

Price : £1.50

THE STATES assembled on Tuesday,
6th September 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 Terence John Le Main - absent
Senator Antony Beresford Chinn - out of the
Island
Kenneth Priaulx Vibert, Connétable of St.
Ouen - out of the Island
Percy John Le Masurier, Deputy of St. Ouen
- out of the Island
Margaret Anne Le Geyt, Deputy of St.
Saviour - out of the Island

Prayers

Tribute to the late Mrs. A.M. Baal, former
Member of the States

The Deputy Bailiff paid tribute to the late Mrs.
Anne Mary Baal, former Senator.

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

Welcome to Connétable of St. John

The Deputy Bailiff, on behalf of the Members of
the States, welcomed the newly elected
Connétable of St. John, Mr. Carlyle John Le
Herissier Hinault, former Deputy of St. John.

Committee of Inquiry into circumstances leading to the release from contract of former Chief Executive Officer of Sport, Leisure and Recreation Department - resignation

The Deputy Bailiff informed the States that, following the presentation to the States of its report, the Committee of Inquiry into circumstances leading to release from contract of former Chief Executive Officer of Sport, Leisure and Recreation Department had resigned.

Bailiff and Deputy Bailiff - forthcoming appointments: congratulations

Senator Reginald Robert Jeune, referring to the recent announcement that Mr. Philip Martin Bailhache and Advocate Francis Charles Hamon were to be appointed Bailiff and Deputy Bailiff respectively, congratulated them both on behalf of the Members of the States.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Road Traffic (Saint Clement)
(Amendment No. 10) (Jersey) Order 1994.
R & O 8706.
2. Road Traffic (Saint Peter)
(Amendment No. 2) (Jersey) Order 1994.
R & O 8707.
3. Road Traffic (Saint Brelade)
(Amendment No. 5) (Jersey) Order 1994.
R & O 8708.
4. Battle of Britain Air Display
(Jersey) Order 1994. R & O 8709.
5. Banking Business (List of
Registered Persons) (Amendment)
(Jersey) Order 1994. R & O 8710.
6. Health Insurance (Pharmaceutical
Benefit) (General Provisions)
(Amendment No. 3) (Jersey) Order 1994.
R & O 8711.
7. Solicitors (Qualifying
Examination) (Re-examination) (Jersey)

Rules 1994. R & O 8712.

8. Royal Court (Amendment No. 4)
Rules 1994. R & O 8713.
9. Bankruptcy (Désastre) (Jersey)
(Amendment No. 2) Rules 1994.
R & O 8714.
10. Service of Process (Jersey)
Rules 1994. R & O 8715.
11. Companies (Application of Share
Premiums) (Amendment) (Jersey) Order
1994. R & O 8716.
12. Banking Business (General
Provisions) (Amendment) (Jersey) Order
1994. R & O 8717.

Matters presented

The following matters were presented to the States -

1. Criminal Injuries Compensation
Board report for 1993. R.C.21/94.
Presented by the Defence
Committee.
THE STATES ordered that the said report
be printed and distributed.
2. Residential land availability -
July 1994. R.C.22/94.
Presented by the Island
Development Committee.
THE STATES ordered that the said
report be printed and distributed.

Presented on 23rd August 1994

1. Housing: States rental waiting
list and development programme as at
1st July 1994. R.C.18/94.
Presented by the Housing
Committee.
THE STATES ordered that the said report
be printed and distributed.
2. Jersey Dental Scheme: report for
the year ended 31st December 1993.
R.C.19/94.
Presented by the Social Security
Committee.

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

3. Release from contract of former Chief Executive Officer of Sport, Leisure and Recreation Department: report. R.C.20/94.
Presented by the Committee of Inquiry.
THE STATES ordered that the said report be printed and distributed.

Matters noted - land transactions

THE STATES noted Acts of the Finance and Economics Committee dated 1st and 15th August 1994, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Harbours and Airport Committee, the renewal of the lease to Ross Alcedo Company Limited of the Viviers (Letting Nos. V6 to V10) on the Victoria Pier, measuring 1,735 square feet, for a further period of three years from 1st June 1994, at an annual rent of £5,135.11 (being an increase of three per cent) representing a rate of £2.96 a square foot, payable six months in advance and subject to annual review;
- (b) as recommended by the Housing Committee, the grant of a wayleave to the Jersey Electricity Company Limited over Field No. 1517, Bellozanne, St. Helier, in order to facilitate an electricity supply to the Le Douet de Ste. Croix Estate, the sale of an area of land measuring 4 metres by 6.5 metres as a sub-station site, and the sale of a one metre by one metre plot for a distribution section pillar, for a total sum of £300, with each party being responsible for its own legal costs;
- (c) as recommended by the Housing Committee, a Deed of Arrangement between the Les Vaux Housing Trust and the public in respect of the boundary between No. 6 St. Saviour's Crescent, St. Saviour's Road and 'Strathmore', No. 80 St. Mark's Road, St. Saviour in order to ratify the encroachment of

