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THE STATES assembled on Tuesday,
12th December, 1989 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.

All Members were present with the exception
of -

Leonard René Hamel, Connétable of St.
Clement - ill.
Enid Clare Quénault, Connétable of St.
Brelade - ill.
Sir Martin Le Quesne, Deputy of St.
Saviour - out of the Island.
Margaret Sylvia Rose Beadle, Deputy of
St. Brelade - out of the Island.

Prayers

Tribute to the late Mr. A.J.
Scriven, former Member of the House.

The Deputy Bailiff paid tribute to
the late Mr. Arthur James Scriven, a former
Senator.

THE STATES observed one minute's silence as
a mark of respect.

Subordinate legislation tabled.

The following enactments were laid
before the States, namely -

1. Telecommunications (Telegrams)
(Amendment No. 6) (Jersey) Order,
1989. R & O 8003.
2. Telecommunications (Telephones)
(Amendment No. 15) (Jersey) Order,

1989. R & O 8004.

3. Public Finances (General)
(Amendment No. 16) (Jersey) Rules,
1989. R & O 8005.

Establishment Committee:
resignation and appointment of member.

THE STATES noted the resignation of Deputy Robin Ernest Richard Rumboll of St. Helier from the Establishment Committee and appointed Deputy Thomas James Jordan of St. Brelade in his place.

Jersey Council for Safety and Health at Work: report and accounts for 1988/89. R.C.21.

The Social Security Committee by Act dated 7th December, 1989, presented to the States the Report and Accounts of the Jersey Council for Safety and Health at Work for the year 1st October, 1988 to 30th September, 1989.

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

Matter noted - financial transaction.

THE STATES noted an Act of the Finance and Economics Committee dated 16th October, 1989, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that the Harbours and Airport Committee had accepted the lowest of four tenders, namely that submitted by D.C. Allen Limited in the sum of #242,669.26 in a contract period of 32 weeks for the construction of a weather radar tower and building at La Rue Baal, La Moye, St. Brelade.

Matters lodged.

The following subjects were lodged
"au Greffe" -

1. West of Albert Pier: temporary

building for agricultural produce.
P.158/89.
Presented by the Agriculture and
Fisheries Committee.

2. Draft Residential Care Homes
(Registration) (Jersey) Law,
19 . (P.98/89): amendment.
P.159/89.
Presented by the Connétable of St.
Helier.
3. Howard Davis Park tea garden:
lease. P.160/89.
Presented by the Public Works
Committee.

Effect of Single Market throughout
the European Community in 1992. Questions
and answers.

Deputy Maurice Clement Buesnel of
St. Helier asked Her Majesty's Attorney
General the following questions -

Question 1

``With the introduction of the Single
Market throughout the European
Community nations in 1992, would the
Attorney General say that this allows
in relation to Jersey's own position -

- (a) the free movement of all goods
originating in the Member states,
without levies and without
restrictions, excepting those
cases where derogations have been
negotiated?
- (b) services commonly in use in member
nations similarly to be entirely
transferable between nations, i.e.
insurance, banking, law, etc.?
- (c) professional qualifications gained
in one country of the community
automatically to be accepted
throughout the community for use
in any member country?"

Her Majesty's Attorney General replied
as follows -

``In considering the legal effects for Jersey of the introduction of a Single Market in 1992 it is well to keep in mind the provisions of Article 227 of the EEC Treaty, as amended by the Treaty of Accession. The relevant part of that Article provides -

`This Treaty shall apply to the Channel Islands only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty!'

Those arrangements were set out in Protocol No. 3 to the Treaty of Accession, Article 1.2 of the Protocol provides that in respect of industrial and agricultural products -

`such provisions of Community rules, in particular those of the Act of Accession, as are necessary to allow free movement and observance of normal conditions of competition in trade in these products shall also be applicable.'

It follows that, irrespective of the introduction of a Single Market, Jersey is under an obligation to comply with Community rules allowing free movement of industrial and agricultural products to and from the European Community except where derogations have been specifically negotiated.

