

THE STATES assembled on Tuesday,
26th June, 1990 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.

All Members were present with the exception
of -

Senator Bernard Thomas Binnington -
out of the Island.
Michael Adam Wavell, Deputy of St.
Helier - out of the Island.
Mervyn Renouf Billot, Deputy of St.
Saviour - out of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid
before the States, namely -

1. Road Traffic (Public Parking
Places) (Amendment No. 16)
(Jersey) Order 1990. R & O 8074.
2. Health Insurance (Pharmaceutical
Benefit) (General Provisions)
(Amendment No. 31) (Jersey) Order
1990. R & O 8075.

Arrangement of Public Business for
31st July, 1990

THE STATES confirmed that the
following subjects lodged au Greffe should
be considered on 31st July, 1990 -

Standing Order No. 39: Policy and
Resources Committee. P.67/90.
Lodged: 22nd May, 1990 and referred to
the Policy and Resources Committee.
Deputy M.C. Buesnel of St.
Helier.

Draft Policing of Parks
(Amendment No. 7) (Jersey)
Regulations 199 . P.72/90.
Lodged: 29th May, 1990.
Public Services Committee.

Belle Vue Pleasure Park and
Fields 91 and 91A, St. Brelade:
rezoning. P.83/90.
Lodged: 5th June, 1990.
Island Development Committee.

Draft Collective Investment
Funds (No. 1) (Jersey) Regulations 199
. P.89/90.
Lodged: 19th June, 1990.
Finance and Economics
Committee.

Swimming pool at Les Quennevais:
petition

Deputy Margaret Sylvia Rose Beadle
of St. Brelade presented to the States on
behalf of the inhabitants of the Island of
Jersey a petition supporting the
construction of a swimming pool at Les
Quennevais (P.57/90).

Social Security Pension Fund.
Questions and answers

Senator Richard Joseph Shenton asked
Deputy Leonard Norman of St. Clement,
President of the Social Security Committee,
the following questions -

Question 1

``Will the President inform the House
as to the current state of the Social
Security Pension Fund?''

The President of the Social Security
Committee replied as follows -

``The Committee is satisfied that the
current investment advisers are
successfully maintaining the market
value of the Social Security Reserve
Fund above the median level compared
with other similar funds. At present
the market value of the Fund
represents approximately two years'
expenditure. So long as the economy

remains buoyant and the effect of the Control of Undertakings Law does not substantially reduce the growth in the number of contributors, then the position as set out in the recent Government Actuary report is sound and stable. The Committee continues to watch the situation very carefully for adverse impact on the Fund to protect the future of the scheme, its contributors and beneficiaries, bearing in mind that 80 per cent of annual expenditure arises from old age and widows' pensions."

Question 2

``Is the President satisfied with the pensions payable and will he give an example of the present rates?"

President, Social Security Committee

``A careful balance is being maintained between what is right and reasonable to take from contributors' pockets and the interests of pensioners who depend upon today's workers to support them. The Committee believes that the relationship between the current contribution level and benefits is fair and sound to all parties.

The current standard rate of single old age pension is #64.68, with an increase of #42.70 for a married man, making a total of #107.38. This figure will be further increased from 1st October based upon the application of an index half way between the wages index and the cost of living index as declared at 30th June, 1990."

Supplementary question and answer

Senator R.J. Shenton - ``I think it is most unfortunate if the President wouldn't mind me saying that he should say that the interest to the pensioners who depend on today's workers, I would have said it was the pensioners who have made it possible for today's workers to earn and enjoy the pensions that they get and not the other way round. Would he not think that the present rate, which is applied to those pensioners is a low one bearing in mind the average wage increase in the Island exceeds that in

the United Kingdom by a considerable amount, that the present manual workers just breached the #200 a week mark in Grade F, that is without allowances and that it would not be too much to ask that they would provide more money to provide a better pension, I believe that #64.68 for a single old age pensioner is a very minute sum and certainly #107 a week for a married couple to live on is also. Would the President not consider looking at changes in the pensions paid because I think they are quite low in the circumstances of the affluence of this Island?"

