

THE STATES assembled on Tuesday,
10th May 1994 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.,
was present.

All Members were present with the exception of -

Michael Adam Wavell, Deputy of St.
Saviour - out of the Island.
Henry George Coutanche, Deputy of St.
Lawrence - out of the Island.
Margaret Anne Le Geyt, Deputy of St.
Saviour - out of the Island.

Prayers

Connétable of St. Ouen - welcome

The Bailiff, on behalf of the Members of the
States, welcomed to the Assembly the newly
elected Connétable of St. Ouen, Mr. Kenneth
Priaulx Vibert.

Subordinate legislation tabled

The following enactment was laid before the
States, namely -

Telecommunications (Telex)
(Amendment No. 9) (Jersey) Order 1994.
R & O 8675.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 29th April 1994, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Island Development Committee, the lease to Curwoods Garage of the stable building and yard area at No. 46 Rouge Bouillon, St. Helier, for a period of nine years from 9th July 1993, at an annual rent of £3,640 payable quarterly in advance, and subject to annual review, with shared access to No. 46 Rouge Bouillon, with the public retaining two parking spaces for two tenants of that property, and with Curwoods Garage being responsible for the maintenance and repairs of the stable building and yard area but not the access road;
- (b) as recommended by the Island Development Committee, the lease to Mr. Peter Joseph Lamy of Fields Nos. 89 and 90, Les Quennevais, St. Brelade (measuring approximately 6.8.0 and 3.8.0 vergées respectively), for a period of one-year at an annual rent of £650, representing a rate of £70 a vergée, payable half yearly in advance, with the land to be used for agricultural purposes only;
- (c) as recommended by the Public Health Committee -
 - (i) the lease from Family Nursing Services Incorporated of Gloucester Lodge, Stopford Road, St. Helier, on an internal repairing basis, for a period of 20 years from 1st October 1993, at an annual rent of £1; and
 - (ii) the lease to Family Nursing Services Incorporated of accommodation representing one-third of the floor area at Le Bas Centre, as outlined on a schematic flow plan dated September 1991, and its car parking, on an

internal repairing lease basis,
for a period of 21 years from 1st
October 1993 at an annual rent of
£1;

(d) as recommended by the Public
Health Committee, the lease from Mr.
Eugene Rault and Mrs. Rosalind Mary
Rault, née Le Feuvre, of the properties
Nos. 6 and 8 Poonah Road, St. Helier,
for a period of six months from 1st
April 1994, at a monthly rent of
£1,019.

Matters lodged

The following subjects were lodged ``au
Greffe" -

1. Draft Advocates (Amendment
No. 3) (Jersey) Law 199 - P.60/94.
Presented by the Legislation
Committee.
2. Draft Sexual Offences
(Amendment) (Jersey) Law 199 -
P.61/94.
Presented by the Legislation
Committee.
3. St. Mary's Village Plan -
P.62/94.
Presented by the Island
Development Committee.
4. Airport terminal building:
extension of lease to British Airways
Plc - P.63/94.
Presented by the Harbours and
Airport Committee.
5. Draft Building Loans
(Miscellaneous Provisions) (Amendment
No. 23) (Jersey) Regulations 199 .
P.64/94.
Presented by the Housing
Committee.

Lodged on 3rd May 1994 -

Traffic and transport policy - P.59/64.
Presented by the Public Services
Committee.

Draft Advocates (Amendment No. 3) (Jersey) Law 199 . P.43/92 (revised) - withdrawn

THE STATES noted that the President of the Legislation Committee had withdrawn the draft Advocates (Amendment No. 3) (Jersey) Law 199 (lodged ``au Greffe" on 31st March 1992) having lodged a revised draft Law at the present meeting (P.60/94).

Draft Building Loans (Miscellaneous Provisions) (Amendment No. 23) (Jersey) Regulations 199 . P.144/93 - withdrawn

THE STATES noted that the President of the Housing Committee had withdrawn the draft Building Loans (Miscellaneous Provisions) (Amendment No. 23) (Jersey) Regulations 199 (lodged ``au Greffe" on 28th September 1993) having lodged revised draft Regulations at the present meeting (P.64/94).

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Tourism Committee that consideration of the draft Licensing (No. 8) (Jersey) Regulations 199 . (P.33/94 - lodged ``au Greffe" on 15th March 1994) be deferred from the present meeting to a later date.

THE STATES acceded to the request of the President of the Defence Committee that consideration of the draft Policing of Roads (Amendment No. 5) (Jersey) Regulations 199 (P.55/94 - lodged ``au Greffe" on 26th April 1994) be deferred from the present meeting to a later date.