As to services, by which I assume the Deputy to be speaking of the freedom to establish services, the legal position is that Jersey is not affected by the Single European Act. That is not to say that measures adopted in the Community to facilitate the free movement of workers and freedom of establishment will not require careful monitoring in the Island. Although in law they do not apply to Jersey, they will apply to

the United Kingdom and may thus affect the interests of Jersey residents. But so far as the marketing of services such as insurance and banking are concerned Jersey is in the same position as third countries vis-à-vis the European Community.

So far as professional qualifications are concerned the European Commission is promoting measures which are designed to harmonise so far as practicable the recognition of qualifications as part of its endeavour to promote the freedom to supply services. As a matter of law none of these measures will apply to Jersey.

It may be worth adding however that the Constitution Committee (as it then was) and the Defence Committee have received advice from Dr. Richard Plender, Q.C., as to the legal effect of Article 4 of the Protocol. That Article provides -

‘The authorities of [Jersey] shall apply the same treatment to all natural and legal persons of the Community’.

Dr. Plender's advice (and I summarise) is that Article 4 requires Jersey to apply the same treatment, irrespective of nationality, to all natural and legal persons of the Community, including British citizens, once those persons have gained admission to Jersey. On the assumption that that advice is accepted, there are a number of areas where the States may have to introduce legislative amendments so that the Island complies with its obligations under Community Law."

Supplementary questions and answers.

Deputy Buesnel - "In view of what the Attorney General has said in reply to question 1, does this mean that French nationals who have lived here for a number of years and have not had the vote, will they in 1992 be entitled to vote in Jersey elections?"

H.M. Attorney General - ``I think Sir, that that is an important supplementary question. I did not have notice of it, and I think I should like to ask the Deputy for notice of it, and I shall be prepared to answer it in due course."

Senator P.F. Horsfall - ``As the Deputy has raised the question of French nationals, my interpretation of the reply at the top of the second page would lead me to ask whether the present practice of the States of Jersey not permitting French Nationals (even though they are residentially qualified) even to have an interview for employment with the States of Jersey, does that mean that in the future this will have to change?"

H.M. Attorney General - ``I think it may be helpful to the Senator and to the House to know that having consulted with the Economic Adviser, I have put specific questions to Dr. Richard Plender, and insofar as the Island's obligation to treat community nationals equally is concerned, when one looks at the public service. In the community itself, there are special rules which govern the employment of persons in the civil services of the different member states and the extent to which our obligations under the protocol are affected by the Treaty is a matter which I have agreed to put and have indeed put to Dr. Plender, and, I have no doubt that the committees concerned may wish to make a public statement in that respect in due course."

Deputy Buesnel -

Question 2

``Will the Single Market entail changes in our own laws, which at present outlaw some practices for gain, but which are not unlawful in member nations?"

Her Majesty's Attorney General -

``Subject to what I have said above, the Single Market will not in my opinion oblige Jersey to alter its law in relation to the practice of clairvoyance for gain, to which I assume the Deputy is referring."

Public sector pay. Statement.

The President of the Establishment Committee made a statement in the following terms -

``With one exception, all the public sector pay groups have settled their pay claims, not only for 1989, but also for 1990. Generally the settlements have been made on the basis of not exceeding cost of living for 1989, two per cent on 1st January, 1990 and cost of living from 1st June, 1990. Therefore, the Committee will not have to enter into further negotiations until the spring of 1991.

I wish to pay tribute to the representatives of the various Groups for the courteous and professional manner in which the negotiations were conducted. I also wish to thank most sincerely Mr. Mike de Bourcier, the Employee Relations Manager, who has been responsible for these negotiations on the Committee's behalf.

Unfortunately, at this time one Group has not settled - the Further Education lecturers - but I sincerely hope that this long outstanding claim can be finalised by the end of this year.

In conclusion, I thank the members of my Committee for their support and loyalty."

Population growth: future strategy (P.145/89) - withdrawal of paragraph 7. Statement.

The President of the Policy and Resources Committee made a statement in the

following terms -

``Members will recall that at the meeting of the States on Tuesday, 5th December, it was agreed to defer further consideration of paragraph 7 attached to the Policy and Resources Committee's proposition and report on population growth: future strategy (P.145/89).

