

Price : £1.00

THE STATES assembled on Tuesday,
26th May 1992 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

All Members were present with the exception of -

Snowdon George Robins, Connétable of St.
Saviour - ill.
Malcolm Pollard, Connétable of St. Peter -
ill.
Michael Adam Wavell, Deputy of St.
Saviour - ill.

Prayers

Deputy R.W. Blampied of St. Helier - welcome

The Bailiff, on behalf of the States, welcomed
Deputy Ronald Winter Blampied of St. Helier on
his return to the States after his recent
illness.

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Companies (General Provisions)
(Amendment) (Jersey) Order 1992.
R & O 8390.
2. Public Rank Taxis (Fares and
Charges) (Jersey) Order 1992. R & O
8391.

Special Committee on Sex Discrimination:
appointment of member

THE STATES appointed Deputy Robin Ernest Richard
Rumboll of St. Helier as a member of the Special

Committee on Sex Discrimination.

Ecology Fund: report for 1991. R.C. 18

The Island Development Committee by Act dated 16th April 1992 presented to the States the annual report of the Ecology Fund for 1991.

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

Oakfield Industries Limited: report and accounts for 1991. R.C. 19

The Social Security Committee by Act dated 6th May 1992 presented to the States the report and accounts of Oakfield Industries Limited for the period to 31st December 1991.

THE STATES ordered that the said report and accounts be printed and distributed.

Industrial Relations Advisory Service: report for 1991. R.C. 20

The Industrial Relations Committee by Act dated 27th March 1992 presented to the States the report of the Industrial Relations Advisory Service for 1991.

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

Probation Service: report for 1991

The Prison Board by Act dated 6th May 1991 presented to the States a report of the Probation Service for 1991.

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

States of Jersey Police Force: report for 1991

The Defence Committee by Act dated 21st May 1991 presented to the States a report on the States of Jersey Police Force for the year 1991.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 18th May 1992, 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 granting to the Parish of St. Lawrence of a wayleave at St. Lawrence Arsenal, in order to make service connexions, for the sum of £10 with the Parish paying all legal costs involved;
- (b) as recommended by the Housing Committee, the granting to the Parish of St. Lawrence of a vehicular right of way across land at St. Lawrence Arsenal, for the sum of £10, with the Parish paying all legal costs involved;
- (c) as recommended by the Education Committee, the lease from Mr. Christopher Julian Tudor Davey of the three-bedroomed property La Robinette, St. Aubin's High Street, St. Brelade for a period of twenty months commencing 1st December 1991 at an annual rent of £8,985.24 plus an increase on 1st December 1992 based on the Jersey Cost of Living Index;
- (d) as recommended by the Education Committee, the lease of St. James' School, Le Breton Lane, St. Helier from the Trustees of St. James' Church, for a period of eight months from 21st November 1991 at a rent of £10,000;
- (e) as recommended by the Public Services Committee, the renewal of the lease to Mafoie Jersey Limited of an area of land measuring approximately five metres by four metres, adjacent to the slipway at West Park, St. Helier, from 1st April 1992, for a period of three years at an annual rent of £215, subject to annual rent reviews based on the Jersey Cost of Living Index;
- (f) as recommended by the Housing Committee and in order to facilitate the proposed development at Field 1367, St. Helier, with the public being responsible for all legal fees involved in the transactions -
 - (i) the cession by Mr. Stuart Edgar Mourant of an area of land

measuring approximately 47 square metres immediately to the north of Field 1367;

- (ii) the purchase from Mr. Stuart Edgar Mourant of a strip of land to the east of Field 1367 measuring approximately 144.42 square metres for the nominal sum of £10, with the public being responsible for the erection of a 6' wall on the new boundary;
- (iii) the sale to Mr. Stuart Edgar Mourant of a small area of land in the southern boundary of Field 1371 for the nominal sum of £10, in order to form an access to the property 'Homelea';
- (iv) the granting by the public to Mr. Stuart Edgar Mourant of the right to put a 6" pipe under the new road, replacing the existing right for a 4" pipe;
- (v) Mr. Ronald Herbert Mourant to be a party to the transaction to give up his right of access through the property 'Homelea' in exchange for a right of way over the new access to be created.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Projet de Loi (199) (Amendement No. 2) sur les teneures en fidéicommiss et l'incorporation d'associations. P.73/92.
Presented by the Legislation Committee.
2. Draft Separation and Maintenance Orders (Maintenance Payments) (Amendment No. 2) (Jersey) Regulations 199 . P.74/92.
Presented by the Legislation Committee.
3. Golf course, Les Creux, St. Brelade: purchase and lease of land. P.75/92.
Presented by the Sport, Leisure and Recreation Committee.

