

Price : £3.00

THE STATES assembled on Tuesday,
11th July 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 Jean Amy Le Maistre - out of the
Island
Kenneth Priaulx Vibert, Connétable of St.
Ouen - out of the Island
Carlyle John Le Herissier Hinault,
Connétable of St. John - out of the Island
Harry Hallewell Baudains, Deputy of St.
Clement - out of the Island
Henry George Coutanche, Deputy of St.
Lawrence - out of the Island
Philip Roy Cabot, Deputy of Trinity - ill.
Jeremy Laurence Dorey, Deputy of St.
Helier - out of the Island.

Prayers

Speaker of the National Parliament of the
Solomon Islands - welcome

The Bailiff welcomed to the States Mr. Paul
Tovua, O.B.E., Speaker of the National
Parliament of the Solomon Islands.

VJ Day Service, Royal Square

The Bailiff informed the States that a service
would be held in the Royal Square on 20th August
1995 to commemorate VJ Day.

Welcome to H.E. the Lieutenant Governor -

Special States Meeting

The Bailiff informed the States that a special meeting of the States would be held on Thursday, 28th September 1995 at 9.30 a.m. to welcome the Lieutenant Governor, His Excellency General Sir Michael Wilkes, K.C.B., C.B.E.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Civil Service Administration (Salaries) (Amendment No. 14) (Jersey) Order 1995. R & O 8838.
2. Motor Vehicle Registration (General Provisions) (Amendment No. 2) (Jersey) Order 1995. R & O 8839.
3. Control of Borrowing (Amendment No. 8) (Jersey) Order 1995. R & O 8840.
4. Post Office (Foreign Post Provisions) (Amendment No. 22) (Jersey) Order 1995. R & O 8841.

Matters presented

The following matters were presented to the States -

1. Criminal Injuries Compensation Board: report for 1994 - R.C.17/95. Presented by the Defence Committee.
2. International Conventions and Agreements: progress report for the period ended 31st March 1995 - R.C.18/95. Presented by the Policy and Resources Committee.
3. Mortgage interest relief on Jersey residential property (P.80/95): report - P.91/95. Presented by the Finance and Economics Committee.
4. States of Jersey Fire Service: report for 1994.

Presented by the Defence
Committee.

5. Department of Motor Traffic:
report for 1994.

Presented by the Defence
Committee.

6. New marina, West of Albert Pier,
Port of St. Helier: progress
report.

Presented by the Harbours and
Airport Committee.

Matters noted - land transactions

THE STATES noted Acts of the Finance and
Economics Committee dated 26th June and 3rd
July 1995, respectively, 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 following
leases, for a period of nine years and
all to commence from 1st July 1995, in
respect of the Fish Processing
Warehouse, Victoria Pier -

- (i) the lease to Mr. Malcolm
Alan Campbelton of two ground
floor sections (V12m and n) on the
east side (together measuring
722 square feet) at an annual rent
of £2,201.38 based on a rent of
£3.049 a square foot, subject to
annual review on 1st January,
with an option to renew for a
further nine years;
- (ii) the lease to C and C Fisheries
Limited of two ground floor
sections (V12j and k) on the south
east side (together measuring
722 square feet) at an annual rent
of £2,201.38 based on a rate of
£3.049 a square foot, subject to
annual review on 1st January;
- (iii) the lease to Mr. Robert
Douglas Ward of two ground
floor sections (V12o and p) on
the east side (together
measuring 722 square feet) at

an annual rent of £2,201.38
based on a rate of £3.049 a
square foot, subject to annual
review on 1st January;

(iv) the lease to the Jersey
Fishermen's Association of two
ground floor sections (V12q and r)
on the north east side (together
measuring 722 square feet) at an
annual rent of £2,201.38 based on
a rate of £3.049 a square foot,
subject to annual review on 1st
January;

(v) the lease to Mr. Douglas
Arthur Thompson of one ground
floor section (V12l) on the east
side (measuring 361 square feet)
at an annual rent of £1,100.69
based on a rate of £3.049 a square
foot, subject to annual review on
1st January;

(vi) the lease to Ross Alcedo Company
Limited of seven ground floor
sections (V12c to i) on the east
side (together measuring
2,527 square feet) at an annual
rent of £7,704.82 based on a rate
of £3.049 a square foot, subject
to annual review on 1st January;

(vii) the lease to Alro Shipping
Limited of three ground floor
sections (V12a,b and t) on the
south west corner (together
measuring 1,083 square feet)
at an annual rent of
£3,302.07 based on a rate of
£3.049 a square foot, subject
to annual review on 1st
January, with an option to
renew for a further nine
years.