Abortion Law reform (P.30/94): amendments. P.49/94 - withdrawn

THE STATES acceded to the request of Deputy Gary Matthews of St. Brelade that his amendment to the Abortion Law Reform proposition (P.49/94 - lodged ``au Greffe" on 12th April 1994) be withdrawn.

Abortion Law reform (P.30/94): third amendments. P.58/94 - withdrawn

THE STATES acceded to the request of Deputy Imogen Stephanie Nicholls of Grouville that her third amendments to the Abortion Law Reform proposition (P.58/94 - lodged ``au Greffe" on 26th April 1994) be withdrawn.

Arrangement of public business for the next meeting on 24th May 1994

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the next meeting on 24th May 1994 -

Parish rates review - P.124/93.
Lodged: 24th August 1993.
Connétable of St. John.

Parish rates review: amendment.
Presented: 1st February 1994.
Finance and Economics Committee.

Draft Termination of Employment -
Minimum Periods of Notice (Amendment)
(Jersey) Regulations 199 - P.22/94.
Lodged: 22nd February 1994.
Industrial Relations Committee.

Draft Gambling (Channel
Islands Lottery) (Amendment No. 2) (Jersey)
Regulations 199 - P.52/94.
Lodged: 26th April 1994.
Gambling Control Committee.

Planning and building control
charges - P.54/94.
Lodged: 26th April 1994.
Island Development Committee.

Airport terminal building: extension
of lease to British Airways Plc - P.63/94.
Lodged: 10th May 1994.
Harbours and Airport
Committee.

Les Landes heathland area, St. Ouen -
P.51/94.
Lodged: 12th April 1994.
Public Services Committee.

Car parking in St. Helier - question and
answer (Tape No. 232)

Senator Terence John Le Main asked the Connétable of St. Helier the following questions -

1. Is the Connétable aware that vehicles from a States Department are parked daily in the designated parking places in Halkett Place without displaying a paycard?
2. Would the Connétable confirm, that -
 - (a) under the Road Traffic (Saint Helier) (Jersey) Order 1988, as amended, any vehicle parking in such an area should display a paycard?
 - (b) that there are no exceptions to this requirement?
3. If his answer to questions 2(a) and (b) are affirmative, would the Connétable please explain the basis on which the Department's vehicles are allowed to park in Halkett Place effectively free of charge and why no steps are taken to prosecute the drivers for contravening the provisions of the Order?"

The Connétable of St. Helier replied as follows -

1. I am aware that there are vehicles parking in an area in Halkett Place. No instructions have been given to the Traffic Wardens not to book cars illegally and, on checking with the Parking Fines Department, I have only authorised the cancelling of two parking fines, on 12th February 1993 and 20th February 1993, for the Viscount Department's because of the extraordinary problems that the Department faces.
2. (a) Yes.

(b) Yes.
3. I treat any offence committed by a driver of a States Department vehicle in the same manner as I would a States Member or a member of the public. I

believe that it is in the public interest to treat each fine with a common sense approach.

I am aware that the Viscount's Department have been trying to reserve parking spaces near the Royal Court since 1967. They often have custody of prisoners who have to be taken to the Department at 27 Hill Street or to the Royal Court. It is essential that, on security grounds, they are able to park close by.

I hope you will agree that every offence should be judged on its merits and in this case I have acted for the benefit of the public of the Island."

Income tax collection - question and answer
(Tape No. 232)

Deputy James Thomas Johns of St. Helier asked Senator Pierre François Horsfall, President of the Finance and Economics Committee, the following question -

``On 28th July 1992 former Deputy M.C. Buesnel lodged ``au Greffe" a proposition (P.109/92) requesting the Finance and Economics Committee to prepare legislation to implement a new scheme of income tax collection. The proposition was referred to the Committee to prepare a report. On 28th September 1993, in response to a question from Deputy Buesnel, the President advised him that the Committee's Report would not be ready to be presented to the States before the end of January 1994.

Would the President now advise the States what is the current state of progress in the preparation of the report?"

The President of the Finance and Economics Committee replied as follows -

``A draft report on an income tax collection scheme was prepared by the Comptroller of Income Tax earlier this year at the request of my Committee. That report refers to the revenue benefits to be derived from such a scheme through -

1. improved cash flow to the Treasury;
2. collection of tax from short-stay employees who are not caught by the current system;
3. collection of tax from others leaving the Island;

and also refers to the main disadvantages arising from -

1. the need for more civil servants;
2. the burden on small businesses;
3. the possible demand by seasonal workers for higher wages;
4. the disappearance of small income exemptions with the result that people would become liable to tax on lower incomes than at the present time.