4. Health Service development policies 1993-97. P.76/92.
Presented by the Public Health Committee.
5. Advocates (Jersey) Law 1968, as amended - University of Caen: request to Legislation Committee (P.62/92) - amendment. P.77/92.
Presented by the Legislation Committee.

The following subjects were lodged on 19th May 1992 -

1. Strategic Policy report for 1992. P.70/92.
Presented by the Policy and Resources Committee.
2. St. Thomas' Roman Catholic Church: loan. P.71/92.
Presented by Senator Richard Joseph Shenton.
3. Protection of employment opportunities. P.72/92.
Presented by the Policy and Resources Committee.

Golf Course, Les Creux, St. Brelade: purchase and lease of land. P.187/91. Withdrawn

THE STATES noted that the President of the Sport, Leisure and Recreation Committee had withdrawn the proposition relating to the purchase and lease of land for a golf course at Les Creux, St. Brelade (lodged on 3rd December 1991), the Committee having lodged a revised proposition at the present Sitting (P.75/92).

Arrangement of Public Business for the next Sitting on 9th June 1992

THE STATES confirmed that the following subjects lodged au Greffe should be considered at the next Sitting on 9th June 1992 -

Jersey Gas Company Limited: purchase. P.69/92.
Lodged: 12th May 1992.
Policy and Resources Committee.

Projet de Loi (199) (Amendement) sur la location de biens-fonds. P.3/92.
Lodged: 21st January 1992.

Agriculture and Fisheries Committee.

Draft Agricultural Land (Control of Sales and Leases) (Amendment No. 3) (Jersey) Law 199 . P.64/92.
Lodged: 12th May 1992.
Agriculture and Fisheries Committee.

St. Thomas' Roman Catholic Church:
loan. P.71/92.
Lodged: 19th May 1992.
Senator R.J. Shenton.

Projet de Loi (199) (Amendement No. 2) sur les teneures en fidéicomis et l'incorporation d'associations. P.73/92.
Lodged: 26th May 1992.
Legislation Committee.

Draft Separation and Maintenance Orders (Maintenance Payments) (Amendment No. 2) (Jersey) Regulations 199 . P.74/92.
Lodged: 26th May 1992.
Legislation Committee.

Golf Course, Les Creux, St. Brelade:
purchase and lease of land. P.75/92.
Lodged: 26th May 1992.
Sport, Leisure and Recreation Committee.

Golf Course, Le Creux, St. Brelade:
P.101/91.
Lodged: 18th June 1991.
Finance and Economics Committee.

Delegation which attended Home Office regarding Deputy Bailiff: Personal statement

Senator Richard Joseph Shenton made a personal statement in the following terms -

``Following the announcement on Tuesday 12th May of the decision of Her Majesty The Queen - taken on the advice of the Home Secretary - that Mr. Vernon Tomes should cease to be Deputy Bailiff after 30th June this year, I immediately convened a private meeting of States' Members to be held the following morning. Mr. Tomes addressed that meeting and I then proposed that the States' Members who had formed the delegation which had visited the Home Office on 2nd April would meet to discuss the matter further. This course of action was agreed by all the Members present at that meeting.

The delegation met on 19th May and the Members agreed that they, as a group, could take no further action with regard to the position of Mr. Tomes as Deputy Bailiff. They then considered three matters -

1. The process of consultation by the Bailiff.
2. The representations made by the delegation to the Home Office.
3. The present arrangements whereby the Head of the Judiciary is also the Speaker of the States.

The Bailiff, in his Statement to the States on 12th May, said -

'By February 1990 Mr. Tomes had still not recovered his backlog in spite of having been relieved of the majority of his court work for the previous 15 months. As it became clear that whatever measures I took had little effect I recommended to the then Lieutenant Governor that Mr. Tomes be invited to take early retirement. But before doing so I consulted people - including members of the judiciary, the legal profession and four senior Members of this House. All agreed that I had no option but to make the recommendation I did.'

As you are aware three of the Members of the States who were 'consulted' were members of the delegation which went to the Home Office. However, the process of consultation - in 1990 - was such that Members were seen individually by the Bailiff and informed of his proposed course of action.

In fairness to those members, it should be made plain that they were advised, in early 1990, that the Home Office was to be informed of the situation, through the medium of the Lieutenant Governor, and that the Deputy Bailiff would be asked to take early retirement, which he had earlier agreed to consider.

They were not advised of, nor consulted about, nor asked to approve of, any subsequent request to the Deputy Bailiff to resign his office or be dismissed.