I have now given the matter some more thought and, in the light of the various views expressed in the States during the brief discussion on the paragraph, I have decided to withdraw it. The States in January 1987 laid down policy guidelines for the Housing Committee to follow in its consideration of applications under Regulation 1(1)(j) and (k) of the Housing Regulations and the President of that Committee assures me that his Committee are in fact following those guidelines. Moreover, the Economic Adviser's advice is sought on applications and I am satisfied that the co-ordination of policies envisaged in paragraph 7 will be achieved."

Supplementary and Additional Votes of Credit.

THE STATES considered an Act of the Finance and Economics Committee dated 13th November, 1989 presenting Acts of the undermentioned committees and, acceding to the requests contained therein, granted to the said committees supplementary (S) and additional (A) votes of credit out of the General Reserve, as follows -

	S	A
	#	#
Finance and Economics Committee		
Bailiff's Chambers		
0301 Staff		2,800
Crown Officers Department		
0311 Staff		40,200
Judicial Greffe		
0321 Staff		18,200

Viscount's Department

0331 Staff 19,000
0336 Inquests 2,500

Police Court

0341 Staff 12,900

Probation Service

0351 Staff 5,000

Income Tax Department

0371 Staff 56,200

Official Analyst's Department

0381 Staff 10,100
0388 Capital servicing
8,400

States Greffe

0391 Staff 14,400

States Greffe Printing Section

0401 Staff 5,700

carried forward 187,000 8,400

S A

#

Finance and Economics Committee
(cont'd)

brought forward 187,000 8,400

States Treasury

0411 Staff 22,200
0418 Capital servicing
15,500

Economic Adviser's Department

0428 Capital servicing
4,100

Christmas bonus payments

0501 67,000

Establishment of H.E. the
Lieutenant Governor

0701 Staff 13,800

Total request #318,000 290,000 28,000

0

Defence Committee

Civil Emergency

1051 Staff 1,400

Immigration and Nationality Department

1101 Staff 20,800

Motor Traffic Office

1121 Staff 13,400

Police

1201 Staff 324,900

Fire Service

1301 Staff 105,400

Total request 465,900

S A
#

Public Works Committee

Administration

2001 Staff 89,800
2002 Supplies and services 4,200
2004 Transport 2,000
2005 Establishment 8,000

Coast protection

2021 Staff 18,500
2023 Supplies and services 6,900
2024 Transport 1,500

Car parks

2031 Staff 28,600
2032 Premises 12,200
2033 Supplies and services 7,800
2034 Transport 2,100

Highways and public land - maintenance

and minor improvements

2051 Staff 21,400
2053 Supplies and services 111,400
2054 Transport 4,800

Highways, public land, beaches

and toilets - cleaning

2061 Staff 58,900
2063 Supplies and services 17,600
2064 Transport 9,000

Public buildings

2081 Staff 25,600
2082 Premises 118,200

2084 Transport 1,400
carried forward 549,900

S A

#

Public Works Committee (cont'd)
brought forward 549,900

Public parks and gardens
2091 Staff 82,800
2092 Premises 8,500
2093 Supplies and services 14,700
2094 Transport 8,800

Trading Standards
2101 Staff 14,200
2102 Premises 5,800
2103 Supplies and services 2,200
2104 Transport 400

2105 Establishment 700
Total request 688,000

Education Committee

Primary education non-fee paying
2501 Teaching staff 238,700
2502 Non-teaching staff 35,900

Secondary education non-fee paying
2601 Teaching staff 205,700
2602 Non-teaching staff 31,500

