



**THE STATES assembled on Tuesday,  
9th February, 1988 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 –

Leonard Norman, Deputy of St. Clement – out of the  
Island.

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

Terence Augustine Le Sueur, Deputy of St. Helier – out of  
the Island.

Derek Ryder Maltwood, Deputy of St. Mary – out of the  
Island.

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Prayers

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**Distinguished visitors from the Netherlands – welcome.**

The Bailiff, on behalf of the Assembly, welcomed to the House the  
Royal Netherlands Ambassador, His Excellency, Mr. Hans Jonkman  
and the Netherlands Consul – General, Mr. Adrianus Verduyn.

**Territorial Army Unit – letter from the Under-Secretary of  
State for defence for the armed forces.**

The Bailiff informed the States that the following letter had been  
received by His Excellency the Lieutenant Governor from Mr. Roger  
N. Freeman, M.P., Parliamentary Under-Secretary of State for  
defence for the armed forces –

“I was extremely pleased to learn of the recent decision by the States of Jersey to provide at their expense a Territorial Army Royal Engineer Field Squadron based in Jersey as a contribution to the defence of the British Islands.

I am particularly glad that this contribution will consist of a formed unit made up of citizens of Jersey. As such it will be a valuable and tangible witness to Jersey’s commitment to defence and of its resolve to pay its way. Setting up a unit from scratch can be a lengthy business and there are dangers in seeking to go too fast. However, Ministry of Defence experts will give the advice and assistance required to ensure that an effective Field Squadron will be established in Jersey as soon as is practicable. I have asked my officials to make early progress to formalise the technical and financial arrangements for raising the Jersey Unit and they will soon be in touch with the States with this in mind.

You may also like to know that the £800K interim cash contribution to defence funds so generously forwarded by the States to the Secretary of State for Defence last March is being spent on the refurbishment of Newton Isle of Wight TA Camp and Range. This work is likely to take some time, but when completed the Camp is to be renamed ‘Jersey Camp’ and will be one of the camps used for training Jersey TA volunteers.”

### **Subordinate legislation tabled.**

The following enactments were laid before the States, namely –

- 1. Health Insurance (Pharmaceutical Benefit) (Prescribed List) (Amendment No. 24) (Jersey) Order, 1988. R & O 7719.**
- 2. Road Traffic (Saint Saviour) (Amendment No. 2) (Jersey) Order, 1988. R & O 7720.**

**Matters noted – land transactions.**

THE STATES noted an Act of the Finance and Economics Committee dated 25th January, 1988, 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 passing of a contrat de transaction with Mr. William Abery and Mrs. Olive Abery, née Winter, of L'Espoir, Rue de Sergent, Maufant, St. Saviour, in order to remove the clause in the Committee's original contract requiring Mr. and Mrs. Abery to plant trees and shrubs on their northern boundary, subject to Mr. and Mrs. Abery's being responsible for the payment of all legal fees;
- (b) as recommended by the Public Works Committee, the renewal of the lease to Mr. Peter Edward Langlois of the car park and storage space at L'Etacq, St. Ouen, for a period of three years commencing 1st January, 1988, at an annual rent of £137.94;
- (c) as recommended by the Public Works Committee, the renewal of the lease to L'Etacq Woodcrafts Limited of a storage area at L'Etacq car park, St. Ouen, for a period of three years, commencing 1st January, 1988, at annual rent of £206.90.

**Matters lodged.**

The following subjects were lodged "au Greffe" on 2nd February, 1988 –

**1. Draft The Royal Bank of Scotland (Jersey) Limited (Jersey) Law, 198 . P.9/88.**

Presented by Senator Pierre François Horsfall. The States decided to take this subject into consideration on 16th February, 1988.

**2. Entry controls for visitors to Jersey P.10/88.**

Presented by Deputy Maurice Clement Buesnel of St. Helier.

**3. Advisory Council for Sport, Leisure and Recreation: appointment of Chairman P.11/88.**

Presented by the Education Committee. The States decided to take this subject into consideration on 16th February, 1988.

**Chief Officer, States of Jersey Police Force: extension of contract. P.8/88.**

THE STATES acceded to the request of Senator Richard Joseph Shenton that the Proposition relating to the extension of the contract of the Chief Officer of the States of Jersey Police Force (lodged on 26th January, 1988) be considered at the present Sitting.

**Public 18-hole golf course at Les Landes, St. Ouen. P.139/84.**

THE STATES acceded to the request of Deputy John Le Gallais of St. Saviour that consideration of his Proposition relating to a public 18-hole golf course at Les Landes, St. Ouen (lodged on 25th September, 1984) be deferred from 8th March to 22nd March, 1988.

**Draft Jersey Gas Company (Jersey) Law, 198 . P.180/87.**

THE STATES acceded to the request of the President of the Finance and Economics Committee that consideration of the draft Jersey Gas Company (Jersey) Law, 198 (lodged on 17th November, 1987) be deferred from 16th February, 1988 to a later date.