The delegation finds that the present process of consultation is unsatisfactory because the Bailiff does not have an

established body with which to consult. He, therefore, has little option but to consult individual Members on an ad hoc basis. The delegation believes that a more formal process should be established which would be of benefit both to the Bailiff and the House. It therefore proposes that a Consultative Panel of elected Members of the States should be created with whom the Bailiff would consult on various matters, including the appointment of Crown Officers. The Panel would be available at all times to provide help and assistance to the Bailiff, and would include the senior Senator, the senior Connétable and the senior Deputy, together with Presidents of certain Committees. The States will be asked to approve the constitution of the Panel and it is further proposed that the Bailiff would then meet with at least a quorum of the Members as the occasion arises. Likewise, the Panel could invite the Bailiff to discuss matters on which it might have concern. I shall bring the relevant proposition to the States at the next Sitting.

The delegation has to report its deep disappointment both in the fact that its mission to the Home Office failed to achieve its object, and also about the manner in which the matter was dealt with.

In particular the delegation has to take issue with that part of the Home Office Statement included in the Bailiff's Statement to States' Members which stated -

'The principal points advanced by the delegation on 2nd April were that the judicial duties of the Deputy Bailiff were too onerous and that he should be relieved of his duties so as to catch up with outstanding cases.'

In fact, the delegation made it plain throughout the meeting that its Members were not there to argue any case whatsoever related to judicial matters, but to point out the damaging consequences to the relationship between the Home Office and the people and government of the Island if the Deputy Bailiff, who is not solely a Judge but also Deputy 'Speaker' of the States Assembly and Deputy to the Civic Head of Jersey, were to be dismissed without the democratically elected Island government having had the time and the opportunity to discuss the matter and make recommendations.

The delegation felt after the meeting that it had made a strong case - sadly its advice was ignored, with the inevitable damaging consequences.

Mr. Clarke has offered `to consider any specific comments that the States of Jersey might like to make about the constitutional responsibilities involved, if the States wished, after careful consideration, to make any proposal in the light of this case.' The delegation does not, therefore, believe that any useful purpose would be served at this stage by requesting a meeting with Mr. Kenneth Clarke.

The delegation agrees that any such constitutional proposals should indeed be carefully considered within the Island before any further approach is made to the Home Secretary or his Department in this regard.

The last matter is the review of the present arrangement whereby the Head of the Judiciary is also Speaker of the States. The delegation is aware of the fact that traditionally this has been a dual rôle for the Bailiff, and the Deputy Bailiff as his deputy. However, recent events have led members to believe that this relationship should be reviewed. It is believed that matters concerning this arrangement should be examined by a properly constituted Committee of the States. The Policy and Resources Committee has responsibility for the Constitution and Senator Jeune, as President of that Committee, has agreed to take this on board and also that the review will be undertaken as a matter of priority."

Commercial Relations Department: change of name to Financial Services Department

THE STATES, adopting a proposition of the Finance and Economics Committee, and referring to their Act dated 9th February 1971 authorising the creation of the Commercial Relations Department, agreed to the change of name of that Department to Financial Services Department, with effect from 1st July 1992.

Scrap processing site, Bellozanne, St. Helier: lease

THE STATES, adopting a proposition of the Public

Services Committee -

- (a) approved the lease to Picot and Rouille Limited of the scrap processing site at Bellozanne, St. Helier for a period of nine years, with effect from the 25th December 1991 at an annual rent of £28,750, subject to rent review clauses at the end of the 3rd and 6th years of the lease;
- (b) authorised the Greffier of the States to sign the necessary agreement;
- (c) authorised the Treasurer of the States to received the rent as it becomes due.

Victoria Chambers, Conway Street, St. Helier:
transfer of administration

THE STATES, adopting a proposition of the Public Services Committee -

- (a) approved the transfer of administration from the Public Services Committee to the Island Development Committee of the property Victoria Chambers, Esplanade, St. Helier;
- (b) authorised the transfer of the capital vote C0370 - Victoria Chambers Repairs from the Public Services Committee to the Island Development Committee.

Trilateral Agreement on Social Security between the United Kingdom and the Isle of Man, Guernsey and Jersey: exchange of letters

THE STATES, adopting a proposition of the Social Security Committee -

- (a) approved the draft Exchange of Letters amending the Trilateral Agreement on Social Security between the United Kingdom and the Isle of Man, Guernsey and Jersey;
- (b) authorised the Greffier of the States to sign the appropriate letter on behalf of the Social Security Committee.

