

Price : £1.25

THE STATES assembled on Tuesday,
28th February 1995 at 9.30 a.m. under
the Presidency of the Bailiff,
Philip Martin Bailhache, Esquire

All Members were present with the exception of -

Senator Terence John Le Main - out of the
Island
Senator Antony Beresford Chinn - out of the
Island
John Nicolle Le Fondré, Deputy of St.
Lawrence - ill.

Prayers

Bailiff's thanks

Mr. Philip Martin Bailhache thanked the Members
of the States for their hospitality on his
appointment as Bailiff.

Deputy D.L. Crespel of St. Helier - welcome

The Bailiff, on behalf of the States, welcomed
Deputy David Leon Crespel 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. Banking Business (List of
Registered Persons) (Jersey) Order
1995. R & O 8787.
2. Telecommunications (Amendment

No. 25) (Jersey) Order 1995.
R & O 8788.

3. Road Racing (Motor Vehicle Rally) (Jersey) Order 1995.
R & O 8789.

Matters presented

The following matters were presented to the States -

1. Jersey Electricity Company Limited: annual report and accounts for the period 28th September 1993 to 3rd October 1994.
Presented by the Finance and Economics Committee.
2. Kart racing circuit on Field 790, St. Peter: report - P.29/95.
Presented by the Planning and Environment Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 20th February 1995 showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Planning and Environment Committee, the payment to Mr. Christopher Jonathan Robert Le Gros, tenant of Field No. 1219, St. Helier, owned by Mr. Peter William Furzer, of compensation in an amount of £3,000 in respect of the loss of two years of crops on the three vergées of land that he farmed;
- (b) as recommended by the Planning and Environment Committee, the grant of a wayleave to the Jersey Badminton Association in respect of the private roadway leading to the Gilson Hall site at Dummy Lane, St. Helier, for the sum of £25,000, subject to each party being responsible for its own legal expenses associated with the transaction;
- (c) as recommended by the Harbours and Airport Committee, the lease to Mr.

Augusto Alberto De Aguiar Matos of the Sailor's Rest Café, New North Quay, Port of St. Helier, for a period of one year from 1st April 1995, at an annual rent of £9,000 payable quarterly in advance;

(d) as recommended by the Harbours and Airport Committee, the lease to Huelin-Renouf Shipping Limited of the Harbours Buoy Shed (letting No. V25) on the Victoria Pier, Port of St. Helier (measuring 2,305 square feet) for a period of nine years from a date to coincide with the move of the company from its existing premises on the Albert Pier, at an annual rent of £12,222.49 (representing a rate of £4.218 a square foot subject to annual review, plus a premium, annually, during the term of the lease, of £2,500) payable quarterly in advance;

(e) as recommended by the Agriculture and Fisheries Committee, the renewal of the lease to Mr. Charles Anthony Fossey of land measuring 23.12.00 vergées at La Grande Maison, St. Martin, for a further period of three years from 25th December 1994, at an annual rent of £3,167;

(f) as recommended by the Public Services Committee, the acquisition from Mrs. Freda May Evans, née Sheldon, of 1,529 square feet of land in Field No. 573, St. Saviour, for a consideration of £1,529 with the Committee being responsible for the cost of the accommodation works, connexion of the adjacent property to the sewerage system and all reasonable legal fees involved in the transaction;

(g) as recommended by the Housing Committee, the sale to Ingleby Private Hotel of 1,720 square feet of land in the north-western corner of Field No. 1517, St. Helier, for the sum of £8,600 with the purchasers being responsible for all legal costs involved.

The following subjects were lodged ``au Greffe" -

1. Draft Parish Rate (Jersey) Law 199 - P.20/95.
Presented by the Connétable of St. Clement.
2. Fields Nos. 89 and 90, St. Brelade: rezoning for recreation and amenity use - P.21/95.
Presented by the Planning and Environment Committee.
3. Draft Milk (Sale to Special Classes) (Jersey) Regulations 199 - P.22/95.
Presented by the Employment and Social Security Committee.
4. Draft Probate (Exemption from Production of Grant) (Jersey) Regulations 199 - P.23/95.
Presented by the Legislation Committee.
5. Draft Bankruptcy (Désastre) (Amendment) (Jersey) Law 199 - P.24/95.
Presented by the Finance and Economics Committee.
6. 2-2½ Anley Street, St. Helier: sale of commercial warehouse - P.25/95.
Presented by the Planning and Environment Committee.
7. Draft Firearms (Jersey) Law 199 (P.172/94): amendment - P.26/95.
Presented by the Connétable of St. Mary.
8. Protection of Jersey's architectural heritage and incentive scheme of grants - P.27/95.
Presented by the Planning and Environment Committee.
9. Draft Health Care (Registration) (Jersey) Law 199 : amendment - P.28/95.
Presented by the Public Health Committee.
10. Draft Franchise (Amendment

No. 3) (Jersey) Regulations 199 -
P.30/95.
Presented by the Legislation
Committee.