(b) as recommended by the Public
Health Committee, the renewal of
the lease from Mr. Lawrence John
Goodall of the three-bedroom (a)-
(j) category house known as Le
Chatelet, Wellington Road, St.
Saviour, for occupation by a
Health Promotion Officer, for a
further term of one year from 1st
August 1995 at an annual rent of

£8,785;

(c) as recommended by the Public Health Committee, the renewal of the lease to Mr. Barry Clement Rondel, of Rondel Farms Limited, of Field No. 1547, St. Helier, for a period of one year from 1st January 1995 at an annual rent of £74;

(d) as recommended by the Planning and Environment Committee -

(i) the purchase from Chinq Holdings Limited of the main structure of the industrial building (factory units) at La Collette, St. Helier, for a sum of £496,768.89; and

(ii) the grant of new 42-year leases on the individual factory units (at a rate of £0.80 a square foot for buildings and £0.20 a square foot for parking areas) together with an initial capitalised rental payment for the use of the structure, as follows -

Capitalised Annual
rental rental
payment

Ashley and Company Limited	£165,589.65	£8,279.60
Denis Romeril Agencies and Company (Jersey) Limited	£66,235.85	£3,312.20
Pioneer Coaches Limited	£132,471.69	£6,623.60
R.R. Whittingham and Company Limited	£66,235.85	£3,312.20
R.W. and A. Engineering Limited	£66,23.85	£2,967.40

(e) as recommended by the Planning and Environment Committee, the purchase from Mrs. Joan De Quetteville Houilhan, née Deacon, of Field No. 1587, Claremont Road, St. Saviour, for the sum of £195,000 plus a restriction for 50 years against the construction of

any further building on the site and the Committee being responsible for the payment of all legal fees involved in the transaction;

(f) as recommended by the Housing Committee, the grant in perpetuity to Mr. Stuart Hallam Coley of the sole right of use of a parking space at the northern end of Field No. 817, adjacent to the property No. 3, Waterloo Close, St. Lawrence, and also the necessary rights of access across the estate roads to and from the parking space to the main road in exchange for his ratification of a revised boundary line between Field No. 816 and Le Clos de Petit Félard and the ceding of land within the new boundary line to the Committee, free of charge, with all fees and disbursements in connexion with the passing of the necessary contracts to be met by the Housing Committee;

(g) as recommended by the Education Committee -

(i) the purchase from the Parish of Trinity of the southern part of the road between Les Ruelles and La Rue du Mont Pellier, Trinity, required to enlarge the playground of Trinity School, upon the extinguishment of that road, for the sum of £10;

(ii) the sale to Mr. Harold Vautier of part of Field No. 865, Trinity (measuring approximately 700 square feet), required for the purpose of constructing a new driveway to the property "L'Abri", Trinity, for the sum of £10, subject to the Committee meeting the costs of constructing a new turning area and blocking up the extinguished road;

(h) as recommended by the Housing Committee, the sale to the Parish of St. Helier of land at Le Clos de la Ville, St. Helier, as follows -

(i) the embankment adjacent to houses Nos. 17-24, bordering the western

side of the estate and measuring approximately 3,821 square feet, for a consideration of £10; and

- (ii) a further strip of land adjacent to Plots Nos. 14 and 15, also to the western edge of the estate (measuring approximately 649 square feet), upon which a tarmac pavement had been constructed;

on the basis that each party would be responsible for its own legal costs involved in this transaction;

- (i) as recommended by the Housing Committee, the entering into of a Contrat de Bornement with the Jersey Electricity Company Limited in order to establish a new boundary between Field No. 1243A, adjacent to the housing development known as Le Clos de la Ville, St. Helier, and the electricity generating station, subject to the Committee being responsible for the construction of a retaining wall, and also for the payment of all legal costs associated with the transaction.

Matter noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 26th June 1995, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Committee for Postal Administration had accepted the lowest of five tenders, namely that submitted by Peter Cameron (1991) Limited, in the sum of £4,755,000 in a contract period of 52 weeks for the construction of a new Postal Headquarters at Rue des Prés, St. Saviour.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Matrimonial Causes (Amendment No. 8) (Jersey) Law 199 - P.86/95.
Presented by the Legislation Committee.

2. Draft European Communities (Wine) (Jersey) Regulations 199 - P.87/95.
Presented by the Finance and Economics Committee.
3. Draft States of Jersey (Amendment No. 5) Law 199 - P.88/95.
Presented by the Policy and Resources Committee.
4. Draft Airport Dues (Amendment No. 3) (Jersey) Law 199 - P.89/95.
Presented by the Harbours and Airport Committee.
5. Draft Health Insurance (Amendment No. 9) (Jersey) Law 199 - P.90/95.
Presented by the Employment and Social Security Committee.
6. St. Helena House, Nos. 9-11 Don Road, St. Helier: redevelopment - P.92/95.
Presented by the Housing Committee.
7. Mont Orgueil and Elizabeth Castles: transfer of ownership - P.93/95.
Presented by the Policy and Resources Committee.
8. Field No. 1002, Le Mont des Vignes, St. Peter: construction of dwelling - P.95/95.
Presented by the Planning and Environment Committee.
9. Opera House: acquisition - P.96/95.
Presented by the Finance and Economics Committee.
10. 11 Royal Square and Picquet House, St. Helier: town police station - P.97/95.
Presented by the Defence Committee.
11. Committees of the States: access to information - P.98/95.
Presented by Deputy A.J. Layzell of St. Brelade and referred to the Special Committee on Freedom of

Information.