President, Social Security Committee - ``If the Senator is right that the cost of living is significantly higher in Jersey than it is in the United Kingdom, of course the Jersey pension is equally considerably higher in Jersey than it is in the United Kingdom. I think it is important to remember that the social security is an insurance based scheme, and it also designed to protect people against the various hazards of life, one of which, and only one of which is growing old and therefore we have the benefit of the old age pension and this is designed, and it has always been designed to provide a basic income, and as I have said in answer to my question, balancing the amount that is taken from contributors so that the pension can be provided at a reasonable level, so because of our low tax structure, our reasonable amount of contributions people are generally able if they so wish to make additional arrangements for their old age through company pension schemes, through private pension schemes and for those who are unable to do this and for some reasons or other do not receive a full pension we do of course have a safety net of the welfare system. I think we can be very proud of our social security scheme, I have said it in this House before, it's been going for a long time and it's weathered the storm of the 1970's of great inflation, and yet every year the real value of the old age pension has increased well above the cost of living. In fact it's one of the few schemes in the western world which since its inception has

not only not reduced benefits in real terms but neither has it had to increase contributions. I'm very proud of the scheme and I think the Island should be too."

Senator Shenton - ``I'm not satisfied with the answers. Will the President allow me to meet with him and his Chief Executive and bring a proposition in the autumn to increase the present rates paid?"

President, Social Security Committee - ``I'm always delighted to meet the Senator."

Desalination plant. Questions and answers

Senator Richard Joseph Shenton asked Senator John William Ellis, Senior States director of the Jersey New Waterworks Company Limited the following questions -

Question 1

``Will the States' nominated directors of the Jersey New Waterworks Company Limited make the necessary enquiries to enable them to inform the House whether the Company intends to replace the existing desalination plant?"

Senator Ellis replied as follows -

``The directors of the company have not yet decided whether to replace the existing desalination plant.

Although the desalination plant is 20 years old and has a planned working life of about that period, the actual use of the plant has been a lot less than the 20 years running. It was not used for most of the years between 1976 and 1989 as the summers were generally wet, and has never been required to run for a full year. This lack of use and careful and expensive maintenance has extended its life considerably. It would be irresponsible to abandon the existing plant until its maintenance becomes uneconomical or impractical or its integrity is substantially reduced and that is some years away.

The completion of Queen's Valley reservoir will increase the storage capacity which the company enjoys by 75 per cent. This substantial improvement will mean that the availability of water will be dramatically increased and allows for a period of evaluation."

Supplementary questions and answers

Senator R.J. Shenton - "Is the States' nominated director saying that no thought has been given to insurance for the existing plant by the building of a second one in order that when accidents occur, such as happened recently, that the Island is not put in peril?"

Senator Ellis - "I would imagine that the situation is that the replacement plant will need to be built on the existing site and therefore until such time as Queen's Valley is operational one could not consider demolishing the existing plant for the replacement plant."

Senator Shenton - "I must ask, why on the existing site and why not one in the east to compensate for the one in the west?"

Senator Ellis - "I'm sure the Senator will remember as the majority of us will do that when one was looking for the best position to obtain clean water for the desalination plant the best site available was at La Rosiere."

Senator B. Brooke - "If I might make the point that when I was on the Public Works Committee I was concerned about this lack of what I think is forward planning by the Jersey New Waterworks Company in relation to providing another desalination plant. Has the position of enquiry into cost, the position of ordering actually taken place because many of us think this is an urgent need?"

Senator Ellis - "The second answer will give the Senator her answer but the position is that as one will read in the second answer the position is being evaluated."

Deputy H. Baudains - ``In the whole world situation, world governments are worried about the greenhouse effects and the emission of greenhouse gasses. Now a desalination plant to me will emit a lot of carbon and to me the whole question of whether we turn sea water back into fresh water after we have let it run out to sea, will the House be given the opportunity of looking at the question of desalination on principle of the question of desalination in the theatre of greenhouse gasses before anything is done?"

Senator Ellis - ``I'll put the matter to the Board."

Deputy Baudains - ``I would like an undertaking that the House will have the opportunity of discussing this before any decision is taken?"

Senator Ellis - ``I quite agree with the Deputy, I'm sure that the Public Services Committee who are responsible for the water law, will be interested in this as well and if there is very good co-operation between the Board and the Committee I'm sure that that matter will be discussed."

Senator Shenton - ``My reason for asking the States' nominated director was that the matter rests with this House. Would the States' nominated directors not consider that their thinking should have included perhaps the disposal of refuse through a plant which would have provided the energy and indeed provided the water that this Island needs?"

Senator Ellis - ``Yes. I take the point, I think it's very useful and I'm sure that the Public Services Committee will be involved in these discussions, I will see that they're involved in order that we can evaluate the possibility of the suggestion made by the Senator."