In last year's budget debate, however, there were a number of suggestions made by States' Members for improving the arrangements for collecting income tax and in a statement to the House on 1st February 1994 I indicated that my Committee was engaged in reviewing options for achieving greater equity within the income tax system. On 15th February 1994 in answer to a question by Senator Stuart Syvret I announced the formation of a Working Group chaired by the Chief Adviser, made up of the Comptroller of Income Tax, the Treasurer of the States and three local tax advisers.

The Finance and Economics Committee having asked the Working Group to consider and report back on ways of achieving greater equity within the income tax system, decided that the draft report on an income tax collection scheme should be referred to the Working Group for consideration as part of the wider brief. The Group will report back to the Committee in the next few months."

Committee of Inquiry into circumstances leading to the release from contract of the former Chief

Executive Officer of the Sport, Leisure and
Recreation Department - statement

The President of the Committee of Inquiry into
circumstances leading to the release from
contract of the former Chief Executive Officer
of the Sport, Leisure and Recreation Department
made a statement in the following terms -

``The following dates have been set aside
by the Committee to interview key witnesses
to the inquiry -

Wednesday - 18th May - commencing
10.00 a.m.

Thursday - 19th May - commencing
9.30 a.m.

Friday - 20th May - commencing
9.30 a.m.

Monday - 23rd May - commencing
9.30 a.m.

The hearings will be held in the Old
Library, Royal Square, and, unless the
Committee decides that it is in the
public interest to hear particular
evidence in private, all hearings will be
open to the public.

An appropriate summons and explanatory
letter will be sent to all witnesses
indicating the areas of inquiry on which
the Committee will be seeking evidence.
All witnesses will be examined on oath.

The Committee may have to vary the times
of the public hearings, or call further
witnesses, depending on the progress of
the initial hearings. Appropriate notice
will be given through the news media of
the names of the witnesses to be called,
and at the conclusion of each days
hearings any changes will be announced.

Following the hearings the Committee
will consider all the evidence before it
completes its report to this House."

THE STATES, adopting a proposition of the Island Development Committee -

- (a) approved the sale by the public to Bofor Developments Limited of the property known as Victoria Chambers, Conway Street, St Helier, as shown on drawing No. 434/1, for £415,000, with each party being responsible for its own legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract which it might be found necessary to pass in connexion with the sale of the said property and any interest therein.

Criminal Justice (Young Offenders) (Jersey) Law 1994 (Appointed Day) Act 1994

THE STATES, in pursuance of Article 23 of the Criminal Justice (Young Offenders) (Jersey) Law 1994, made an Act entitled the Criminal Justice (Young Offenders) (Jersey) Law 1994 (Appointed Day) Act 1994.

Abortion Law reform - P.30/94

THE STATES commenced consideration of a proposition of the Public Health Committee regarding the reform of the Abortion Law and, after discussion, adopted paragraph (1)(a).

Members present voted as follows -

``Pour" (32)

Senators

Jeune, Horsfall, Rothwell, Le Main, Stein, Qu  r  e, Chinn, Syvret, Tomes.

Conn  tables

St. John, St. Lawrence, St. Mary, St. Peter, St. Helier, St. Saviour, Trinity.

Deputies

Norman(C), St. John, H.Baudains(C), St. Ouen, Huelin(B), St. Mary, Le Fondr  (L), Walker(H), Trinity, Johns(H), Matthews(B), Dorey(H), Breckon(S), Grouville, Huet(H),

St. Martin.

``Contre" (18)

Senators

Shenton, Le Maistre, Bailhache.

Connétables

St. Clement, St. Brelade, Grouville, St.
Martin, St. Ouen.

Deputies

Rumboll(H), St. Peter, Le Sueur(H),
S.Baudains(H), Crespel(H), Pullin(S),
Carter(H), Duhamel(S), Routier(H),
Layzell(B).

Changes in Presidency

THE STATES adjourned for lunch and reassembled
at 2.30 p.m. under the Presidency of the
Greffier of the States, Geoffrey Henry Charles
Coppock, Esquire.

During consideration of the proposition
regarding reform of the Abortion Law, the
Greffier of the States retired from the Chamber.
The debate continued under the Presidency of the
Bailiff, Sir Peter Crill, C.B.E.

Adjournment

THE STATES adjourned at 6.32 p.m. until the next
day, Wednesday, 11th May 1994, at 9.30 a.m.

C.M. NEWCOMBE

Deputy Greffier of the States.