12. 11 Royal Square and Picquet
House, St. Helier - town police station
(P.97/95): amendment - P.99/95.
Presented by the Connétable of
St. Helier.

THE STATES noted that the following matter had
been lodged ``au Greffe" on 27th June 1995 -

Draft Census (Jersey) Regulations
199 (P.76/95: amendments - P.85/95.
Presented by the Etat Civil
Committee.

Secondary education in Jersey - re-organisation
(P.84/95): amendment

Deputy Frederick John Hill of St. Martin
presented to the States for lodging ``au
Greffe" an amendment to the proposition of the
Education Committee regarding the re-
organisation of secondary education in Jersey.
The Bailiff advised members that the effect of
the amendment would be to negative the
proposition and this, by virtue of Standing
Order No. 21(2), should not be proposed.

The Deputy of St. Martin accordingly decided not
to present the amendment.

Arrangement of public business for the next
meeting on 25th and 26th July 1995

THE STATES noted that it had been agreed at the
meeting of 20th June 1995 that the proposition
regarding the re-organisation of secondary
education in Jersey (P.84/95 - lodged ``au
Greffe" on 20th June 1995) would be considered
on 25th July 1995.

THE STATES confirmed that the following matters
lodged ``au Greffe" should be considered at the
next meeting on 25th and 26th July 1995 -

Harbours - commercial vehicle park
and associated wall in marina:
supplementary vote of credit - P.55/95.
Lodged: 25th April 1995.
Harbours and
Airport Committee.

Draft Matrimonial Causes (Amendment

No. 8) (Jersey) Law 199 - P.86/95.
Lodged: 11th July 1995
Legislation Committee.

Draft European Communities
(Wine) (Jersey) Regulations 199 - P.87/95.
Lodged: 11th July 1995
Finance and Economics Committee.

Draft States of Jersey
(Amendment No. 5) Law 199 - P.88/95.
Lodged: 11th July 1995
Policy and Resources Committee.

Draft Airport Dues (Amendment No. 3)
(Jersey) Law 199 - P.89/95.
Lodged: 11th July 1995
Harbours and Airport Committee.

Draft Health Insurance
(Amendment No. 9) (Jersey) Law 199 -
P.90/95.
Lodged: 11th July 1995
Employment and Social Security
Committee.

St. Helena House, 9-11 Don
Road, St. Helier: development - P.92/95.
Lodged: 11th July 1995
Housing Committee.

Mont Orgueil and Elizabeth Castles:
transfer of ownership - P.93/95.
Lodged: 11th July 1995
Policy and Resources Committee.

Field No. 1002, Le Mont des Vignes,
St. Peter: construction of dwelling -
P.95/95.
Lodged: 11th July 1995
Planning and Environment Committee.

Opera House: acquisition - P.96/95.
Lodged: 11th July 1995
Finance and Economics Committee.

11 Royal Square and Picquet House,
St. Helier: town police station - P.97/95.
Lodged: 11th July 1995
Defence Committee.

11 Royal Square and Picquet House,
St. Helier - town police station
(P.97/95): amendment - P.99/95.
Connétable of St. Helier.

Income tax relief on mortgage interest -
questions and answers (Tape No. 289)

Deputy Frederick John Hill of St. Martin asked
Senator Pierre François Horsfall, President of
the Finance and Economics Committee the
following questions -

1. Will the President inform the States of the total sum on which tax relief was allowed on all interest in the year 1993?
2. Will the President state how many individuals were in receipt of income tax relief on all interest in 1993?
3. Will the President inform the States of the total amount of interest which was allowed against income tax in the year 1993 in respect of Jersey residential property?
4. Will the President state how many individuals were in receipt of this benefit in 1993?
5. Will the President give details of the income tax that would be expected to be collected if mortgage interest tax relief on Jersey residential property were 'capped' at -

£120,000 £160,000
£200,000?"

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

1. £62 million in the case of individuals. (No information is available for companies because in their case the deduction is made in arriving at assessable income, rather than in calculating the tax payable).
2. 20,377, so the average interest paid was a little over £3,000.
3. This information is unavailable because

interest is not analysed as between mortgage interest and other types. However, a reasonable estimate is £35 million.

