

THE STATES assembled on Tuesday,  
23rd July 1996 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache

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All members were present with the exception of -

Senator Richard Joseph Shenton - out of the  
Island  
Senator Antony Beresford Chinn - out of the  
Island  
Caryle John Le Herissier Hinault,  
Connétable of St. John - excused  
John Nicolle Le Fondré, Deputy of St.  
Lawrence - ill  
Frank Harrison Walker, Deputy of St.  
Helier - ill.

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Prayers

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Subordinate legislation tabled

The following enactments were laid before the  
States, namely -

1. Spring Traps (Approval) (Jersey)  
Order 1996. R & O 8953.
2. Battle of Flowers (Jersey) Order  
1996. R & O 8954.

Matters presented

The following matters were presented to the  
States -

1. Criminal Injuries Compensation Board: report for 1995 - R.C.19/96. Presented by the Defence Committee.  
THE STATES ordered that the said report be printed and distributed.
2. Department of Postal Administration: report for 1995. Presented by the Committee for Postal Administration.
3. Police Services in Jersey. Presented by the Defence Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 15th July 1996, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Le Masurier (Stopford Road) Limited to exchange its emergency right of way over public land at Stopford Road for an unfettered right of way across the new estate road, which might become part of the proposed new gyratory system;
- (b) as recommended by the Planning and Environment Committee, the granting of consent to the Jersey Electricity Company Limited to excavate a trench along the boundary of Fields Nos. 328 and 121, Crabbé, St. Mary, for the purpose of improving its distribution network in that area, provided that the Company would consult with any new tenants of the fields prior to the commencement of the works, that notice would be given to the Agriculture and Fisheries Committee and the Defence Committee (which Committees administered Fields Nos. 328 and 121, respectively) before work commenced, and that the Company would bear all costs relating to the work;
- (c) as recommended by the Public

Services Committee, the renewal of the lease to Mr. Alan Arthur Le Herissier of the commercial building measuring 2,300 square feet and an unsurfaced yard area measuring approximately 10,000 square feet at the Old Scrapyard, Bellozanne Valley, St. Helier from 28th September 1996 to 29th March 1997 at a rent for the six month period of £5,800, after which time it would be utilised by the Public Services Department as the site for a recycling operation;

- (d) as recommended by the Housing Committee, the sale to Mr. Jose Luis da Silva and Mrs. Maria Gorette da Silva, née Freitas Aguiar, of an area of land measuring 14 square metres for the sum of £250, in order to agree that the small retaining wall between their house, 'Ampurius', Grands Vaux, St. Saviour and Les Grands Vaux Housing Estate, St. Helier should form the boundary between the two properties, with Mr. and Mrs. da Silva being responsible for all legal costs arising from the transaction.

Matters noted - acceptance of tenders

THE STATES noted Acts of the Finance and Economics Committee dated 15th July 1996, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Public Services Committee had accepted the lowest tender, namely that submitted by Norsk Hydro Limited in the sum of £2,431,321 for the Clinical Waste Incinerator Plant at Bellozanne Valley, St. Helier;
- (b) the Defence Committee had accepted the lowest of four tenders, namely that submitted by J.P. Mauger Limited in the sum of £92,998.17, in a contract period of 19 weeks, for the construction of a breathing apparatus heat training room at the Fire Station, Rouge Bouillon, St. Helier.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Insurance Business (Jersey) Law 1996 (Appointed Day) Act 199 - P.117/96.  
Presented by the Finance and Economics Committee.
2. Draft Sea-Fisheries (Size Limits) (Amendment No. 5) (Jersey) Regulations 199 - P.118/96.  
Presented by the Agriculture and Fisheries Committee.
3. Draft Maincrop Potato Marketing Scheme (Amendment No. 8) (Jersey) Act 199 - P.119/96.  
Presented by the Agriculture and Fisheries Committee.
4. Planning and building control services: fee structure - P.120/96.  
Presented by the Planning and Environment Committee.
5. Referendums - P.121/96.  
Presented by Senator S. Syvret.

Members present rejected the proposed reference of the report and proposition to the Policy and Resources Committee and voted as follows -

``Pour" (18)

Senators

Jeune, Horsfall, Rothwell.

Connétables

St. Clement, St. Lawrence, St. Mary,  
St. Brelade, St. Saviour.

Deputies

Norman(C), H. Baudains(C), Le Sueur(H),  
St. Ouen, Coutanche(L), Huelin(B), Le  
Geyt(S), Pullin(S), Trinity, Johns(H).