Victoria College
2611 Teaching staff 58,400
2612 Non-teaching staff 16,700

Jersey College for Girls
2631 Teaching staff 64,800

2632 Non-teaching staff 11,600
carried forward 663,300

S A
#

Education Committee (cont'd)
brought forward 663,300

Vocational and non-vocational

2701 Teaching staff 102,500
2702 Non-teaching staff 25,000

Special education

2801 Teaching staff 53,300
2802 Non-teaching staff 13,300
2806 Handicapped children 23,000

Scholarships, grants and cost of
advanced education

2856 Grants to students 310,700

Sports and recreation

2880 Maintenance of
playing fields 37,000

Child welfare

2912 Staff 52,500

Public libraries

3002 Staff 28,700
3004 Premises 10,000

Advisory Training Council

3020 1,100

Job Opportunity Scheme

3030 1,100

carried forward 1,321,500

S A
#

Education Committee (cont'd)

brought forward 1,321,500

General educational services

3101 In-Service training
for teachers 2,300
3102 H.M. Inspectorate 1,200
3104 Conference, course
and travel expenses 5,200
3107 Housing and recruitment
of staff 5,300
3108 Equipment and materials
for schools 6,400
3109 School milk 6,200
3110A Maintenance and rental
of equipment 3,200
3111 Transport of
schoolchildren 14,000

Administration
3152 Staff 37,000

Advisory Service
3171 Staff 16,000

The Youth Service
3182 Staff 14,100

Total request 1,432,400

S A
#

Public Health Committee

Community Health Services
3201 Staff 56,800
3206 Incentive payments -
Le Geyt 13,500

Grants
3211 Family Nursing Services 42,800
3212 Home Helps Society 20,600
3219A Les Amis 75,000

General and acute services
3221 Staff 1,083,200

Group administration
3231 Staff 11,400

St. Saviour's Hospital
3241 Staff 395,600

Care of the elderly
3251 Staff 356,800

Ambulance service and transport
3261 Staff 56,000

Laundry trading account
3271 Staff 19,900

Total request #2,131,600 2,056,600 7
5,000

S A

#

Resources Recovery Board

Administration

4003 Supplies and services 300
4005 Establishment 9,300

Waste treatment and disposal

4016 Waste treatment
and disposal 105,400
4017 Refuse tips 12,000
4018 Drainage 76,400
4019 Septic tank emptying 15,600
4020 Minor capital expenditure 2,10
0

4021 Exceptional repairs 4,500

Total request 225,600

Agriculture and Fisheries Committee

Administration

4101 Staff 61,900

Howard Davis Farm

4111 Staff 23,900

Slaughterhouse

4121 Staff 2,800

Subsidies and grants

4142 Agricultural loans -
interest subsidy 340,000
4143 Growers - interest
subsidy scheme 50,000

Artificial insemination &
semen bank scheme

4151 Staff 1,800

Total request 480,400

S A

#

Tourism Committee

Administration

4601 Staff 36,400

Advertising, publicity and
promotional expenses
4614 Paris office 5,000

Total request 41,400

Etat Civil Committee
4701 Staff 1,300
Social Security Committee

Services related to employment
4821 Job Centre 4,000
4821A Employment of the
disabled 9,800

4822 Safeguarding of workers 5,000

Total request 18,800

Cottage Homes Committee
4901 Staff 3,800
Establishment Committee

States Personnel Department
Personnel and Organisation Divisions
5101 Staff 29,200
5106 States training schemes 4,200

Computer Services Division

5121 Staff 30,000

Total request 63,400

S A

#

Island Development Committee

Administration
5201 Staff 15,500
5205 Establishment 5,500

Total request 21,000

Housing Committee

Administration
5401 Staff 23,800

5402 Premises 500
5405 Establishment 16,000

States houses

5411 Staff 17,100
5412 Maintenance of States
dwellings 20,000
5416 Maintenance of
communal areas 6,600

Total request 84,000

Fort Regent Development Committee

Main complex

5741 Staff 65,700

External amenities

5751 Staff 9,100

Swimming pool

5781 Staff 7,300

Total request 82,100

S A
#

Industrial Relations Committee

6301 Staff 1,000

Royal Visit Committee

6801 General expenses 105,000

Harbours and Airport Committee

La Collette reclamation scheme

1618 Capital servicing 8,000

Harbours and Airport Committee

1608 Capital servicing
(Harbours) 600,000

1706 Airport operating
expenses 100,000

Total request 700,000

Postal Committee

6100 Operating expenses 65,000

CAPITAL VOTES OF CREDIT

Defence Committee

Fire Service

C0145 New radio communi-
cation system
18,000

S A
#

Public Health Committee

General and acute services
General Hospital

C2724 Conversion - Maternity
Hospital,
St. Saviour's Road
25,000

Ambulance and transport

C2744 Ambulance vehicle
26,300

Total request 51,300

Housing Committee

C1103 Building, purchase
and rehabilitation of
dwellings 1,784,400

Harbours and Airport Committee

C0240 Port of St. Helier -
general development 216,900

The total requests granted for the December
Supply Day amounted to #9,007,300.