4. For the reason given in my previous reply an accurate figure is not available but a reasonable estimate is 7,000, paying average interest of £5,000.
5. In my reply I have assumed that the Deputy has in mind a similar scheme to the one proposed by Deputy A. Breckon. In that regard the House will note that the Finance and Economics Committee has today reported on Deputy Breckon's proposition, pointing out, among other things, the scope for circumventing the legislation and the possible deterrent effect on development of property for letting.

A reasonable estimate of the extra tax raised is as follows -

'Cap' set at	Extra tax
£120,000	£1,000,000
£160,000	£600,000
£200,000	£150,000."

Immigration and Nationality Department building in Liberation Square - question and answer (Tape No. 289)

Senator Terence John Le Main asked Deputy Michael Adam Wavell, President of the Defence Committee the following question -

``As Liberation Square has been completed and is extremely popular with residents and tourists alike, will the President inform the States when the Immigration and Nationality Department is to be re-located from its present accommodation in order that the portacabins can be removed and the surrounding area be improved?"

The President of the Defence Committee

replied as follows -

“Senator Le Main will be aware that the Immigration Department moved out of Victoria Chambers in the spring of 1991. At the time, the building which was owned by the States was in need of total renovation. It was the desire of the Defence Committee of the day that the Department would return after repairs had been effected.

The building was sold in May 1994 and rebuilt along with the adjoining property in time for the Liberation celebrations in May 1995. It is now virtually ready for occupation, but the Defence Committee now considers that the rental is not realistically within its budget.

The Department occupies temporary accommodation in Rovacabins, the lease for which expires in January 1996.

The strategy of the Planning and Environment Committee is to house departments in States-owned buildings. With that in mind, my Committee has asked that the Property Management Office give priority to moving the Department from its present site preferably to purpose-built accommodation on the abattoir site which is both owned by the States and close to the harbour.

The Senator should note, however, that money to fund such a project may not be available in the near future and the Department may therefore have to remain on site for a little longer.”

Waterfront Enterprise Board - questions and answers (Tape No. 289)

Senator Terence John Le Main asked Senator Reginald Robert Jeune, President of the Policy and Resources Committee, the following questions -

- “1. In view of the fact that the Waterfront Enterprise Board was established by the States on 30th March 1993, that its Chairman and members were initially appointed by the States on 22nd June 1993, and that the Board in paragraph

six of its report appended to P.160/93 (adopted by the States on 9th November 1993) set out its proposed organisation, will the President inform the States -

- (a) when the managing director was appointed, the period of his contract and his salary?
 - (b) when other support staff have been appointed, on what basis, and at what salaries?
 - (c) what additional resources are envisaged?
 - (d) what offices have been rented for the Board, for how long and at what rent?
2. Will the President state what progress the Board has made since it was established?"

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

- 1.(a) The managing director was appointed on 15th August 1994, on a five year contract. His salary has been determined by the Board within the salary range which is applicable to all chief officers employed by the Establishment Committee.

That salary range is defined in the Civil Service Administration (Salaries) (Amendment No. 14) (Jersey) Order 1995 (R & O No. 8838) made by the Establishment Committee on 22nd June 1995, and tabled in the States today.

- (b) Other support staff are a financial director and a secretary, appointed from 7th July 1994 and 1st September 1994 respectively.

The salaries paid are within the Civil Service grades 14 and seven respectively, and are included in the Order made by the

Establishment Committee to which I referred in responding to the previous question.

(c) The States, on 9th November 1993, confirmed that the Waterfront Enterprise Board should be established as a development agency of the States within the overall framework of the report of the Waterfront Enterprise Board dated 22nd September 1993. In paragraph 6.15 of that report the Board set out the staff resources it would require. In addition to the managing director and the financial director to which the previous answers have referred, the Board identified a need for a planning/development officer, a project manager and a marketing officer. It is anticipated that a planning officer will be appointed towards the end of 1995 by means of a secondment from within the Civil Service. A final decision has yet to be taken on when a project manager and a marketing officer will be appointed.

(d) The Board has rented offices at 38 The Esplanade, St. Helier, but has no formal lease and are on three months' notice. The rental is £25,000 a year.

2. The Waterfront Enterprise Board was confirmed as a development agency of the States on 9th November 1993. In the report accompanying the proposition (P.160/93) it was stated that the 'next step will be for the Board to undertake a strategic appraisal of the development of the waterfront area in the light of the changed economic climate since the Whitfield and the Andrews Downie reports were prepared'.

In preparing the strategic appraisal the Board discovered that some of the underlying assumptions of the Whitfield and Andrews Downie reports were not achievable when looked at in detail. For example, it was discovered that the commercial port at Elizabeth Harbour could not in practice be re-located to

La Collette. The results of this technical appraisal, which were not known until May 1994, required a review of the land uses of the reclaimed land west of the Albert Pier so as to protect the interests of the commercial port.