Advocates (Jersey) Law 1968, as amended -
University of Caen: report to Legislation
Committee. P.62/92

THE STATES acceded to the request of Senator

Richard Joseph Shenton that consideration of his proposition relating to the removal from qualifications for becoming an advocate of the Royal Court the requirement to obtain a "Certificat d'Etudes Juridiques Françaises et Normandes" at the University of Caen, be deferred as he had lodged an amendment presented by the Legislation Committee (P.77/92).

Change in Presidency

THE STATES re-assembled after lunch under the Presidency of Ronald Stanley Gray, Esq., Greffier of the States.

West of Albert Pier: construction of yacht marina. P.54/92 revised

THE STATES commenced consideration of a proposition of the Harbours and Airport Committee regarding the construction of a yacht marina west of Albert Pier and, having rejected an amendment of Senator Nigel Quérée that after the words "St. Helier Waterfront Plan - Master Plan" there should be inserted the words "subject to an environmental audit", adopted the proposition and agreed to amend the sight-line determining the western boundary of the area west of Albert Pier by establishing it 140 yards to the west when viewed from the Esplanade so as to enable the construction of a yacht marina larger than envisaged in the St. Helier Waterfront Plan - Master Plan.

Members present voted on the amendment as follows -

"Pour" (18)

Senators

Le Maistre, Carter, Stein, Quérée.

Connétables

St. Lawrence, St. Mary, St. Ouen, St. Brelade.

Deputies

St. John, St. Peter, H. Baudains (C), Coutanche (H), St. Mary, Bailhache (H), S. Baudains (H), Grouville, St. Martin, Syvret (H).

"Contre" (26)

Senators

Jeune, Binnington, Horsfall, Baal, Rothwell, Le Main, Chinn.

Connétables

St. John, St. Clement, Trinity, St. Martin,
Grouville.

Deputies

Le Gallais (S), Roche (S), Trinity, Norman
(C), Buesnel (H), Le Sueur (H), St. Ouen,
Huelin (B), Jordan (B), Rabet (H), Clarke-
Halifax (S), Le Fondré (L), Walker (H),
Crespel (H).

Members present voted on the Harbours and
Airport Committee's proposition as follows -

``Pour" (27)

Senators

Jeune, Binnington, Horsfall, Baal,
Rothwell, Le Main, Chinn.

Connétables

St. John, St. Helier, Trinity, St. Martin,
Grouville.

Deputies

Le Gallais (S), Roche (S), Trinity, Rumboll
(H), Norman (C), Buesnel (H), Le Sueur (H),
St. Ouen, Huelin (B), Jordan (B), Rabet
(H), Clarke-Halifax (S), Le Fondré (L), Le
Geyt (S), Walker (H).

``Contre" (19)

Senators

Le Maistre, Carter, Stein, Quérée.

Connétables

St. Clement, St. Lawrence, St. Mary, St.
Ouen, St. Brelade.

Deputies

St. John, St. Peter, H. Baudains (C),
Coutanche (L), Bailhache (H), S. Baudains
(H), Grouville, St. Martin, Syvret (H),
Crespel (H).

Dennis Ryan Court, David Place, St. Helier:
development. P.63/92

THE STATES, adopting a proposition of the
Housing Committee -

- (a) approved Drawings Nos. 1420:01/15E,
16E, 17C, 18B, 19B, 20B, 22C, 23B, 24B,
25B, 26C, 27C, 29, 101D, 102, 103 and
104, showing the development of Dennis
Ryan Court with two one-bedroomed
flats, eight two-bedroomed flats and
five two-bedroomed houses for States'

rental accommodation;

- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States;
- (c) approved a fixed price contract with J.P. Mauger Limited, for the construction of the said dwellings, in the sum of £1,446,293;
- (d) authorised the Greffier of the States to pass the necessary contract;
- (e) approved the payment of £135,406 in professional fees for the development.

Green Zone sites: agricultural buildings.
P.65/92

THE STATES, adopting a proposition of the Island Development Committee, expressed their support for the Island Development Committee's intention to grant planning permission for the construction of two buildings required for agricultural purposes on sites in the Green Zone, as follows -

- (i) an agricultural storage building at The Gables, La Route de l'Etacq, St. Ouen (Drawing No. 330/1 refers);
- (ii) a farmhouse at La Falaise Farm, La Grande Rue, St. Mary (Drawing No. 329/1 refers).

Senator Jean Le Maistre, having declared an interest, withdrew from the Chamber during the debate on paragraph (i).

THE STATES then adjourned, having agreed that the outstanding item of Public Business should stand over until the next meeting.

THE STATES rose at 5.30 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.