Ambulance Station extension:

approval of drawings.

THE STATES, adopting a Proposition of the Public Health Committee -

(a) approved Drawings Nos. 2672/4, 2672/23 and 2672/25, showing an enlarged control room, a staff training centre, additional storage space and staff facilities at the Ambulance Service Headquarters in Rouge Bouillon, St. Helier;

(b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

St. Saviour's Hospital garden recreation area: purchase and sale of land.

THE STATES, adopting a Proposition of the Public Health Committee, agreed in connexion with the provision of a garden recreation area for patients at St. Saviour's Hospital, the following transactions and agreed to pay all legal fees thereby incurred -

(a) the purchase from Derrick Gordon Le Cornu and Anne Le Cornu, née Macready, of Field 912, Grouville, measuring approximately 1.7 vergées for the sum of #3,000;

(b) the sale to Derrick Gordon Le Cornu and Anne Le Cornu, née Macready, of Fields 596 and 911, Grouville measuring approximately 3.5 vergées for the sum of #6,000;

(c) to authorise the Treasurer of the States to pay the appropriate sum out of the vote of credit 3242 - St. Saviour's Hospital - Premises;

(d) to authorise the Attorney General and the Greffier of the States to pass the necessary contracts in the matter.

St. Saviour's Hospital: new

pumping station.

THE STATES, adopting a Proposition of the Public Health Committee, agreed -

- (a) to transfer to the Resources Recovery Board the administration of an area of land at St. Saviour's Hospital, as outlined on Drawing No. JSH/312, required in connexion with a new pumping station at St. Saviour's Hospital;
- (b) to authorise the Greffier of the States to sign the said Drawing on behalf of the States.

No. 25 The Parade, St. Helier:
lease.

THE STATES, adopting a Proposition of the Public Health Committee -

- (a) approved the lease of No. 25 The Parade, St. Helier, by the Committee, from The John Clive Le Seilleur Trust for a period of 21 years from 15th March, 1989, at an initial annual rent of #15,000 to be reviewed and negotiated in line with fair market rentals every three years;
- (b) authorised the Treasurer of the States to pay the appropriate amounts out of vote No. 3222 ``General and Acute Services - Premises'';
- (c) authorised the Attorney General and the Greffier of the States to pass the necessary contract.

Le Marais, St. Clement: infill development.

THE STATES, adopting a Proposition of the Housing Committee -

- (a) approved Drawings No. 3557/05E, 06E, 07F, 08C and 09A showing the infill development at Le Marais, St. Clement, to provide 34 two-bedroomed and 6 one-bedroomed

units of accommodation;

- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States;
- (c) agreed that the units of accommodation be either sold or leased on contract leases;
- (d) approved, in principle, the writing off of abnormal site works costs;
- (e) authorised the Finance and Economics Committee to make available bridging finance under Article 7(1)(e) of the Public Finances (Administration) (Jersey) Law, 1967, as amended;
- (f) authorised the Attorney General and the Greffier of the States to pass the necessary contracts.

Transfer of Functions (Elizabeth House Committee) (Jersey) Act, 1989.

THE STATES, in pursuance of Article 29 of the States of Jersey Law, 1966, made an Act entitled the Transfer of Functions (Elizabeth House Committee) (Jersey) Act, 1989.

Les Vaux Trust Housing Association: grant of loan.