The Board produced a draft Strategic Appraisal and Ten Year Action Plan in September 1994 and this was issued to all States' members. There followed a period of intense consultation and the Board gave presentations to the relevant Committees of the States in order that their comments could be passed to the Policy and Resources Committee for consideration prior to that Committee preparing and presenting a report and proposition to the States. In addition, the Board held a series of public meetings and met with a range of professional bodies and trade associations.

On 29th November 1994 the Policy and Resources Committee met with the President of the Island Development Committee and his officers to discuss the Board's Strategic Appraisal. To quote from the Policy and Resources Committee's minute of 29th November 1994, which minute all States' members will have seen - 'the Committee agreed that, whilst the Waterfront Enterprise Board had followed its remit and had presented a package of proposals for the development of the waterfront area, there were a number of issues raised by the Board's report that needed to be further considered from an Island-wide strategic standpoint before they could be properly considered by the States. It was decided that a Working Group should be established to examine the key strategic issues that had arisen during the consultation process. The Waterfront Enterprise Board would be invited to nominate two of its members to serve on the Group, and the Group would also comprise two members each from the Policy and Resources, Finance and Economics, and Island Development Committees'.

The Waterfront Review Working Group

held its first meeting on 7th December 1994 and met again on 1st February, 16th March and 26th June, and the Group's considered views on the key issues were presented to the Policy and Resources Committee when they met with the Waterfront Enterprise Board on Friday, 30th June 1995. The Waterfront Review Working Group also met with Mr. D. Filleul and Mr. R.A. Brown both of whom had put up alternative proposals.

Over the months since the Waterfront Review Working Group was established, the Board -

(i) has continued with a programme of consultations with organisations and associations throughout the Island;

(ii) has commissioned a detailed study of the fill material on the waterfront and has co-operated with the Public Services and the Planning and Environment Committees in utilising the results of these studies not only to produce a remedial plan for the waterfront area, but also to help to form a long-term strategy for ash disposal at La Collette. I am sure the Presidents of the Public Services and Planning and Environment Committees will acknowledge the Board's role in this respect;

(iii) has chaired the Marina Project Group and has been closely involved in ensuring that adequate provisions are made for port users;

(iv) has made money available and arranged for the creation of a green strip to be created around the reclamation site in order to improve its appearance. The Board also has arranged for and paid for the environmental improvement adjacent to the Albert Pier and would wish to do much more along these lines but has been unable to implement its proposals because as yet it has not been given administrative control over the

land in question.

At the meeting held between the Policy and Resources Committee and the Board on 30th June 1995 it was agreed that the Policy and Resources Committee would present a full report to the States, for debate in the autumn, explaining how the development proposals for the waterfront area are now to be progressed, and asking the States to approve the incorporation of Waterfront Enterprise Board Limited and to provide for the Board to be given administrative control over the Waterfront area."

Rates Appeal Board - question and answer
(Tape No. 289)

Deputy David Leon Crespel of St. Helier asked the President of the Finance and Economics Committee the following question -

``Now that the Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 1995 has been registered in the Royal Court, would the President advise the States -

- (1) what progress has been made towards the appointment of the independent Rates Appeal Board, provided by that Law?
- (2) will the members of the Board be appointed in time to consider appeals against rating assessments in 1995?"

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

``Under the revised Article 14 of the Law amendment to which the Deputy refers, the Finance and Economics Committee has the duty to recommend to the States five persons to comprise a Parish Rate Appeal Board.

I am pleased to inform the Deputy that my Committee has considered, invited and received acceptances from five well qualified persons to serve as members of an Appeal Board. A report and proposition for the States is being prepared and will be

lodged shortly. That proposition will not seek to bring the powers of the Law amendment into operation until 1996. This is because, as members will, I am sure, realise, the amended legislation was received only after most parishes had already published their rate lists and, indeed, a number of appeals had been lodged or were in the process of being lodged, under the existing legislation.

Concern has quite properly been expressed to the Committee, by persons involved with the introduction and administration of the rating legislation, of the practical problems which will ensue if the new legislation is introduced part way through the year when, conceivably, two different sets of legal provisions would be operating with regard to appeals.

Further, the deadline (31st July) for the settlement of appeals, and the approval by the Connétables' Supervisory Committee of the revised draft lists, is considered by the Committee to be too close for the necessary new procedures to be determined and set up to operate in 1995.

Therefore, it will be proposed to the States that, on practical grounds, the establishment of the Parish Rate Appeals Board and the appointment of the members to it takes place on 1st January 1996."