``Contre" (19)

Senators

Le Maistre, Stein, Bailhache, Syvret.

Connétables

St. Helier, Trinity.

Deputies

Rumboll(H), St. Mary, Carter(H),  
Duhamel(S), Matthews(B), Routier(H),  
Dorey(H), Layzell(B), Breckon(S),  
Grouville, Huet(H), St. Martin, St.  
John.

Draft Limited Liability Partnerships (Jersey)  
Law 199 - P.84/96

THE STATES rejected the proposition of Deputy Gary Matthews of St. Brelade that continuation of the debate on the draft Limited Liability Partnerships (Jersey) Law 199 (lodged ``au Greffe" on 21st May, Preamble adopted on 2nd July 1996) be deferred to the Autumn Session.

Jersey Archive - question and answer (Tape No. 350)

Deputy Henry George Coutanche of St. Lawrence asked Senator Reginald Robert Jeune, C.B.E., President of the Policy and Resources Committee, the following question -

``Following the approval of the States on 27th October 1992 to support the establishment of an Archive Service in Jersey, the subsequent appointment of an archivist, the decision to locate the archive at Clarence Court, St. Helier and the allocation of a Planning vote, will the President inform the House of the progress with regard to the construction of the building to house the Jersey Archive?"

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

``The Policy and Resources Committee has received a request from the Finance and Economics Committee for the construction of a building to house the Jersey Archive to be included in the capital programme for

1997 - 2000. That request has been considered together with the many other capital requests submitted by Committees of the States.

In the first instance the capital requests were considered by politicians representing all the Committees with capital requests and were prioritised using a technique known as decision conferencing. In brief this technique seeks to evaluate the relative value of individual projects according to agreed criteria which are based on the Strategic Policy objectives included in the Strategic Policy Review 1995 '2000 and Beyond', which objectives the States adopted in September 1995.

The results of the decision conference were then considered by the Policy and Resources Committee and a draft capital programme was prepared. This in turn was considered by Presidents and chief officers at a meeting last month, and the draft programme generally found favour. As in previous years the programme will now be included in the Strategic Policy Review and Action Plan 1996, which is to be debated on 10th/11th September 1996. At that time members will be asked to decide whether they wish to adopt the recommended capital programme.

I have to inform the House that the construction of a building to house the Jersey Archive is not presently in the capital programme to be recommended by my Committee. I would emphasise however that this is not because my Committee does not accept the need for such a building. Indeed it was the Policy and Resources Committee that brought the proposition to the House in October 1992 which asked the States to agree in principle to the establishment of an Archive Service for Jersey and also agree in principle to the provision of suitable premises for housing the archives. The reason why the archive building is not presently in the programme is because the States' members who took part in the decision conference, the Presidents who attended the meeting with the Policy and Resources Committee last month, and the Policy and Resources Committee itself has reached the conclusion that, in the allocation of the funds available, other projects including extensions to schools,

housing development, provision for health and social services, sea defences, and sewer extensions have a higher priority."

Field No. 790, St. Peter - statement

The Vice-President of the Planning and Environment Committee made a statement in the following terms -

``The Planning and Environment Committee was requested by the States on 14th March 1995 to reconsider its decision to refuse the application for a kart racing circuit on Field No. 790, St. Peter.

In accepting the decision of the States to reconsider the matter, the Committee noted the assurances given by members of the Sport, Leisure and Recreation Committee in both its report and proposition and orally in the debate, that the circuit could be designed and constructed in such a manner to significantly reduce the noise generated by the karts.

Accordingly a fresh application was received from the Sport, Leisure and Recreation Committee on 17th October 1995 to develop a purpose-built kart racing circuit on Field No. 790, St. Peter. The Committee has received many further representations to this proposal from the residents of the area reinforcing their objections to the proposal, citing noise from the karts as their major concern.

In support of their application, the Sport, Leisure and Recreation Committee appointed acoustic consultants to advise on the design and to produce a noise impact assessment for the site. The consultants are experienced in the design and construction of racing circuits and are appointed to act as noise inspectors to the Royal Automobile Club Motor Sport Association in the United Kingdom.

Their consultants' findings state that `even with strategically placed 4m high banks around the site, there would still be significant noise impact up to 600 metres (1/3 mile) from the track during certain wind and weather conditions noise impact could be significant in all areas up to 1.5

kilometres (almost one mile) from the track'.