**Draft Evidence (Criminal Proceedings in other Jurisdictions) (Jersey) Law, 198 . P.6/88.**

THE STATES acceded to the request of the President of the Legislation Committee that consideration of the draft Evidence (Criminal Proceedings in other Jurisdictions) (Jersey) Law, 198

(lodged on 26th January, 1988) be deferred from 16th February, 1988 to a later date.

### **States Loan Houses. Questions and answers.**

Senator John Stephen Rothwell asked Deputy Hendricus Adolphus Vandervliet of St. Lawrence, President of the Housing Committee, the following questions –

- “1. Will the President explain the basis on which the proposed States Loan houses will be allocated on the ‘Morel’ land at St. Ouen (Fields 591, 592 and 593, La Rue de la Fosse au Bois)?
2. Will the President inform the House whether all the successful applicants will have had their names already on the States Loan Housing List?
3. In view of the scarcity of States Loan properties and the fact that public money is provided for States Loan at very favourable interest rates, will the President agree it would be fairer to everyone if the Housing Committee allocated all new States Loan houses?”

The President of the Housing Committee replied as follows –

- “1. Before I give an answer to this specific question, I think it would be prudent to remind the newly constituted House of the background to the proposed development of Fields 591, 592 and 593, La Rue de la Fosse au Bois, St. Ouen. On 6th November, 1984 the States zoned these fields for Basic Loan or States rental housing and authorised the Island Development Committee to acquire the fields, by compulsory purchase if necessary, and to transfer the fields, once acquired, to the Housing Committee for development. On 3rd November, 1987, the States approved a Proposition of the Island Development Committee, which asked the States to amend their Act of 6th November, 1984, in a way which effectively gave the

owner of the fields a period of six months in which 'to come forward with a scheme for development acceptable to the Housing Committee and Island Development Committee'. The Committee is aware that the owner of the fields proposes to sell his land to a local builder who is currently seeking Planning Permission to build thirty-three Basic Loan houses on the fields. At the present time, however, my Committee has not received an application from the landowner to sell the fields to this builder.

It has always been my Committee's view that the Island Development Committee should have acquired the fields, as authorised by the States in 1984, and that the fields should have been developed by the Housing Committee and I have, on a number of occasions, personally attempted to see this achieved. If at the end of the six month period afforded to the landowner by the States decision of 3rd November, 1987, satisfactory proposals have not come forward to develop these fields, then it is the intention of my Committee to seek their acquisition.

However, in the event that the proposed transaction takes place and the local builder concerned does develop the fields with thirty-three Basic Loan houses, the builder has agreed with my Committee that it allocate one-third (i.e. eleven) of the houses to be constructed. My Committee has no legal entitlement to this 'share' as it will not be a Housing Committee development. The Committee allocations will be made from those on its own waiting list for Basic Loan houses. The normal criterion applied is one of length of time on the waiting list, i.e. those who have been on the waiting list longest are given first choice.

The builder will be responsible for allocating the other twenty-two houses and I understand that he is doing this in conjunction with the landowner. Any persons allocated a property must, of course, be residentially qualified persons who qualify for a Basic Loan property.

2. In the event of the private development of Basic Loan houses already referred to going ahead, then the twenty-two allocations made by the builder need not necessarily be to those already on the Committee's States Loan housing list. I repeat that those who are allocated properties will need to qualify for a Basic Loan under the Building Loans Regulations. It is highly likely that the successful applicants will have their names on the housing list but, given that this is not a Housing Committee development, I cannot guarantee this. Those properties allocated by the Housing Committee will be those on the waiting list, although the Committee is likely to allocate two properties to two existing States Loan borrowers whose properties the Committee is in the process of acquiring as part of important States rental developments in run-down town areas.
3. It is not a requirement to be on the Housing Committee's waiting list in order to qualify for a States Loan house. Provided a person qualifies under the Building Loan Regulations, he is eligible for a Loan on a suitable property which he wishes to buy. If a private builder proposes to build him such a house, then the Committee is legally bound to make him a Loan.

The only way in which the Committee can ensure that newly built States Loan houses are allocated to persons who are on the Housing waiting list for a Loan property is for the Committee to be responsible for all such developments in the future. In the

Committee's view, whilst it is currently negotiating to purchase a number of fields for Basic Loan developments, it does not consider it to be realistic to exclude private builders and developers from the construction of States Loan houses, but I shall be seeking to obtain a far greater involvement than hitherto in their allocation where this can be negotiated."

**Sale in the Island of the book "Spy Catcher". Questions and answers.**

Deputy Maurice Clement Buesnel of St. Helier asked H.M. Attorney General the following questions –

- “1. Will the Attorney General explain the legal and constitutional position regarding the sale in the Island of the book ‘Spy Catcher’?
2. Was the demand made by or on behalf of Her Majesty's Government to local booksellers to stop selling the book ‘Spy Catcher’, made with the prior knowledge and agreement of the Law Officers of the Crown?
3. If it was not, will the Attorney General confirm to the House that he is satisfied that no breach of constitutional propriety has been committed or, if he is not, what action he has taken in the matter?”