Parish rates legislation - questions and answers (Tape No. 289)

Deputy David Leon Crespel of St. Helier asked Deputy Robin Ernest Richard Rumboll, President of the Legislation Committee the following questions -

- ``1. On 24th May 1994 the States adopted P.124/93 and P.65/94 and agreed in principle to the adoption of a new Parish Rate Law and requested the Legislation Committee to prepare the necessary legislation. Would the President advise the States what progress has been made in the preparation of drafting instructions for the Law Draftsman?

2. Does the Committee still intend to implement the recommendations of the Working Party on Rates, particularly the introduction of a system of assessments using fixed rateable values (FRV)?
3. Has the Committee discussed with the Supervisory Committee steps that might be taken for promoting uniformity in the principles and practice of rating?
4. Is the President able to advise the States when the draft of the new Law is likely to be submitted to the Assembly for approval?
5. If the new Law is not likely to be in force by 1996, would the Committee be prepared to consider introducing Regulations to amend the Second Schedule to the present Law so as to introduce assessments using Fixed Rateable Value (FRV)?"

The President of the Legislation Committee replied as follows -

- “1. The report accompanying P.124/93 included a detailed list of recommendations prepared by a Working Party on Rates as set out in Annex A to the report. The majority, but not all, of the recommendations were approved by the States on 24th May 1994. The detailed recommendations contained in the report must form the basis of the drafting instructions for the Law Draftsman, and indeed it would be improper for the Legislation Committee to alter or vary the recommendations which have previously been approved by the States. However, there were a number of points of minor detail that required clarification and, following a meeting I attended with the Supervisory Committee held on 19th April 1995 and a further meeting with representatives of the Parish Assessment Committees on 19th May 1995, I am pleased to report that satisfactory explanations have

been received which will enable my Committee to confirm the law drafting instructions.

2. Yes. However, for the sake of accuracy I should remind the House that not all the recommendations of the Working Party on Rates were approved by the House on 24th May 1994.
3. As indicated in my answer to question 1, I attended a meeting of the Supervisory Committee on 19th April 1995 at which the obligation contained in Article 8(2) of the Parish Rate (Administration) (Jersey) Law 1946 for the Supervisory Committee to take such steps as it thinks fit for promoting uniformity in the principles and practice of rating and for assisting assessment committees in the performance of their functions under this Law was discussed. I pointed out to the Supervisory Committee that in my opinion a uniform basis for assessing rental values and computing rateable values of land throughout the Island was an essential prerequisite to the introduction of a fixed rateable value.

I was assured that the Supervisory Committee has taken and will continue to take such steps as it considers necessary to promote such uniformity.

4. I am unable to give a precise timescale for the completion of the drafting of the new Law. On 30th June 1995, the President of the Policy and Resources Committee wrote to me informing me that the new Rating Law will not be included in the 1996 Law Drafting programme. The programme will be included in the 1995 Strategic Policy Review and Action Plan to be considered by the States later this year.
5. The States have requested the Legislation Committee to present a new law to replace the Parish Rate (Administration) (Jersey) Law 1946. In view of the low priority now given to this law in the Law Drafting programme, my Committee is prepared to consider introducing Regulations to amend the Second Schedule to the present Law so

as to introduce assessments using fixed rateable values. However, this course of action has yet to be considered by the Law Officers and the Law Draftsman, and at this stage I am unable to give an indication of the likely timescale for achieving this result."

Uniformity in parish rating - questions and answers (Tape No. 289)

Deputy David Leon Crespel of St. Helier asked the Connétable of St. Clement the following questions -

- ``1. Is the Working Party on the Review of the Parish Rate (Administration) (Jersey) Law 1946, as amended, still in being? If so, who is its Chairman? If not, was another body set up to replace it?

2. Would the Connétable advise members what steps the Supervisory Committee is currently taking under Article 8(2) of the Parish Rate Law towards promoting uniformity in the principles and practice of rating and for assisting assessment committees in the performance of their functions under the Law?"

The Connétable of St. Clement replied as follows -

- ``1. The Working Party is no longer in being - nor has another body been set up. The former Connétable of St. John, Mr. John Le Sueur, was Chairman of the Working Party, and he presented to the States on 24th August 1993 a report, together with the report and recommendations of the Working Party on the Review of the Parish Rate (Administration) (Jersey) Law 1946, as amended, dated 10th August 1993 (P.124/93). The matter was debated in the States on 24th May 1994, when the majority of the recommendations were adopted.

As has already been dealt with in the previous question to the President of

the Legislation Committee, the agreed recommendations, including the principle of a fixed rating value, are in the hands of the Legislation Committee.