No. 6 St. Saviour's Crescent and provide reciprocal access rights, with each party meeting its own legal costs;

(d) as recommended by the Agriculture and Fisheries Committee, the renewal of the lease to Mr. Arthur Walter Le Marquand of Warren Farm, Noirmont, St. Brelade, comprising approximately 39 vergées of land together with a dwelling house and outbuildings, for a further period of nine years with effect from 24th December 1993, at an annual rent of £3,500 and subject to triennial review.

Matters lodged

The following subjects were lodged "au Greffe" -

1. Draft Diseases of Animals (Amendment No. 4) (Jersey) Law 199 - P.110/94.
Presented by the Agriculture and Fisheries Committee.
2. Draft Amendment (No. 15) of the Standing Orders of the States of Jersey - P.111/94. Revised.
Presented by the House Committee.

Lodged on 9th August 1994

1. Draft Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 199 (P.35/94): amendments - P.101/94.
Presented by the Legislation Committee.
2. Draft Cheques (Amendment) (Jersey) Law 199 - P.102/94. Revised.
Presented by the Finance and Economics Committee.
3. Draft Judicial Fees (Amendment No. 4) (Jersey) Regulations 199 - P.103/94.
Presented by the Finance and Economics Committee.
4. Draft Franchise (Amendment No. 5) (Jersey) Law 199 - P.104/94.
Presented by the Legislation

Committee.

Lodged on 23rd August 1994

1. Draft Restriction on Smoking
(Public Transport) (Amendment) (Jersey)
Regulations 199 - P.105/94.
Presented by the Public Health
Committee.
2. Draft Medicines (Jersey) Law
199 - P.106/94.
Presented by the Public Health
Committee.
3. Draft Motor Vehicle Registration
(Amendment) (Jersey) Law 199 -
P.107/94.
Presented by the Defence
Committee.
4. Draft Motor Traffic (No. 5)
(Jersey) Regulations 199 - P.108/94.
Presented by the Defence
Committee.
5. Draft Road Traffic (No. 45)
(Jersey) Regulations 199 - P.109/94.
Presented by the Defence
Committee.

Arrangement of public business for the present
meeting

THE STATES acceded to the request of the
President of the Education Committee that
consideration of the Projet de Loi (199)
(Amendment No. 5) sur l'Instruction Primaire
(P.88/94 - lodged ``au Greffe" on 5th July
1994) be deferred from the present meeting to
11th October 1994.

THE STATES confirmed that the following subjects
lodged ``au Greffe" should be considered at the
present meeting -

Draft Parish Rate
(Administration) (Amendment No. 6) (Jersey)
Law 199 - P.35/94.
Lodged: 15th March 1994.
Legislation Committee. (On 12.4.94 -
Preamble, Articles 1 and 2 and Article 3
(1), (2) and (4) adopted, Article 3
paragraph (3) rejected, and paragraphs (5)

and (6) were referred back to the Committee. Further consideration of the Bill was deferred.)

Draft Parish Rate (Administration)
(Amendment No. 6) (Jersey) Law 199
(P.35/94): amendments - P.101/94.
Lodged: 9th August 1994.
Legislation Committee.

Draft Restriction on Smoking (Public
Transport) (Amendment) (Jersey) Regulations
199 - P.105/94.
Lodged: 23rd August 1994.
Public Health Committee.

Draft Motor Vehicle
Registration (Amendment) (Jersey) Law
199 - P.107/94.
Lodged: 23rd August 1994.
Defence Committee.

Draft Motor Traffic (No. 5) (Jersey)
Regulations 199 - P.108/94.
Lodged: 23rd August 1994.
Defence Committee.

Draft Road Traffic (No. 45) (Jersey)
Regulations 199 - P.109/94.
Lodged: 23rd August 1994.
Defence Committee.

Arrangement of public business for the
next meeting on 27th September 1994

THE STATES noted that requests would be made at
the next meeting on 27th September 1994 that the
following matters lodged 'au Greffe' would be
considered at that meeting -

Draft Cheques (Amendment) (Jersey)
Law 199 - P.102/94. Revised.
Lodged: 9th August 1994.
Finance and Economics Committee.