THE STATES, adopting a Proposition of the Finance and Economics Committee -

- (a) authorised the granting of a loan to Les Vaux Trust Housing Association in the sum of #5,900,000, to enable the Trust to -
 - (i) purchase Troy Court, Grand Vaux, St. Helier and St. Saviour, at a price of #5,150,000;
 - (ii) purchase Vale Court, Trinity Road, St. Helier, at a price

of #450,000; and

(iii) provide for immediate maintenance costs and legal fees amounting to #300,000;

(b) agreed that the loan should be at a rate of interest of four per cent per annum and should be repayable over a period of 20 years on terms to be agreed with the Finance and Economics Committee;

(c) agreed that the loan should be subject to the condition that no persons shall be allowed to occupy any accommodation in the properties without the prior notice and agreement of the Housing Committee.

Family Allowance Tribunal:
appointment.

THE STATES, adopting a Proposition of the Social Security Committee and in pursuance of Article 1 of the Family Allowances (Jersey) Law, 1972, as amended, appointed the undermentioned as chairman and members of the Family Allowance Tribunal for a period of three years from 1st January, 1990, namely -

Advocate Robert George Day -
Chairman
Advocate Alan Richard Binnington
Mrs. Audrey Vivienne Jackson
Mrs. Ruth Hambly
Mr. Bernard Louis Dubras
Mrs. Jill Meredith Clapham.

Health Services Disciplinary
Tribunal: appointment.

THE STATES, adopting a Proposition of the Social Security Committee and in pursuance of Articles 1 and 36 of the Health Insurance (Jersey) Law, 1967, as amended, appointed the undermentioned as

chairman, deputy chairman and members of the Health Services Disciplinary Tribunal for a period of three years from 1st January, 1990, namely -

Advocate David Eldon Le Cornu -
Chairman;
Mr. Conrad Edwin Coutanche -
Deputy Chairman
Mrs. Sheila Minnie Daphne Billot
Mr. Trevor Jones Williams
Mrs. Ruth Janet Syvret
Mr. Philip Rolph Daubeney
Mr. Anthony Browne
Mr. Gerald Francis Voisin.

Social Security Tribunal:
appointment.

THE STATES, adopting a Proposition of the Social Security Committee and in pursuance of Article 1 of the Social Security (Jersey) Law, 1974, as amended, appointed the undermentioned as chairman and members of the Social Security Tribunal for a period of three years from 1st January, 1990, namely -

Advocate Mrs. Anita Sarelle
Regal - Chairman
Mr. Bernard Louis Dubras
Mr. Michael Bernard Kavanagh
Mrs. Daphne Woolford
Mr. Peter Le Gallais
Advocate Mrs. Marian Elizabeth
Whittaker.

Suspension of Standing Order
No. 18.

THE STATES, adopting a Proposition of the Harbours and Airport Committee, suspended Standing Order No. 18 to allow the Proposition of that Committee proposing the approval of drawings showing an extension of a gate lounge in the Airport passenger pier to be considered at the present Sitting.

Airport: extension to gate lounge.

THE STATES, adopting a Proposition of the Harbours and Airport Committee -

(a) approved Drawings Nos.
2895/1/2A/3A/4A, showing an
extension to a gate lounge in the
Airport passenger pier;

(b) authorised the Greffier of the
States to sign the said Drawings
on behalf of the States.

Draft Road Traffic (No. 34)
(Jersey) Regulations, 198 . P.141/89,
P.146/89, P.152/89, P.153/89 and P.154/89.

THE STATES commenced consideration
of the draft Road Traffic (No. 34) (Jersey)
Regulations, 19 (lodged on 31st October,
1989) and adopted the Preamble.

Members present voted as follows -

``Pour" (46)

Senators

Shenton, Jeune, Binnington, Horsfall,
Ellis, Rothwell, Le Main, Brooke, Le
Maistre, Carter, Stein.

Connétables

St. John, St. Peter, St. Helier, St.
Lawrence, St. Mary, St. Ouen, St.
Saviour, Trinity, St. Martin,
Grouville.

Deputies

de la Haye(H), Morel(S), Le
Gallais(S), Trinity, Vandervliet(L),
R. Rumboll(H), Wavell(H), Blampied(H),
Billot(S), Norman(L), St. John, St.
Peter, St. Martin, Baudains(C),
Buesnel(H), C. Rumboll(H), Le
Sueur(H), St. Ouen, Coutanche(L),
Huelin(B), Jordan(B), St. Mary,
Bailhache(H), Rabet(H), Grouville.