Deputy C.J. Le H. Hinault - ``In view of the lack of investigation to replacing the present desalination plant, can we have an assurance from Senator Ellis that the Jersey New Waterworks Company are not actively

engaged in looking at the possibility of flooding another one of our valleys on the Island?"

Senator Ellis - "Yes. I can give him that assurance."

Senator Shenton

Question 2

"Will the directors also obtain for the House details of the current design of such plants and their potential?"

Senator Ellis

"The multistage flash distillation method is that used at present at the Company's La Rosiere plant. Over the 20 years since that plant was built, there has been no substantial improvement in techniques, so that, other than minor improvements in instrumentation and control, a multistage flash plant ordered today would be very similar to the one at La Rosiere Plant. The only exceptions perhaps are that anti-corrosion techniques have improved so that a longer lasting plant could be expected.

This is a well tried technology producing excellent quality water and is still the technique used by most sea water desalination in the world.

Reverse osmosis is used extensively to treat brackish water but has also been used for several large sea water plants for potable supplies. Its main advantage is that the theoretical energy costs used in running the plant are considerably less than the distillation process.

There are however disadvantages which might mitigate against its use in Jersey at the present state of development of the process. The membranes at present used require changing every three to four years and they deteriorate in use or during the time when the plant is not being operated. The replacement costs of membranes is around one-third of the capital cost of the plant. Thus the membranes will require renewing

several times during the life of the plant and this is likely to offset the saving in energy costs compared with the distillation process.

The other main concern is the quality of the water that the present R.O. plants produce from sea water.

It should be noted, however, there has been some improvement in the quality of membranes over the last few years and considerable research is in hand to improve the quality both in terms of quality of product water and their life so that it may be that, by the time a decision has to be made on the next water resource, there will have been an advance in membrane technology which will influence the decision in favour of reverse osmosis."

Fortnightly sittings of the States.
Statement

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

``Members will recall that in accepting the proposition of the House Committee in January regarding fortnightly sittings of the States it was agreed that such sittings would be held on an experimental basis until 30th June 1990.

In the report accompanying such proposition it was suggested that relevant arrangements be tried out from 1st February to 30th June `... so that the results can be evaluated before the beginning of the autumn session'.

It is probably true to say that there have certain difficulties in implementing these proposals during the present session of this House. Nevertheless the House Committee sees merit in continuing the experiment until the end of the year in order that Members are better able to evaluate its potential application for the future. With this in mind the House Committee is reviewing the results to date and hopes to lodge a further proposition in July for debate

at the August sitting of this House to continue meeting fortnightly on an experimental basis till the end of 1990.

The House Committee is also aware that there is a body of opinion that would prefer sittings to start a little later in the morning, perhaps at 10 a.m. Were this proposal to be adopted, the House Committee would wish to reduce the length of time of the luncheon break in order that a full day's work could still be achieved."

Jersey fishing limits. Statement

The President of the Agriculture and Fisheries Committee made a statement in the following terms -

``As the House may be aware, Her Majesty's Government has been conducting negotiations for some months on our behalf with the Government of France with a view to modernising the fisheries régime which exists in the waters between Jersey and France. My Committee has not wished to prejudice those negotiations by discussing publicly the arguments which have been advanced but I believe that the time has now come when the House should be informed of the progress which has been made. I am pleased to say that Her Majesty's Government agreed at an early stage that Jersey should have direct representation in these talks and I have attended most of the negotiations.

The régime which is in force today has its origins in a convention between the United Kingdom and France in 1839 which was created to regulate the oyster fishery. The oyster fishery substantially collapsed during the 1870's but the convention remained in force. Under this convention French fishermen enjoyed exclusive rights of fishery east of a line drawn between fixed points running between Carteret and St. Malo between three and twelve miles off the French coast which is known as the A-K line. British fishermen enjoyed exclusive rights of fishery within a line drawn at three

miles from Jersey's low-water mark. The waters between these two lines were declared open to the fishermen of both nations to fish for oysters. These waters are known colloquially but inaccurately as the 'mer commune'.

In 1951 a dispute as to sovereignty over the Minquiers and Ecréhous led to an agreement between the United Kingdom and France to refer the issue for adjudication by the International Court of Justice at the Hague. As a pre-condition, France obtained the agreement of the United Kingdom and the Island to a Fisheries Agreement which decreed that, whatever the decision of the International Court of Justice on the issue of sovereignty, there would be equal rights of fishery for all fish stocks in the 'mer commune' for the fishermen of both nations. In 1953 the International Court of Justice confirmed that the United Kingdom enjoyed sovereignty over the Minquiers and Ecréhous.