2. The Connétables are fully aware of their responsibility for promoting uniformity in the principles and practice of rating and for assisting assessment committees in the performance of their functions under the Law, and I confirm that, following the debate on P.124/93, they have taken steps to ensure that there is a consistency of assessment. I believe that it is important that each parish maintains its independence in this matter as to do otherwise will result in an all Island rate. Recent experience has shown that uniformity can be achieved on a parochial level, as evidenced by the almost negligible number of appeals submitted to and dealt with by the Supervisory Committee this year - 25, which is the lowest number for many years."

Publication of the findings and report relating to the 14+ transfer system - questions and answers (Tape No. 289)

Deputy Shirley Margaret Baudains of St. Helier asked the Connétable of St. Lawrence, President of the Education Committee, the following questions -

1. In view of the President's assurance that there is no restriction on teachers making public statements, will the President explain why the headmaster of Hautlieu School was advised in a letter on or about 22nd June 1995 that he would be held responsible for any publication of the findings and report relating to the 14+ transfer system prepared by students of Hautlieu School and that if published there was a possibility of legal proceedings being instituted?
2. If the answer to (1) is in the

affirmative, will the President release a copy of that letter to members?"

The President of the Education Committee replied as follows -

1. I fail to see the connexion between the assurance which I gave to the States that there is no restriction on teachers making public statements with regard to the debate on the proposed re-organisation of secondary education and the publication of a report which has been prepared by some students of Hautlieu School.

However, I would impress on Deputy Baudains that headteachers do carry onerous and extensive responsibilities. They are both the leaders and principal representatives of their schools and accountable for the progress, activities and behaviour of those who are members of the school community. In particular, headteachers carry a duty of care to ensure that the young people, who are the most important part of that community, are not put at risk in any way. In the performance of their duties, headteachers are responsible to and guided by the Director of Education.

The Director of Education did write to Mr. Bullock on 19th June in order to provide guidance on an issue about which both he and the headteacher were concerned. This letter clearly expressed the headteacher's responsibility and duty of care to which I have referred. The letter stated 'It is very dangerous for anyone to make unsubstantiated public allegations and it is your obligation as headteacher to ensure that any survey does not contain statements which are libellous or defamatory', and went on 'I would be grateful if you would personally discuss (with the author of the report) the contents of the survey report to ensure that it is worthy of publication and that it does not contain unsubstantiated allegations against individual teachers or

headteachers. I would not wish any school or its pupils to become engaged in a legal dispute and I look to you to ensure that it does not happen'.

2. The letter from which I have quoted is, I assume, that to which Deputy Baudains refers. There is neither further advice nor instruction contained within it. However, it is a communication between professional colleagues and contains references to individuals. It would be inappropriate for me to publish it to members as its publication would serve no useful purpose."

Springfield, St. Helier - transfer of administration

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) referred to their Act dated 8th June 1993 in which they approved a development plan designating Springfield, St. Helier for sports, leisure and recreation, and to their Act dated 8th November 1994 in which they approved the purchase of approximately 244,000 square feet of land at Springfield St. Helier, as shown on drawing No. 383/1, from the Royal Jersey Agricultural and Horticultural Society;
- (b) approved the transfer of the administration of the land and buildings at Springfield, St Helier, shown hatched as area A on Drawing No. 475/1 from the Planning and Environment Committee to the Sport, Leisure and Recreation Committee, for development to provide new sport, recreation and community facilities;
- (c) approved the transfer of the administration of the road and pavements linking Springfield Road and Val Plaisant, St Helier, shown as area B on drawing No. 475/1, from the Planning and Environment Committee to the Public Services Committee;
- (d) authorised the Greffier of the States to sign the said drawing on behalf of

the States.

St. James Centre - redevelopment: approval of drawings

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 2952-10A, 11, 12A, 13, 14, 15 and 16 showing the construction of additional classrooms, the refurbishment of existing accommodation and the creation of an external courtyard at St. James Centre, St. Helier;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Airport terminal development: approval of drawings - P.75/95

THE STATES, having received an assurance from the President of the Harbours and Airport Committee that 30 check-in desks would be provided in the new airport terminal development, adopted a proposition of that Committee and -

- (a) approved drawings Nos. 2948/P1/2, 11 and 16, P3/5 to 12, 19 and 27, and P4/2 and 3, showing the development of Jersey Airport terminal;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Census (Jersey) Regulations 1995 - P.76/96 and P.85/95

THE STATES commenced consideration of the draft Census (Jersey) Regulations 199 (lodged "au Greffe" on 6th June 1995).

The Preamble and Regulations 1, 2, 3 and 4 were adopted.

Regulation 5 was adopted, the States having accepted an amendment of the Etat Civil

Committee that in paragraph (2), after the words "included in" there should be inserted the words "the first class of persons mentioned in the first column of".

Regulations 6, 7, 8 and 9 were adopted.

