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THE STATES assembled on Tuesday,
11th October 1994 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Philip Martin Bailhache, Esquire

All Members were present with the exception of -

Senator Richard Joseph Shenton - out of the
Island
Senator Pierre François Horsfall - out of
the Island
Senator Jean Amy Le Maistre - out of the
Island
Senator Antony Beresford Chinn - out of the
Island
Senator Patricia Ann Bailhache - out of the
Island
Robert Lester Le Brocq, Connétable of St.
Helier - out of the Island
John Baudains Germain, Connétable of St.
Martin - out of the Island
Carlyle John Le Herissier Hinault,
Connétable of St. John - out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Service of Process (Amendment)
(Jersey) Rules 1994. R & O 8726.
2. Banking Business (List of
Registered Persons) (Amendment No. 2)
(Jersey) Order 1994. R & O 8731.
3. Road Traffic (Grouville)
(Amendment No. 11) (Jersey) Order 1994.
R & O 8732.

4. Poisons (Amendment) (Jersey)
Order 1994. R & O 8733.
5. Poisons (General Provisions)
(Amendment No. 6) (Jersey) Order 1994.
R & O 8734.
6. Therapeutic Substances (Supply
of Hydrocortisone and Beclomethasone
Dipropionate) (Jersey) Order 1994.
R & O 8735.
7. Road Vehicle Lighting (Amendment
No. 16) (Jersey) Order 1994. R & O
8736.
8. Social Security (Earnings Limit)
(Jersey) Order 1994. R & O 8737.

Industrial Relations Committee -
resignation of member

THE STATES noted the resignation of Iris Medora
Le Feuvre, Connétable of St. Lawrence, as a
member of the Industrial Relations Committee.

Matter presented

The following matter was presented to the
States -

Oakfield Industries Limited - report
and accounts for 1993. R.C.25/94
Presented by the Social Security
Committee.

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 3rd October 1994
showing that, in pursuance of Standing Orders
relating to certain transactions in land, the
Committee had approved -

- (a) as recommended by the Public Services
Committee, the purchase from Mr.
Geoffrey Le Vesconte Fiott of
49.45 square feet of land in Field
No. 904, Trinity, for a consideration
of £1 a square foot with the Committee
being responsible for all legal costs
involved in the transaction;

(b) as recommended by the Island Development Committee, the annulment of the lease to Sharleen Investments Limited of Nos. 2-2½ Anley Street, St. Helier, on the basis that full payment of rent would be made until 29th September 1994, with a sum of £2,000 being paid in lieu of the company carrying out necessary remedial works, and with the company being responsible for all reasonable legal costs involved in the transaction.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Florence Boot Cottages, Grève d'Azette, St. Clement - P.124/94.
Presented by the Island Development Committee.
2. La Ville Machon, La Route des Côtes du Nord, Trinity: agricultural building in green zone - P.125/94.
Presented by the Island Development Committee.
3. Liberation Square: approval of drawings - P.126/94.
Presented by the Occupation and Liberation Committee.
4. States of Jersey Airport: operation of jet aircraft - P.127/94.
Presented by the Harbours and Airport Committee.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the Vice-President of the Occupation and Liberation Committee that the proposition regarding the approval of drawings for the redevelopment of Liberation Square, Weighbridge, St. Helier, set down for debate at the present meeting, be withdrawn, a revised version (P.126/94) having been lodged ``au Greffe".

THE STATES acceded to the request of the Vice-President of the Finance and Economics Committee that consideration of the draft Judicial Fees (Amendment No. 4) (Jersey) Regulations 199 . (P.103/94 - lodged ``au Greffe" on 9th August 1994) be deferred from this meeting to a later

date.

Arrangement of public business for the next meeting on 25th October 1994

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the next meeting on 25th October 1994 -

Draft Medicines (Jersey) Law 199 -
P.106/94.
Lodged: 23rd August 1994.
Public Health Committee.

Florence Boot Cottages,
Grève d'Azette, St. Clement - P.124/94.
Lodged: 11th October 1994.
Island Development Committee.

La Ville Machon, La Route des Côtes
du Nord, Trinity: agricultural building in
green zone - P.125/94.
Lodged: 11th October 1994.
Island Development Committee.

Liberation Square: approval
of drawings - P.126/94.
Lodged: 11th October 1994.
Occupation and
Liberation Committee.

States of Jersey Airport: operation
of jet aircraft - P.127/94.
Lodged: 11th October 1994.
Harbours and Airport Committee.

Environmental International
Conventions - statement

The Vice-President of the Island Development
Committee made a statement in the following
terms -

``With reference to nature conservation
issues, the Island's commitments to the
various treaties agreed at the United
Nations Conference on Environment and
Development (UNCED) at Rio in 1992 in many
ways draw together, in a complementary
manner, the specific requirements of other
international wildlife conventions which
have been agreed over the years. Of
particular relevance was the adoption, at
Rio, of Agenda 21, calling for Sustainable
Development in the 21st Century, and the
Biodiversity Convention.

