has been granted a licence, with the exception of agricultural buildings where it is more than 10,000 square feet.
2. For 1987, the Committee has decided to grant consents to a value of some £14 million compared to an equivalent figure for 1986 of £15.7 million. This value of consents has been arrived at having regard to the increased amount of States' building work forecast for 1987 and 1988. The intention of the Committee is to spread the consents granted through the year, and in considering applications and how they relate to the best interests of the Island the Committee will have in mind the following order of priority –
 - (i) Housing (a) to (h) – low unit cost (e.g. relatively low cost flats and individual dwellings of modest size for occupation by those with residential qualifications in greatest need of accommodation).
 - (ii) Community facilities (e.g. homes for the aged provided by the Parishes).
 - (iii) Tourism (e.g. improvements to hotels and guest houses).

- (iv) Office accommodation of modest extent for established undertakings where a failure to accommodate the latter's requirements is considered detrimental to the Island's best interests.
 - (v) Other commercial development (e.g. offices, warehouses, shops) for known users.
 - (vi) Luxury residential accommodation and commercial development on a speculative basis.
3. It is strongly recommended that any person proposing to undertake a development subject to licence should contact the Economic Adviser's office at the earliest possible stage. The Committee will not grant a formal licence until outline planning permission has been granted by the Island Development Committee, but before applicants spend time and money on preparing plans for the Island Development Committee they should obtain an 'in principle' view from the Finance and Economics Committee as to the likelihood of a licence being granted. Applicants are also reminded that 'development' has the same meaning as for the Island Planning Law, and includes the demolition of a property.
4. In considering applications the Committee will have regard to the need of businesses to plan their future in the Island over a number of years. In those cases where it is considered the best interests of the Island will be served thereby, the Committee in refusing a consent for the current year may indicate a date when building work will be able to commence. For developments of a low priority the Committee, in refusing consent, will not be prepared to indicate a date of commencement of work."

Magistrate: appointment.

THE STATES, adopting a Proposition of the Establishment Committee, appointed Advocate Robin John Short to the post of Magistrate, with effect from 29th January, 1987, at a salary of £31,412 per annum.

Police – Establishment: deferred Supply. P.168/86.

THE STATES, adopting a Proposition of the Finance and Economics Committee, acceded to the request for the following supplementary vote of credit to be voted out of the General Reserve –

Defence Committee

1205 – Police – establishment	£49,500.
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Defence Contribution: Territorial Army Unit. P.161/86.

THE STATES commenced consideration of a Proposition of Deputy Dereck André Carter of St. Helier regarding the establishment of a Territorial Army Unit in the Island as a voluntary contribution towards the defence expenditure of the United Kingdom. Having rejected an amendment of Deputy Robin Ernest Richard Rumboll of St. Helier that the following paragraph should be substituted for paragraph (b) of the Proposition –

“(b) that the Island’s future voluntary contribution towards the defence expenditure of the United Kingdom should be either the establishment in the Island of a Territorial Army Unit or a contribution towards the military costs of providing rescue helicopter coverage in the English Channel, the South West Approaches and the Channel Islands Area.”

The States adopted paragraphs (a) and (b) of the Proposition and, having adopted an amendment of Deputy Rumboll that the following paragraph should be substituted for paragraph (c) of the Proposition –

“(c) that the Island should make an immediate voluntary contribution towards the defence expenditure of the United Kingdom of £800,000 and that the Finance and Economics Committee should make the necessary arrangements to pay this sum without delay.”

agreed –

- (a) to give effect to paragraph (a) of their Act of 28th January, 1986, by deciding that the Island’s voluntary contribution towards the defence expenditure of the United Kingdom should be the establishment in the Island of a Territorial Army Unit;
- (b) to authorise the Defence Committee to enter into detailed discussions with the United Kingdom authorities, based on paragraphs 20 and 21 of the Special Committee’s Third Report, regarding the implementation of the above decision and to report back to the Assembly; and
- (c) that the Island should make an immediate voluntary contribution towards the defence expenditure of the United Kingdom of £800,000 and that the Finance and Economics Committee should make the necessary arrangements to pay this sum without delay.

Members present voted as follows for paragraphs (a) and (b) of the Proposition of Deputy Carter –

“Pour” (32)

Senators

Vibert, Le Marquand, Jeune, Binnington, Ellis, Manton.

Connétables

Grouville, St. John, Trinity, St. Martin, St. Ouen, St. Saviour.

Deputies

Mourant(H), Morel(S), Quénault(B), Le Gallais(S),
Le Quesne(S), Trinity, Filleul(H), Farley(H), Le Fondré(L),
Rumboll(H), Grouville, St. Mary, Beadle(B), Thorne(B),
Wavell(H), Billot(S), Norman(C), St. Peter, Carter(H),
Baudains(C).

“Contre” (16)

Senators

Baal, Rothwell, Brooke.

Connétables

St. Brelade, St. Peter, St. Helier, St. Clement, St. Lawrence,
St. Mary.

Deputies

St. Ouen, Roche(S), Le Brocq(H), Vandervliet(L),
Blampied(H), St. John, Mahoney(H).

THE STATES rose at 4.45 p.m.

R.S. GRAY,

Deputy Greffier of the States.