Arrangement of public business for the next
meeting on 14th March 1995

THE STATES confirmed that the following subjects
lodged ``au Greffe" should be considered at the
next meeting on 14th March 1995 -

Draft Health Care (Registration) (Jersey)
Law 199 - P.19/94.
Lodged: 15th February 1994.
Public Health Committee.
(Referred back to Committee on 15.3.94. -
Preamble, Articles 1 and 2 and Schedule
adopted).

Draft Health Care
(Registration) (Jersey) Law 199 :
amendment - P.28/95.
Lodged: 28th February 1995.
Public Health Committee.

Draft Sea Fisheries (Miscellaneous
Provisions) (Jersey) Regulations
199 - P.5/95.
Lodged: 17th January 1995.
Agriculture and Fisheries Committee.

Draft Sea Fisheries (Miscellaneous
Provisions) (Jersey) Regulations 199
(P.5/95): amendment - P.6/95.
Lodged: 17th January 1995.
Deputy D.A. Carter of St. Helier.

Kart racing circuit on Field No. 790,
St. Peter - P.17/95.
Lodged: 14th February 1995.
Sport, Leisure and
Recreation Committee.
Comments of Planning and Environment
Committee - P.29/95.

Draft Parish Rate (Jersey) Law 199 -
P.20/95.
Lodged: 28th February 1995.
Connétable of St. Clement.

Fields Nos. 89 and 90, St. Brelade:
rezoning for recreation and amenity use -
P.21/95.

Lodged: 28th February 1995.
Planning and Environment Committee.

Draft Probate (Exemption from
Production of Grant) (Jersey) Regulations
199 - P.23/95.
Lodged: 28th February 1995.
Legislation Committee.

Draft Franchise (Amendment No. 3) (Jersey)
Regulations 199 - P.30/95.
Lodged: 28th February 1995.
Legislation Committee.

Projet withdrawn

THE STATES noted that in pursuance of Standing
Order 17(6) the following subject, which was
lodged ``au Greffe'', had been withdrawn -

Draft Protection of Employment
Opportunities (Amendment) (Jersey) Law
199 - P.112/92.
Lodged: 28th July 1992 and referred to the
Defence Committee).
Senator D.A. Carter

Dumping of ash at the reclamation sites -
statement by the Planning and Environment
Committee

The Connétable of St. John, President of the
Planning and Environment Committee, made a
statement in the following terms -

``At the States Meeting on 25th October
last year, questions were asked of Deputy
Dereck Carter, President of the Public
Services Committee, and myself by Senator
Stuart Syvret concerning the disposal of
incinerator ash in the reclamation sites.
As a preamble to a supplementary question,
Senator Syvret alleged that the Public
Services Department was dumping incinerator
ash at the west of Albert, Phase II site,
in contravention of the licence granted by
the Harbours and Airport Committee.

Deputy Carter denied that this was so and
I agreed to investigate the situation and
report back to the House.

Those investigations are now complete. Site
investigations at that time confirmed that

there was absolutely no evidence of any dumping in Phase II and that Senator Syvret could not have been correct in his allegation. Senator Syvret was interviewed by my Department's Conservation Officer as part of the investigation and when asked about his specific allegation he replied that `... it might have been a slip of the tongue. I meant to say west of Albert I ...'.

I can confirm categorically that there was no evidence that the Public Services Committee had been operating contrary to the provisions of the licence granted for Phase II under the Food and Environment Protection Act (Jersey) Order 1987.

In my statements to the House on that day in October, I also promised that I would `.. seek every means possible and glean all the information which is available in order that my Committee has a true and clear picture of the situation'.

A significant amount of information was gathered in the process of investigating Senator Syvret's allegation. However matters have been overtaken by events.

Members will be well aware that the Public Services Committee has just received a report from its Department on future strategies for incinerator ash disposal, my Department is in possession of a report on marine monitoring, and other information, and the Waterfront Enterprise Board is also undertaking a survey to establish, amongst other things, the extent and location of any ash contamination in the site.

This is not the time to detail chapter and verse of the present situation. Suffice to say that I find, at the very least, an element of confusion and uncertainty which clearly needs resolution as a matter of urgency.

For that reason I, with the support of my Committee, have requested Dr. Romeril, the States Environmental Adviser, to carry out a full and independent investigation into the whole question of the disposal of incinerator ash in Jersey.

This is the only way that I can be

satisfied that I can fulfil the obligation I made to the States to discover the full extent of this situation. I trust that the House will bear with me until that report is available."

Dumping of ash at the reclamation sites -
statement by the Public Services Committee

Deputy Dereck André Carter of St. Helier,
President of the Public Services Committee, made
a statement in the following terms -

``On 25th October 1994 Senator Stuart Syvret made allegations in the States of serious misconduct against the Public Services Committee in that he alleged that we were illegally dumping ash outside the terms contained in our 1987 licence.