Since 1953 substantial changes have taken place in international law both as to territorial waters and fishery limits. Exclusive fishery limits have gone from three to six miles, from six to twelve miles, and in some cases from 12 to 200 miles where states have declared exclusive economic zones. All European countries now enjoy six miles exclusive fishing limits and in most countries the rights of foreign fishermen to fish in the six to twelve mile zone are limited. Even our sister Island of Guernsey enjoys an exclusive six mile limit. By contrast Jersey's fishermen face severe competition from French fishermen on the basis of rights claimed by France which have their root in a convention made over 150 years ago. The situation is now aggravated by the increasing French fishing effort in the 'mer commune' by fishermen from ports many miles distant from Jersey waters. What was in practical terms a neighbourhood agreement between Jersey fishermen and those from adjacent small Norman ports is now being exploited by French fishermen from as far away as Port-en-Bessin to the north and St. Nazaire to the south. It is known that the catch per unit effort is decreasing and this may indicate that the increased

activity is having an adverse effect upon fish stocks. That is a matter of great concern and is clearly a very unsatisfactory state of affairs. After consultation with the President of the Jersey Fishermen's Association and representatives of Her Majesty's Government my Committee has put forward the following broad proposals which have been advanced by the Foreign and Commonwealth Office on our behalf -

1. in the six mile belt around the Island of Jersey fishing should be reserved exclusively for local fishermen as in the rest of the Channel Islands and other parts of Europe;
2. the fishing effort in the vicinity of the Minquiers should be licensed on the basis of equality - an equal number of licences to be granted by Jersey to her own fishermen and to French fishermen;
3. in the six - twelve mile belt to the north and west of Jersey, to the west of Jersey and to the south and west of the Minquiers up to the median lines between Guernsey and France, French fishermen should have rights of access for crabs and demersal fish on the same basis and in the same manner as exists to the north and west of Guernsey;
4. in consideration of the continuation of important rights of access to Jersey waters as mentioned above, Jersey would seek reciprocal rights for her fishermen in certain French waters.

My committee has wished to advance proposals which safeguarded the interests of Jersey fishermen while acknowledging at the same time the interests of French fishermen from Granville and adjacent small ports. I believe that my Committee's proposals are reasonable. They are being considered by the French and I remain hopeful that a sensible arrangement for the benefit of both Jersey fishermen and French fishermen can be

achieved by mutual agreement. I shall of course keep the House informed of the progress of these negotiations."

Territorial Army Centre, R.E. Yard,
South Hill, St. Helier

THE STATES, adopting a proposition
of the Defence Committee -

- (a) approved Drawings Nos. 2627/87-2, -21, -30, -31, -34, -35, -40, -42 and -61 showing the construction of the Territorial Army Centre at the R.E. Yard, South Hill, St. Helier;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Public Employees Contributory
Retirement Scheme: appointment of Chairman
of Committee of Management

THE STATES, adopting a proposition
of the Finance and Economics Committee,
approved in accordance with Regulation 3(6)
of the Public Employees (Contributory
Retirement Scheme) (General) (Jersey)
Regulations 1989, the appointment of Mr.
Ronald John Amy as Chairman of the
Committee of Management, for a period of
three years commencing 1st July 1990.

Swimming pool at Les Quennevais.
P.57/90

THE STATES, adopting a proposition
of the Education Committee, approved in
principle the construction of a six-lane
community swimming pool of 25 metres length
together with a learner pool and ancillary
facilities adjacent to the sports hall at
Les Quennevais playing fields, St. Brelade.

Education Committee: capital
proposals for 1991. P.84/90

THE STATES, adopting a proposition
of the Education Committee, approved in
principle -

- (a) the addition of a classroom and
nursery at St. Martin's School;

- (b) the addition of three classrooms and a nursery at St. Saviour's School;
- (c) the development of Mont à l'Abbé School to provide additional accommodation;
- (d) the development of a new art, craft, design and technology block and canteen at Victoria College;
- (e) the development of additional teaching accommodation, library and lecture theatre at Highlands College;
- (f) the installation of an all weather synthetic pitch at Les Quennevais for community use.