H.M. Attorney General replied as follows –

- “1. A brief history of the ‘Spy Catcher’ affair is that until 1976 Mr. Peter Maurice Wright was a senior member of the British Security Service. The main function of the British Security Service is the defence of the realm as a whole. When Mr. Wright left the Service of the Crown he signed a declaration acknowledging that the



provisions of the Official Secrets Act of the United Kingdom applied to him after his appointment had ceased, and that he was liable to prosecution if, either in the United Kingdom or abroad, he disclosed secret information to any unauthorised person. In addition to that express obligation of secrecy Mr. Wright was also under an obligation arising out of his employment by the Security Service not to divulge any information which he obtained in the course of his employment.

As Lord Denning said in one reported case it is a 'broad principle of equity that he who has received information in confidence shall not take unfair advantage of it. He must not make use of it to the prejudice of him who gave it....'. In flagrant breach of his obligations Mr. Wright has published his memoirs in the form of the book 'Spy Catcher'.

The same obligation attaches to anyone who receives confidential information knowing that it is confidential. It is unlawful to make further disclosure. Publishers, newspapers or booksellers who disseminate confidential information in the knowledge that there has been a breach of confidentiality act unlawfully.

In order to enforce the legal rights of the Crown Her Majesty's Government has taken proceedings in a number of jurisdictions seeking injunctions preventing the publication and/or dissemination of this confidential information. None of those injunctions has any force in Jersey because the Bailiwick is a separate jurisdiction. It would be necessary for Her Majesty's Government to seek further injunctions from the Bailiff if it wished to ensure that 'Spy Catcher' was not sold in Jersey.

Towards the end of 1987 it became clear that some booksellers in the Island were indeed selling the book. Her Majesty's Government instructed a firm of Jersey

advocates to write to the booksellers demanding that they cease from selling or distributing the book locally. It appears that the booksellers have complied with that demand. No doubt injunctions would be sought if there were evidence that ‘Spy Catcher’ was still being sold. In instructing lawyers to write in this manner Her Majesty’s Government was doing no more than any employer is entitled to do in seeking to enforce the legal obligations of confidentiality owed by a former employee. There was in my view no constitutional impropriety on the part of Her Majesty’s Government.

- 2.& 3. Yes. The Law Officers were consulted, as a courtesy, before the demand was made.”

**Route Orange, St. Brelade: transfer of administration of land.**

THE STATES, adopting a Proposition of the Housing Committee, agreed –

- (a) to transfer to the Public Works Committee the administration of an area of land at Route Orange, St. Brelade, measuring 187 square metres and shown in red on Drawing No. 433/1, required in connexion with a road widening scheme;
- (b) to authorise the Greffier of the States to sign the said drawing on behalf of the States.

**Agricultural and Horticultural Industries: financial assistance. P.2/88.**

THE STATES, adopting a Proposition of the Agriculture and Fisheries Committee, noted the Report of the Committee, dated 18th December, 1987, regarding financial assistance to the agricultural and horticultural industries, and –

1. reaffirmed their commitment to the maintenance of a viable agricultural industry;
2. agreed to maintain –
  - (a) the subsidy assisting the control of blight and Colorado beetle;
  - (b) the subsidy on basic slag and lime;
  - (c) the subsidy on potato root eelworm control;
  - (d) the export marketing bonuses payable to members of the approved marketing co-operatives;
  - (e) the agricultural loans scheme;
  - (f) the various advisory and related services;
3. approved the alteration to, or the creation of, the following subsidies –
  - (a) the bank interest subsidy schemes;
  - (b) the refund of harbour dues on exports and imports;
  - (c) monies for market development;
  - (d) monies for promotion and advertising.

**Deputy L. Norman of St. Clement – attendance.**

Deputy Leonard Norman of St. Clement, having returned to the Island, was present at the afternoon Sitting.

**Debate *in camera*.**

The Bailiff, in pursuance of Article 9 of the Police Force (Jersey) Law, 1974, and in accordance with Standing Order 46(2), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the extension of the contract of the Chief Officer of the States of Jersey Police Force be debated *in camera*.

**Chief Officer, States of Jersey Police Force: extension of contract. P.8/88.**

THE STATES, having deliberated thereon *in camera*, proceeded to vote in public assembly and approved the extension until January 1992 of the contract of employment of Mr. David Parkinson, Chief Officer of the States of Jersey Police Force which expires on 1st July, 1988.

**Adjournment.**

THE STATES then adjourned, having agreed that the outstanding items of Public Business should stand over until the next meeting and be considered immediately before the matters already set down for debate at that meeting.

THE STATES rose at 7.40 p.m.

**E.J.M. POTTER,**

*Greffier of the States.*