The United Kingdom, in 1992, signed the

Rio agreements and Jersey was included for the Biodiversity Convention. The United Kingdom has produced a Sustainable Development Strategy in response to the Agenda 21 and all United Kingdom Local Authorities are responding at the local level. At a Home Office meeting attended recently by the Conservation Officer, the United Kingdom authorities indicated their wish that Crown Dependencies would respond also to the initiatives. It is my Committee's intention that a local sustainable development strategy will be produced once the appointments are made of the recently agreed senior environmental posts at the Chief Adviser's Office and at Planning and Environment.

My Department has already responded to the requirements of the Biodiversity Convention.

Biodiversity is the variety of life forms we see around us and the Convention requires each contracting party to 'develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity'. Its objectives are to conserve and to enhance the populations and natural ranges of native species, their habitats and ecosystems, and to increase public awareness of, and involvement in, conserving biodiversity.

A draft Biodiversity Strategy for Jersey has been produced and feedback obtained from other States' departments. It is hoped that a revised report can be produced for final approval before the end of the year.

For those interested in the detail, reference to the full text of the Biodiversity Convention will reveal how its requirements dovetail with the specific conventions already applicable to Jersey. These are -

1. The BERNE CONVENTION - on The Conservation of Wildlife and Natural habitats.

The aims of this convention are to assure greater consideration for ecological interests in spatial planning policy. It is particularly aimed at protecting a wide range of wildlife and their habitats, with strict protection for named threatened species. Our local green lizard for example is a protected species.

The United Kingdom ratified this convention in 1982 and Jersey sought to be included in 1987. The extension to Jersey has been agreed but is subject to reservations pending the implementation of a new local law protecting wildlife species which will cover, inter alia, those aspects of the Berne Convention where the Island is still deficient in legislation. A draft form of the proposed Conservation of Wildlife (Jersey) Law has been prepared in full consultation with the appropriate bodies on the mainland. It is at present with the Law Officers with the indication that it will be progressed later this year.

The other legal requirements of the Convention are met by SSI designation under the Island Planning (Amendment No. 3) (Jersey) Law 1983. The evidence and justifications for the first three designations (Les Blanchés Banques, Les Landes and Gorselands) were ready early in the year but the matter is presently delayed with the Law Officers in order to resolve legal aspects with respect to the registration of the order.

2. BONN CONVENTION - on The Conservation of Migratory Species of Wild Animals

The Convention acknowledges the importance of the conservation of migratory species and aims to provide for their protection and to conserve and protect habitats of importance to such species.

Jersey was included in the United Kingdom instrument of ratification in 1985. Of particular relevance for the Island is the subsequent related Agreement on the Conservation of Bats in Europe (1992). Provision to protect bat habitats is through the SSI Designation dimension of the Planning Law. Species protection will be given with the proposed Conservation of Wildlife (Jersey) Law which is, as stated, with the Law Draftsman.

3. RAMSAR CONVENTION - on the Conservation of Wetlands of International and National importance.

This convention requires nations to

include wetland conservation within their national land-use planning. It aims to maintain the ecological character of wetlands, and to designate wetland sites of international importance.

The Ramsar Convention was originally adopted in 1971, and the United Kingdom ratified it on behalf of the States of Jersey in 1991. No wetland sites in Jersey met the original criteria for Ramsar designation but the situation changed in 1990 when new criteria were established.

Following a survey of potential sites in Crown Dependencies conducted for the Department of Environment (DOE) in 1992, a local candidate Ramsar site was identified - the majority of the Island's inter-tidal area except for the north coast. Ultimate designation will depend on a rigorous assessment of the site and prior local SSI designation. The department has initiated a survey to collect the appropriate data and is in liaison with the DOE concerning procedural details.

In the wider environmental context, my Committee has expressed the wish, that is supported by Policy and Resources, that the Convention on Environmental Impact Assessment (EIA) in a Transboundary Context be extended to Jersey when it is ratified by the United Kingdom. The Committee is already aware of the need for EIAs for major development projects and it will seek, in the proposed Sustainable Development Strategy, to identify classes of projects for which EIAs will be necessary.

Turning to the cultural and built heritage, the Island Development Committee has recently recommended to Policy and Resources the inclusion of Jersey in the United Nations Convention concerning the Protection of the World Cultural and Natural Heritage. My Committee is awaiting its response.

The Council of Europe Convention for the Protection of Architectural Heritage was extended to Jersey in 1986. It aims to provide for the protection of monuments, groups of buildings and sites. A major obligation

is to prepare an inventory of all structures which fall within the terms of the convention. This has been in progress since 1988 and SSI designations have been sought. However the States have held up SSI orders following a proposition brought to the House. Significant requirement is the need to provide financial assistance, and the report on grants and loans is now with Finance and Economics. My Committee fully expects to implement the proposals which will fulfill our compliance with this convention.