Regulation 10 was adopted, the States having accepted an amendment of the Etat Civil Committee that in paragraph (1), for the words "or persons" there should be substituted the words "or person" and for paragraph (4) there should be substituted the following paragraph -

"(4) The obligation placed by paragraph (1) of this Regulation on the enumerator to deliver a form of return shall be satisfied if -

- (a) he hands it to the prescribed person or person acting on his behalf; or
- (b) where no such person is available, he leaves it at the dwelling or premises where persons are to be enumerated."

Regulations 11, 12, 13, 14, 15, 16, 17, 18 and 19 were adopted.

THE STATES, in pursuance of Article 2 of the Census (Jersey) Law 1951, as amended, made Regulations entitled the Census (Jersey) Regulations 1995.

Administrative Decisions (Review) (Amendment) (Jersey) Law 199 - P.78/95

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Administrative Decisions (Review) (Amendment) (Jersey) Law 199 .

Field 1517, Bellozanne, St. Helier:
extinguishment of certain rights - P.81/95

THE STATES, adopting a proposition of the Housing Committee -

- (a) authorised the Housing Committee to acquire, extinguish or modify, on behalf of the public, certain rights over Field 1517, Bellozanne, St.

Helier, from the undermentioned owners of properties in Hautbois Terrace, for a fair and proper price to be agreed by the Finance and Economics Committee -

1 Hautbois Terrace - Mrs. Elizabeth Apperley, née Barry;

2 Hautbois Terrace - Mr. Hedley Amy Baal and Mrs. Sheila May Baal, née Noel;

3 Hautbois Terrace - Mr. John Henry Knight and Mrs. Bridget Marie-Helene Bernadette Knight, née Anger;

4 Hautbois Terrace - Mrs. Phyllis Eva Mary Jane Huchet, née Ahier;

5 Hautbois Terrace - Mr. Ronald Francis Turner and Mrs. Margaret Joyce Turner, née Poole;

6 Hautbois Terrace - Mr. Joseph Charles Beauchamp;

7 Hautbois Terrace - Mr. Peter John Hill and Mrs. Sheree Lynette Hill, née Doré;

7(a) Hautbois Terrace - Mr. Leslie William Boddie;

(b) agreed that, in the event of it not being possible to agree a fair and proper price with the said owners, the Housing Committee should be empowered, in exercise of the powers conferred by Article 4 of the Housing (Jersey) Law 1949, as amended, to acquire, extinguish or modify the said rights by compulsory purchase in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;

(c) authorised the payment or discharge of any expenses incurred in connexion with the acquisition, extinguishment or modification of the said rights and of all legal expenses from the Housing Committee's capital vote of credit "Building, Purchase and Rehabilitation of Dwellings" (Vote No. C.1103);

(d) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts that it might be found necessary to pass in connexion with the acquisition, extinguishment or modification of the said rights.

Anatomy and Human Tissue (Amendment) (Jersey) Law 199 - P.82/95

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Anatomy and Human Tissue (Amendment) (Jersey) Law 199 .

Gambling (Betting) (Amendment No. 8) (Jersey) Regulations 1995 - P.83/95

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled the Gambling (Betting) (Amendment No. 8) (Jersey) Regulations 1995.

La Colomberie/Green Street junction and 7 Francis Street, St. Helier: sale and cession of land - P.79/95

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

(a) approved the sale of an area of land measuring approximately 2,000 square feet, situated at the south-west junction of La Colomberie and Green Street in St. Helier, shown cross hatched on drawing No. 469/1, to Mr. Andreas Sophianou for a consideration of £30,000, plus the ceding of an area of land from Mr Sophianou to the public at the front of No. 7 Francis Street, measuring approximately 200 square feet, shown hatched on drawing No. 469/1, required for the proposed Francis Street road widening scheme, with each party being responsible for the payment of 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 contracts which it might be found to be necessary to pass in connexion with the said pieces of land and all interests therein;

(d) authorised the Treasurer of the States to receive the consideration when it became due;

(e) authorised the payment and discharge of the expenses incurred in connexion with the said land transaction by the Public Services Department.

Members present voted as follows -

``Pour" (27)

Senators

Jeune, Horsfall, Rothwell, Chinn,
Bailhache, Tomes.

Connétables

St. Mary, St. Brelade, St. Helier, St.
Saviour, Trinity.

Deputies

Norman(C), St. Peter, St. Ouen, Huelin(B),
St. Mary, Le Fondré(L), Le Geyt(S),
Pullin(S), Carter(H), Johns(H), Duhamel(S),
Matthews(B), Layzell(B), Breckon(S),
Huet(H), St. Martin.

``Contre" (11)

Senators

Shenton, Stein, Syvret.

Connétables

St. Clement, St. Lawrence, St. Peter.

Deputies

S. Baudains(H), Crespel(H), Routier(H),
Grouville, St. John.

THE STATES rose at 4.45 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.