Accordingly the Committee asked the agent acting for the Sport, Leisure and Recreation Committee, to find ways of redesigning the proposal to deal with the noise issue. The acoustic consultant stated that the submitted design included the best practical methods of reducing the noise. The agent was also asked to explore whether the karts themselves could be modified to reduce the noise levels. The response received was that quieter racing karts were not possible in the foreseeable future.

In reconsidering the application, the Committee took into account the following -

that the track would be used on 15 occasions during the year. The Committee felt that whilst the number of race days appear relatively small, they occur at weekends, predominantly during the summer months when residents wish to enjoy the relative peace and quiet of their gardens. There are hundreds of dwellings within the radius of 1.5 kilometres likely to be affected particularly as the prevailing wind will carry the noise into St. Peter's Village;

that the area is already subject to existing aircraft noise. The Environmental Health Department monitored the background noise levels and commented, 'there is no doubt that kart noise will be discernible from aircraft noise at times.' Kart noise is audibly more intrusive and the duration of the noise is longer;

the visual impact of 4m high banks around parts of the site would be detrimental to the visual amenity of the area;

the States were given undertakings by the member of the Sport, Leisure and Recreation Committee which cannot in practice be met on Field No. 790, St. Peter.

The Planning and Environment Committee has reconsidered its decision as requested



by the States but reluctantly, has decided to refuse permission for the following reasons -

the proposal would create an unacceptable noise nuisance and disturbance to the residents of the surrounding area, and

the proposal would detract from the appearance of the area.

In rejecting the application, the Planning and Environment Committee is conscious that the States wish to find a suitable site for the Kart Club and will endeavour to assist the Sport, Leisure and Recreation Committee and the Jersey Kart Club to find a suitable site."

#### Working Party on Population policy - statement

The President of the Policy and Resources Committee made a statement in the following terms -

``Members hopefully will by now have had an opportunity to read and digest the excellent report of the Working Party on Population Policy. It is intended that the report should be issued formally as an R.C., and that the recommendations of the Working Party should be put forward for the approval of the States as part of the Strategic Policy Review and Action Plan 1996 which the States are to debate on 10th/11th September 1996.

I should like to take this opportunity of publicly thanking Mark Boleat, the Chairman of the Working Party, and the other non-States members of the Working Party for giving so much of their time so freely, and for completing the task by June as requested. I should also like to express my appreciation of the contribution made to the work of the Working Party by the three States members.

It is of considerable credit to the Working Party as a whole that, in tackling what the States over the years have always found to be a most difficult subject, they have produced a report with clear conclusions and recommendations which have

their unanimous support."

Agricultural Loans and Guarantees Advisory Board: appointment of member

THE STATES, adopting a proposition of the Agriculture and Fisheries Committee, approved the appointment of Mr. John Tibbo as a member of the Agricultural Loans and Guarantees Advisory Board until 6th May 1997, in accordance with Regulation 3(2)(a) of the Agriculture (Loans) (Jersey) Regulations 1974, as amended.

No. 6 Le Feugerel, La Moye, St. Brelade

THE STATES, adopting a proposition of the Finance and Economics Committee -

- (a) agreed to the sale to Mr. Guy Storer Powell and Mrs. Caroline Beverley Elizabeth Powell, née Chambers, of the one quarter share in the immovable estate consisting of a dwelling house known as No. 6 Le Feugerel, La Moye, St. Brelade, bequeathed to the public of the Island by the late Mrs. Irene Elizabeth Alexandra Warne, née Bower, ``for the purchase of equipment for the Cancer Unit at the General Hospital" as set out in the Committee's report, dated 15th July 1996;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract;
- (c) authorised the Treasurer of the States to receive the amount connected with the above transaction.

St. Aubin: land reclamation - P.73/96 and P.97/96

THE STATES, adopting a proposition of the Connétable of St. Brelade, referred to their Act dated 22nd September 1987 in which they took note of the ``Island Plan - Volume 2: plan and policies", and in particular to Policy TR13(a) which states ``The Committee proposes the construction of a land reclamation scheme adjacent to St. Aubin's Harbour including public car parking as part of the St. Aubin's

village/conservation study" and -

- (a) approved Policy TR13(a);
- (b) requested the Planning and Environment Committee, in consultation with the Public Services Committee and the Parish of St. Brelade, to bring to the States as soon as possible proposals for that land reclamation scheme to provide a carefully designed public surface car park with landscaping to restore to St. Aubin its unique character.