Draft Judicial Fees (Amendment No. 4)
(Jersey) Regulations 199 - P.103/94.
Lodged: 9th August 1994.
Finance and Economics Committee.

Draft Franchise (Amendment No. 5)
(Jersey) Law 199 - P.104/94.
Lodged: 9th August 1994.
Legislation Committee.

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

Draft Diseases of Animals (Amendment
No. 4) (Jersey) Law 199 - P.110/94.
Agriculture and Fisheries Committee.

Draft Amendment (No. 15) of
the Standing Orders of the States of
Jersey - P.111/94. Revised.
House Committee.

Projets withdrawn

THE STATES noted that, in accordance with
Standing Order 17(6), the following subjects had
been withdrawn -

St. Helier Waterfront plan - west of
Albert reclamation site: proposed use for
housing - P.92/93.
Lodged: 13th July 1993.
Island Development Committee.

Colomberie House, St. Helier:
purchase - P.118/93.
Lodged: 10th August 1993.
Island Development Committee.

Colomberie House, St. Helier -
purchase (P.118/93): revised report -
P.142/93.
Presented: 28th September 1993.
Island Development Committee.

Colomberie House, St. Helier:
purchase (P.118/93) - revised comments of
the Finance and Economics Committee.

International conventions - questions and
answers (Tape No. 250)

Deputy Imogen Stephanie Nicholls of Grouville
asked Senator Reginald Robert Jeune, President
of the Policy Resources Committee, the following
questions -

``1. Would the President confirm
whether -

(a) the United Nations Covenant on

Civil and Political Rights has been ratified for Jersey? and

(b) the United Nations International Covenant on Economic, Social and Cultural Rights has been ratified for Jersey?

2. Would the President clarify when and by whom the decisions whether these Covenants should be ratified for Jersey were made?
3. Would the President confirm whether Jersey has accepted the equal pay for equal work provision (that is equal pay for men and women) contained under Article 7 of the International Covenant on Economic, Social and Cultural Rights?
4. Would the President clarify when and by whom the decision to accept, or derogate from, Article 7 was taken?
5. Would the President -
 - (a) confirm whether Jersey has been included in the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women? and
 - (b) clarify when and by whom the decision whether or not to include Jersey in the ratification was made?
6. Having indicated in the 1994 Strategic Policy Report and Action Plan that a comprehensive list will be compiled of all international conventions and treaties that apply to Jersey, would the President think it appropriate in view of the approaching 50th Anniversary of the Liberation to produce this information in booklet form for the use of the general public?"

The President of the Policy and Resources Committee replied as follows -

1. The United Kingdom deposited its Instrument of Ratification to both Covenants on 20th May 1976. At

this time, both Covenants were extended to the Island.

2. The two Covenants were considered by the Legislation Committee during the period 6th September 1974 to 20th February 1976. (For your information, that Committee had responsibility for such matters until the creation of the Policy and Resources Committee in 1989). The Legislation Committee was advised by the Law Officers of the Crown that neither Covenant had a territorial application clause. Consequently, the Covenant applied ipso facto to Jersey on ratification by H.M. Government.
3. Jersey accepted Article 7 of the International Covenant on Economic, Social and Cultural Rights. At the time of ratification the United Kingdom submitted, on behalf of the Jersey and the other dependent territories, a reservation to the effect that the United Kingdom Government reserved the right to postpone the application of sub-paragraph (i) of paragraph (a) of Article 7, in so far as it concerns the provision of equal pay to men and women for equal work in the private sector.
4. The decision to request the reservation was taken by the Legislation Committee at a meeting on 20th February 1976 after consultation with Her Majesty's Law Officers.
5. (a) Jersey has requested that the United Nations Convention on the Elimination of All Forms of Discrimination Against Women should not be extended to the Island;
- (b) the above decision was made by the Legislation Committee on 19th May 1986, the matter having originally been referred to it by the Bailiff on 31st October 1985. An Act of the Legislation Committee dated 16th December 1985 comments on the fact that it had spent a considerable amount of time on this subject, the Act also stating that -

`Having noted that acceptance of the Convention would require the enactment of legislation and the establishment of tribunals etc., the Committee decided it would not wish to commit the Island to enacting lengthy complex legislation on the lines of the United Kingdom Sex Discrimination and Equal Pay Acts, with the resultant administrative costs to the Island'.