``Contre" (0)

Regulation 1 was adopted.

THE STATES commenced consideration of an
amendment of Senator Terence John Le Main
that a new Regulation 1A be inserted. After
discussion, Senator Le Main withdrew his
amendment together with all the subsequent
amendments contained in P.153 of 1989.

Regulation 2 was adopted.

THE STATES commenced consideration of Regulation 3 and adopted the new Article 16A, having accepted an amendment of Senator Dereck André Carter that in paragraph (3) the words "or such other proportion as may be prescribed" be deleted and having rejected an amendment of Deputy Edgar John Becquet of Trinity that in paragraph (3), sub-paragraph (a) for the expression "35" there should be substituted the expression "44", in sub-paragraph (b) for the expression "80" there should be substituted the expression "100" and in sub-paragraph (c) for the expression "107" there should be substituted the expression "134".

Members present voted for Deputy Becquet's amendment as follows -

"Pour" (12)

Senator
Carter

Connétables
St. John, St. Peter.

Deputies
Trinity, Vandervliet(L), Norman(C),
St. John, St. Peter, St. Martin, Le
Sueur(H), St. Mary, Rabet(H).

"Contre" (33)

Senators
Shenton, Jeune, Binnington, Horsfall,
Rothwell, Le Main, Brooke, Le Maistre,
Stein.

Connétables
St. Helier, St. Lawrence, St. Mary,
St. Ouen, St. Saviour, Trinity, St.
Martin, Grouville.

Deputies
de la Haye(H), Morel(S), Le
Gallais(S), R. Rumboll(H), Wavell(H),
Blampied(H), Billot(S), Baudains(C),
Buesnel(H), C. Rumboll(H), St. Ouen,
Coutanche(L), Huelin(B), Jordan(B),
Bailhache(H), Grouville.

THE STATES adopted the new Article 16B, having rejected an amendment of Senator Carter that in paragraphs(1)(a) and (1)(b) there should be inserted the words "in excess of the prescribed limit" between

the words "alcohol" and "in his body" and commenced consideration of amendments of Deputy David John de la Haye of St. Helier that -

(a) for paragraph (3) there should be substituted -

"(3) A person who is required under paragraph (1) or (2) of this Article to provide a specimen of breath for a breath test shall provide the specimen at a police station specified by the police officer making the requirement.";

(b) after paragraph (3) there should be inserted the following paragraph as paragraph (4) -

"(4) A person who without reasonable cause fails or refuses to accompany the police officer making the requirement under paragraphs (1) or (2) to the police station specified by him shall be guilty of an offence and liable to a fine not exceeding #500.";

(c) renumber the existing paragraphs (4), (5), (6) and (7) as (5), (6), (7) and (8) respectively.

After discussion, Deputy de la Haye withdrew his amendments.

After discussion, paragraph (6) was withdrawn by the Defence Committee and paragraph (7) was consequently renumbered (6).

The new Articles 16C, 16D, 16E and 16F were adopted.

The new Article 16G was adopted, the States having accepted an amendment of the Defence Committee that in paragraphs (4) and (5) for the word "prosecutor" there should be substituted in each case the words "Constable in whose name the proceedings were instituted, or, where the hearing is before the Royal Court, the Attorney General".

Regulation 4 was adopted.

Regulation 5 was adopted, the States having accepted an amendment of the Defence Committee that after the item and entry for Article 16(A)(1) there should be inserted the following item and entry -

`` Article 16B(4) - (failing to provide a specimen of breath);"

Regulations 6 and 7 were adopted, the States having agreed that the date of their coming into force should be 1st March, 1990.

The Bill was lodged ``au Greffe", as amended, in Second Reading (P.161/89).

THE STATES adjourned at 5.45 p.m. until the next day, Wednesday, 13th December, 1989 at 9.30 a.m.

R.S. GRAY

Deputy Greffier of the States.