The Island has been a party to the Council of Europe Convention on the Protection of Archaeological Heritage since 1970 although the request to be included in the 1992 revised version of the Convention is still being processed. The Convention provides for a legal system for the protection of archaeological objects, including inventories of items, licences and EIAs. The requirements of this convention are met by SSI designation under the Island Planning (Amendment No. 3) (Jersey) Law 1983.

In conclusion, may I say that Members will by now be well aware of the extent and complexity of such conventions. As such information is in the public domain, if further technical information is required my officers will be willing to discuss informally detailed aspects of these conventions."

Appel nominal - revised procedure. P.79/94 and P.122/94

THE STATES commenced consideration of a proposition of Deputy Jeremy Laurence Dorey of St. Helier on the provision of a new system of the ``Appel Nominal".

THE STATES accepted an amendment of Deputy Robert Charles Duhamel of St. Saviour that a paragraph (a) be inserted at the beginning of the proposition ``to agree in principle that voting on the `Appel Nominal' should be conducted by means of a system of simultaneous voting."

The existing proposition was redesignated as paragraph (b).

THE STATES continued discussion of paragraph (b)

of the proposition ``to request the House Committee to prepare an amendment of Standing Order 31(3) of the Standing Orders of the States of Jersey to provide for a new system of the `Appel Nominal' as outlined in the report, dated 3rd June 1994, of Deputy Dorey except that, in paragraph 3(e) of the report the second sentence `It might be considered advisable that a Member in this situation should be able to leave a proxy vote, failing which he/she would be deemed to have abstained.' would be deleted".

After further discussion Deputy Dorey withdrew paragraph (b) of the proposition.

THE STATES thereupon agreed in principle that voting on the `Appel Nominal' should be conducted by means of a system of simultaneous voting.

Projet de Loi (199) (Amendement No. 5) sur l'Instruction Primaire. P.88/94

THE STATES, having considered the preamble, rejected the Projet de Loi (199) (Amendement No. 5) sur l'Instruction Primaire.

Members present voted on the preamble as follows -

``Pour" (15)

Senators

Quérée, Tomes.

Connétables

St. Clement, St. Lawrence, Grouville,
St. Saviour.

Deputies

H. Baudains(C), St. Ouen, Coutanche(L),
St. Mary, Le Fondré(L), Pullin(S), Trinity,
Routier(H), Dorey(H).

``Contre" (28)

Senators

Jeune, Rothwell, Le Main, Stein,
Syvret.

Connétables

St. Mary, St. Brelade, St. Peter,
Trinity, St. Ouen.

Deputies

Rumboll(H), Wavell(S), Norman(C), St. Peter, Le Sueur(H), Huelin(B), S. Baudains(H), Le Geyt(S), Crespel(H), Carter(H), Johns(H), Duhamel(S), Matthews(B), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin.

Change in Presidency

THE STATES adjourned for lunch and re-assembled in the afternoon under the Presidency of Senator Reginald Robert Jeune.

Franchise (Amendment No. 5) (Jersey) Law 1994 - P.104/94

THE STATES commenced consideration of the draft Franchise (Amendment No. 5) (Jersey) Law 1994.

Article 1 was deleted, the States having accepted the amendment of Deputy Jeremy Laurence Dorey of St. Helier.

Article 2 was adopted.

Article 3 was adopted, the States having accepted an amendment of Deputy Jeremy Laurence Dorey of St. Helier that for sub-paragraphs (a) and (b) of paragraph (1) there should be substituted the following sub-paragraphs -

- “(a) he was ordinarily resident in that parish on the first day of March in the relevant year; and
- (b) he was ordinarily resident in the Island for the period of two years immediately preceding the first day of March in the relevant year, or had been so resident for any period of five years preceding that date.”

and that paragraph (2) should be deleted.

Articles 4 and 5 were adopted.

Article 6 was adopted, the States having accepted an amendment of Deputy Jeremy Laurence Dorey of St. Helier that for sub-paragraph (a) there should be substituted the following sub-paragraph -

- “(a) for sub-paragraph (a) of paragraph (3) there shall be substituted the following sub-paragraph -

`(a) enter thereon, so far as he is able, all such information as may be required by the return in respect of persons resident in such dwelling accommodation who are entitled to be registered in accordance with the provisions of Article 2 of this Law and shall request each such person to sign the return;' "

Article 7 was adopted.

Article 8 was referred back to the Legislation Committee.