6. As indicated in paragraph 9.28 of the 1994 Strategic Policy Review and Action Plan the task of compiling a list of international conventions and agreements to which the Island is party is currently under way. Indeed, the Committee is financing the employment of a temporary member of staff within the States Greffe to undertake this work.

The compilation of a single comprehensive database on international agreements and conventions in so far as they affect Jersey is the Committee's firm intention. There are still gaps in our information which need to be filled (with the assistance of Her Majesty's Government).

Certain information on conventions and agreements is already available to the public by enquiring at the States Greffe. With regard to the future, the Committee will in due course be looking at the various options available on how to publish this information, so that it can be freely and easily accessed by the general public."

Rozel bus terminus: transfer of administration

THE STATES, adopting a proposition of the Defence Committee, approved the transfer from the Defence Committee to the Public Services Committee of the administration of the land occupied by the bus terminus at Rozel, St. Martin, as shown coloured red on plan 7/D/4.

Computer Misuse (Jersey) Law 1994 - P.92/94

THE STATES subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Computer Misuse (Jersey) Law 1994.

7 Springfield Crescent, St. Helier: sale to Nemo Charitable Association - P.83/94

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved the sale to the Nemo Charitable Association of 7 Springfield Crescent, St. Helier, for the sum of £10.00 for the realty with each side being responsible for the payment of its own legal costs;
- (b) authorized the Attorney General and the Greffier of the States to pass the necessary contract;
- (c) authorized the Treasurer of the States to receive the amount involved in the transaction.

Grands Vaux Youth and Community Centre: approval of drawings - P.95/94

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 2419/103-106, 110, 111, 115, 120, 121, 124 and 130 showing the refurbishment and extension to the existing Grands Vaux Youth and Community Centre, St. Saviour;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Motor Traffic (Third-Party Insurance) (Amendment No. 9) (Jersey) Law 1994 - P.96/94

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Motor Traffic (Third-Party Insurance) (Amendment No. 9) (Jersey) Law 1994.

Gambling (Licensing Provisions) (Amendment No. 9) (Jersey) Regulations 1994 - P.97/94

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Licensing Provisions) (Amendment No. 9) (Jersey) Regulations 1994.

Gambling (Betting) (Amendment No. 7) (Jersey) Regulations 1994 - P.98/94

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Betting) (Amendment No. 7) (Jersey) Regulations 1994.

Merchandise Marks (Amendment No. 2) (Jersey) Law 1994 - P.99/94

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Merchandise Marks (Amendment No. 2) (Jersey) Law 1994.

Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 1994 - P.35/94, P.101/94

THE STATES continued consideration of the draft Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 1994, having on 12th April 1994 adopted the Preamble and Articles 1 and 2 and, having in Article 3 adopted paragraphs (1), (2) and (4) of Article 14, rejected paragraph (3) and referred back to the Committee paragraphs (5) and (6).

Article 3 was adopted, the States having accepted an amendment of the Legislation Committee that paragraph (4) of Article 14 be renumbered paragraph (3) and that for paragraphs (5) and (6) of Article 14 there should be substituted the following paragraphs -

“(4) The members of the Board hearing an appeal shall, after consultation with the supervisory committee, have power to obtain expert advice in cases in which they consider it to be necessary, and the parish in which the land to which the appeal relates is situated shall defray any

expenses so incurred, unless the supervisory committee shall otherwise determine.

(5) The secretary of the supervisory committee shall ex officio be clerk to the Board:

Provided that the supervisory committee may appoint another person as clerk to the Board and shall fix his salary and determine the conditions of his appointment."

and that in paragraph (1) of Article 14A for the word ``twenty -one" there should be substituted the word ``fourteen".

Article 4 was adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 1994.

Restriction on Smoking (Public Transport) (Amendment) (Jersey) Regulations 1994 - P.105/94

THE STATES, in pursuance of Article 1 of the Restriction on Smoking (Jersey) Law 1973, made Regulations entitled the Restriction on Smoking (Public Transport) (Amendment) (Jersey) Regulations 1994.

Motor Vehicle Registration (Amendment) (Jersey) Law 1994 - P.107/94

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Motor Vehicle Registration (Amendment) (Jersey) Law 1994.

Motor Traffic (No. 5) (Jersey) Regulations 1994 - P.108/94

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 54A of the Motor Traffic (Jersey) Law 1935, as amended, made Regulations entitled the Motor Traffic (No. 5) (Jersey) Regulations 1994.

Road Traffic (No. 45) (Jersey) Regulations
1994 - P.109/94

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. 45) (Jersey) Regulations 1994.

THE STATES rose at 12.26 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.