Telecommunications Board: capital proposals for 1991 and 1992. P.61/90

THE STATES, adopting a proposition of the Telecommunications Board -

- (1) noted the Telecommunications Board report for the years 1991 to 1995;
- (2) approved in principle the capital proposals by the Telecommunications Board for the years 1991 and 1992 as follows -
 - (a) the replacement, extension and provision of telephone systems and supporting services;
 - (b) the replacement and provision of customer apparatus;
 - (c) the replacement and provision of vehicles and mechanical equipment;
 - (d) the provision of a submarine fibre optic cable to the United Kingdom.

Fort Regent: leisure pool. P.85/90

THE STATES, adopting a proposition of the Fort Regent Development Committee, agreed in principle to the construction of a leisure pool at Fort Regent.

Capital projects: review and control. P.70/90

THE STATES, adopting a proposition of the Policy and Resources Committee, endorsed the proposals regarding the review and control of capital projects as set out in a report of the Policy and Resources Committee dated 22nd May, 1990 and authorised that Committee to implement those proposals.

States' Members: payment. P.132/89

THE STATES rejected a proposition of Deputy Maurice Clement Buesnel of St. Helier regarding the payment of States' Members (lodged 3rd October, 1989).

Members present voted as follows for paragraph (a) -

``Pour" (8)

Senators

Shenton, Horsfall, Ellis, Baal.

Deputies

Le Gallais(S), Buesnel(H),
Bailhache(H), Rabet(H).

``Contre" (36)

Senators

Jeune, Rothwell, Le Main, Brooke, Le
Maistre, Carter, Stein.

Connétables

St. Peter, St. Helier, St. Clement,
St. Lawrence, St. Mary, St. Ouen, St.
Brelade, Trinity, St. Martin,
Grouville.

Deputies

de la Haye(H), Morel(S), Roche(S),
Trinity, Vandervliet(L), Blampied(H),
Norman(C), St. John, St. Martin,
Baudains(C), C. Rumboll(H), Le
Sueur(H), St. Ouen, Coutanche(L),
Huelin(B), Jordan(B), St. Mary,
Grouville, Clarke-Halifax(H).

States' Members remuneration:
Special Sub-Committee. P.90/90

THE STATES commenced consideration of a proposition of Senator Pierre François

Horsfall regarding the formation of a Special Sub-Committee to consider and report on States' Members remuneration. After discussion, Senator Richard Joseph Shenton lodged the proposition "au Greffe". The States decided to take this subject into consideration at the next Sitting on 31st July.

Licensing (Jersey) Law 1974: review.
P.60/90

THE STATES, on the proposition of the President of the Tourism Committee, Senator John Stephen Rothwell, decided to defer consideration of the review of the Licensing (Jersey) Law 1974 to a later date.

Belmont Road, St. Helier:
redevelopment of No. 36½. P.86/90

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved the acquisition from Newlynn Apartments Limited of the site of 36½ Belmont Road, St. Helier for a consideration of #90,000, with each party being responsible for the payment of their own fees;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract;
- (c) authorised the Treasurer of the States to pay the amount connected with the above transaction from the capital vote of credit CO904 granted to the Island Development Committee;
- (d) approved Drawings Nos. 394/88/AO5 and 394/88/AO6a showing the construction of two two-bedroom flats and one one-bedroom flat on the site of 36½ Belmont Road;
- (e) authorised the Greffier of the States to sign the said drawings on behalf of the States;
- (f) accepted a fully fixed price contract with Boundary Building Contractors Limited for the

construction of two two-bedroom and one one-bedroom flats, for use as States' rental accommodation, in the sum of #176,475;

(g) authorised the Greffier of the States to sign the necessary contract on behalf of the States;

(h) approved the payment to Boundary Building Contractors Limited of pre-contract professional fees in the sum of #2,000 and post-contract structural engineering fees in the sum of #4,525;

(i) authorised the Treasurer of the States to pay the amount specified in sub-paragraphs (f) and (h) above, at the appropriate time, out of the Housing Committee's capital vote of credit "Building, purchase and rehabilitation of dwellings" (C1103).

Road Traffic (No. 35) (Jersey)
Regulations 1990. P.87/90

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851 and Article 49 of the Road Traffic (Jersey) Law 1956, as amended, made Regulations entitled the Road Traffic (No. 35) (Jersey) Regulations 1990.

Road Traffic (No. 36) (Jersey)
Regulations 1990. P.88/90

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851 and Article 49 of the Road Traffic (Jersey) Law 1956, as amended, made Regulations entitled the Road Traffic (No. 36) (Jersey) Regulations 1990.

THE STATES rose at 6.20 p.m.

R.S. GRAY

Deputy Greffier of the States.