La Collette factory units: leasing - P.113/94

THE STATES, adopting a proposition of the Island Development Committee, referred to their Act, dated 28th September 1993, regarding the ground lease of La Collette factory units, and -

(a) authorised the Island Development Committee, on behalf of the public, to exercise its option to purchase the main structure of the industrial building constructed at La Collette by Chinq Holdings Limited, and to extinguish the ground lease, utilising funds from Vote C0931 (La Collette - Construction of Industrial Building), for a consideration to be agreed by the Finance and Economics Committee, but not exceeding £520,000, with each party being responsible for the payment of its own legal fees;

(b) approved the leasing of one of the five self-contained units to each of the following companies -

Ashley and Company Limited

Dennis Romeril Agencies and Company (Jersey) Limited

Pioneer Coaches Limited

R.R. Whittingham and Company Limited

R.W. and A. Engineering Limited,

on the basis that -

(i) such leases were to be for a

period of 42 years at an initial annual ground rent equating to 80 pence and 20 pence a square foot for the building and car park respectively, subject to open market review every three years, together with a capitalised rent for the use of the structure, representing the cost to the public of the construction, payable at the commencement of the lease, the final figure for this capitalised rent to be agreed by the Finance and Economics Committee;

(ii) provision was made for the leases to be cancelled and the capitalised rent to be returned by the Island Development Committee in the event that the tenant failed to comply with the various obligations relating to a change of use for its existing premises within the first six months from the commencement of its lease;

(c) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which it was found necessary to pass in connexion with this development on the said land;

(d) authorised the Treasurer of the States to pay/receive the amounts involved in the above transactions as they became due.

Social Security (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and Guernsey) (Jersey) Act 1994 - P.116/94

THE STATES, in pursuance of Article 48 of the Social Security (Jersey) Law 1974, as amended, and of all other powers enabling them in that behalf, made an Act entitled the Social Security (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and Guernsey) (Jersey) Act 1994.

Field 1489, Bellozanne Valley, St. Helier:
purchase - P.117/94

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

(a) authorised the purchase from the Parish of St. Helier of Field No. 1489

measuring five vergées seven perch in Bellozanne Valley, St. Helier, as shown on drawing No. 438/1, for the sum of £25,875 with each party being responsible for its own legal fees;

- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (c) 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 purchase of the said land and all interests therein;
- (d) authorised the payment or discharge of the expenses incurred in connexion with the purchase of the said land and all interests therein from the Island Development Committee's capital vote of credit - Land Acquisition - Major Reserve (C.0904);
- (e) agreed to the transfer of the administration of Field 1489, Bellozanne Valley, St. Helier, to the Public Services Committee on passing of contract.

Berry House, 16 Val Plaisant, St. Helier: sale to Les Vaux Housing Trust - P.118/94

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved the sale of the freehold of Berry House, 16 Val Plaisant, St. Helier, a completed development of three one-bedroom flats and two two-bedroom maisonettes, to Les Vaux Housing Trust for the sum of £475,000, with each party being responsible for the payment of its own legal costs;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts;
- (c) authorised the Treasurer of the States to receive the amount connected with the above transaction.

Members present voted as follows -

``Pour"(33)

Senators

Rothwell, Stein, Syvret.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Saviour, Trinity, St. Ouen.

Deputies

Rumboll(H), Wavell(S), Norman(C), St. Peter, H. Baudains(C), St. Ouen, Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Fondré(L), Le Geyt(S), Crespel(H), Pullin(S), Trinity, Carter(H), Johns(H), Routier(H), Layzell(B), Grouville, St. Martin.

``Contre"(5)

Deputies

Duhamel(S), Matthews(B), Dorey(H), Breckon(S), Huet(H).

Jersey Field Squadron Royal Engineers (Royal Militia of the Island of Jersey) and the Princess of Wales' Royal Regiment: authority to march ``with Colours flying, drums beating and bayonets fixed" in Jersey - P.119/94

THE STATES, adopting a proposition of the Defence Committee -

(a) authorised the Jersey Field Squadron Royal Engineers (Royal Militia of the Island of Jersey), to exercise the privilege of ``marching with Colours flying, drums beating and bayonets fixed" in Jersey;

(b) referred to their Act, dated 13th February 1990, and agreed to the transfer of the privilege granted to the Royal Hampshire Regiment to ``march with Colours flying, drums beating and bayonets fixed" in Jersey to the Princess of Wales' Royal Regiment.

Public business - item deferred

THE STATES, adopting a proposition of Deputy Dereck André Carter of St. Helier, agreed to defer the remaining item of Public Business until 25th October 1994, and further agreed on a proposition of Deputy Derek Ryder Maltwood of St. Mary that the proposition Jersey Transport Authority: responsibilities (P.123/94 - lodged ``au Greffe" on 27th September 1994) be

considered as the first item of matters lodged
under Public Business on that date.

THE STATES rose at 5.46 p.m.

G.H.C. COPPOCK

Greffier of the States.