Members present voted as follows -

``Pour" (28)

Senators

Jeune, Le Main, Stein, Tomes.

Connétables

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

Deputies

Wavell(S), Norman(C), St. Ouen,  
Huelin(B), St. Mary, Crespel(H),  
Pullin(S), Trinity, Duhamel(S),  
Routier(H), Dorey(H), St. Martin, St.  
John.

``Contre" (20)

Senators

Horsfall, Rothwell, Le Maistre,  
Quérée, Bailhache, Syvret.

Deputies

Rumboll(H), St. Peter, H. Baudains(C),  
Le Sueur(H), Coutanche(L),  
S. Baudains(H), Le Geyt(S), Carter(H),  
Johns(H), Matthews(B), Layzell(B),  
Breckon(S), Grouville, Huet(H).

THE STATES, in pursuance of Article 3 of the Royal Court (Amendment No. 8) (Jersey) Law 1996, made an Act entitled the Royal Court (Amendment No. 8) (Jersey) Law 1996 (Appointed Day) Act 1996.

Health Insurance (Medical Benefit) (Amendment No. 46) (Jersey) Regulations 1996 - P.110/96

THE STATES, in pursuance of Articles 18 and 46 of the Health Insurance (Jersey) Law 1967, as amended, made Regulations entitled the Health Insurance (Medical Benefit) (Amendment No. 46) (Jersey) Regulations 1996.

Health Care (Registration) (Jersey) Regulations 1996 - P.111/96

THE STATES, in pursuance of Article 17 of the Health Care (Registration) (Jersey) Law 1995, made Regulations entitled the Health Care (Registration) (Jersey) Regulations 1996.

Establishments for Massage or Special Treatment (Licensing) (Repeal) (Jersey) Law 199 - P.112/96

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Establishments for Massage or Special Treatment (Licensing) (Repeal) (Jersey) Law 199 .

Termination of Pregnancy (Jersey) Law 199 - P.116/96

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Termination of Pregnancy (Jersey) Law 199 .

Draft Limited Liability Partnerships (Jersey) Law 199 - P.84/96

Deputy Jeremy Laurence Dorey of St. Helier proposed that the States move to the consideration of the next item on the order paper, which proposition was rejected, fewer than 20 members voting in support thereof.

THE STATES continued consideration of the draft

Limited Liability Partnerships (Jersey) Law 199 having, on 2nd July 1996, adopted the Preamble.

Article 1 - consideration was deferred.

Article 2 was adopted.

Members present voted as follows -

``Pour" (24)

Senators

Horsfall, Rothwell, Le Maistre, Stein.

Connétables

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

Deputies

Wavell(S), Norman(C), St. Peter, H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, Crespel(H), Pullin(S), Trinity, Routier(H).

``Contre" (19)

Senators

Le Main, Quérée, Bailhache, Syvret, Tomes.

Connétables

St. Helier, Trinity.

Deputies

S. Baudains(H), Carter(H), Johns(H), Duhamel(S), Matthews(B), Dorey(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John.

Article 3 was adopted.

Members present voted as follows -

``Pour" (20)

Senators

Horsfall, Rothwell, Stein.

Connétables

St. Lawrence, St. Peter, Grouville, St. Saviour.

#### Deputies

Norman(C), St. Peter, H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, Crespel(H), Pullin(S), Trinity, Carter(H), Routier(H).

``Contre" (13)

Senators

Le Main, Quérée, Syvret.

#### Connétables

Trinity.

#### Deputies

Johns(H), Matthews(B), Dorey(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John.

Articles 4 and 5 were adopted.

Members present voted on Article 5 as follows -

``Pour" (21)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Bailhache.

#### Connétables

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

#### Deputies

Norman(C), St. Peter, H. Baudains(C), Le Sueur(H), Coutanche(L), Huelin(B), St. Mary, Crespel(H), Pullin(S), Trinity, Routier(H).

``Contre" (18)

Senators

Le Main, Quérée, Syvret.

#### Connétables

St. Mary, St. Peter, St. Helier, Trinity.

## Deputies

Carter(H), Johns(H), Duhamel(S),  
Matthews(B), Dorey(H), Layzell(B),  
Breckon(S), Grouville, Huet(H), St. Martin,  
St. John.

Article 6 was adopted.

## Adjournment

THE STATES adjourned, having agreed to continue consideration of the draft Limited Liability Partnerships (Jersey) Law 199 and the other outstanding items of business on Tuesday, 30th July 1996.

THE STATES rose at 6.10 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.