This has been proved to be totally unfounded, and the Public Services Committee and the Department have been completely exonerated.

The Committee feels that Senator Syvret should offer an unreserved apology to it, and to the Public Services Department's officers. It is completely unsatisfactory to suggest that these allegations were a slip of the tongue, and this cannot be accepted by the Committee.

Senator Syvret should realise how much work he has caused officers of this and other Departments to undertake, in collating data in order to sustain or refute his allegations.

The wider issues of ash disposal have already been addressed over several months by the Department's officers. Several options have been suggested as to the way forward, and Dr. Mike Romeril has already been invited to the next meeting of the Public Services Committee in order to apprise him of these wider issues. However, the Committee is very conscious that time is pressing, since the whole question of ash disposal will have to be resolved by 1st July 1995, when the current space at west of Albert II will have been filled."

(Appointed Day) Act 1995

THE STATES, in pursuance of Article 7 of the Franchise (Amendment No. 5) (Jersey) Law 1995, made an Act entitled the Franchise (Amendment No. 5) (Jersey) Law 1995 (Appointed Day) Act 1995.

Health and social Services in Jersey - P.167/94

THE STATES accepted an amendment of the Policy and Resources Committee that in paragraph (a) after the words "to agree that" there should be inserted the words "with effect from the coming into force of the Acts referred to in paragraph (b)," and that for paragraph (b) there should be substituted a new paragraph.

THE STATES, adopting the proposition of the Policy and Resources Committee as amended -

- (a) agreed that with effect from the coming into force of the Acts referred to in paragraph (b), the Public Health Committee, to be re-named the Health and Social Services Committee, shall have strategic and co-ordinating responsibility for social service provision and for ensuring the development and implementation of effective social policy, in consultation with the relevant States Committees, Parish authorities and voluntary organisations;
- (b) charged the Public Health Committee to present to the States the necessary Acts under the States of Jersey Law 1966 to change its name to the Health and Social Services Committee and to transfer to the re-named Committee those further functions for which it is given responsibility by paragraph (a) above.

Terms of Employment (Jersey) Regulations 1995 - P.11/95

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the twenty-eighth day of March 1771, made Regulations entitled the Terms of Employment (Jersey) Regulations 1995.

Marine Protection Zone - P.12/95

THE STATES, adopting a proposition of the Planning and Environment Committee, referred to their Act dated 22nd September 1987 approving the principles governing development in the various zones shown on the Island and Town Maps and -

- (a) designated as a Marine Protection Zone under Article 3 of the Island Planning (Jersey) Law 1964, that area between the mean high water mark of the Island (which is the seaward extent of the terrestrial Island Plan Zones) and the outer limit for the time being of the territorial waters adjacent to the Island;
- (b) approved, as the policy for development in the Marine Protection Zone, that there will be a presumption against all development for whatever purpose in that zone;
- (c) expressed support for the Planning and Environment Committee's intention, when considering whether there is justification for overriding the presumption against development in the Marine Protection Zone, to give special consideration to applications relating to fish-farming in that Zone.

La Collette, St. Helier: petition - P.39/94.
Withdrawn

THE STATES noted that Deputy Jeremy Laurence Dorey of St. Helier had withdrawn his proposition about the petition regarding future development to the south and south east of La Collette, St. Helier (lodged "au Greffe" on 12th April 1994).

Social Security (Reciprocal Agreement with New Zealand (Jersey) Act 1995 - P.13/95

THE STATES, adopting a proposition of the Employment and Social Security Committee, made an Act entitled the Social Security (Reciprocal Agreement with New Zealand) (Jersey) Act 1995.

Advocates (Amendment No. 3) (Jersey) Law 1995
(Appointed Day) Act 1995 - P.14/95

THE STATES, in pursuance of Article 3 of the
Advocates (Amendment No. 3) (Jersey) Law
1995 made an Act entitled the Advocates
(Amendment No. 3) (Jersey) Law 1995 (Appointed
Day) Act 1995.

Loi (199) sur la Cour pour le recouvrement de
menues dettes - P.15/95

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council, adopted a Law
entitled the Loi (199) sur la Cour pour le
recouvrement de menues dettes.

Compulsory Purchase of Land (Procedure)
(Amendment No. 6) (Jersey) Law 199 - P.16/95

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council, adopted a Law
entitled the Compulsory Purchase of Land
(Procedure) (Amendment No. 6) (Jersey) Law 199 .

Shellfish (Underwater Fishing) (Jersey)
Regulations 1995 - P.19/95

THE STATES, by virtue and in exercise of the
powers conferred upon them by the Order in
Council of the fourteenth day of April 1884,
made Regulations entitled the Shellfish
(Underwater Fishing) (Jersey) Regulations 1995.

THE STATES rose at 1.06 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.