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THE STATES assembled on Tuesday,
30th July 1996 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Francis Charles Hamon, Esquire

All members were present with the exception of -

Senator Patricia Ann Bailhache - out of the
Island
Carlyle John Le Herissier Hinault,
Connétable of St. John - ill
Robin Ernest Richard Rumboll, Deputy of St.
Helier - out of the Island
Terence Augustine Le Sueur, Deputy of St.
Helier - out of the Island
John Nicolle Le Fondré, Deputy of St.
Lawrence - ill

Prayers

Matters presented

The following matters were presented to the
States -

1. A population policy for Jersey:
Working Party report - R.C.20/96.
Presented by the Policy and
Resources Committee.
THE STATES ordered that the said report
be printed and distributed.
2. Statistical Review for 1996.
Presented by the Finance and
Economics Committee.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Criminal Justice (Evidence and Procedure) (Jersey) Law 199 - P.122/96.
Presented by the Legislation Committee.
2. Jurats' costs in disallowed remises de biens: (a) Loi (199) (Amendement) sur les remises de biens (b) Bankruptcy (Désastre) (Amendment No. 3) (Jersey) Law 199 - P.123/96 (Revised).
Presented by the Legislation Committee.
3. Joint Advisory Council: constitution and terms of reference (P.109/96): amendment - P.126/96 (Revised).
Presented by Senator T.J. Le Main.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Finance and Economics Committee that consideration of the proposition regarding the constitution and terms of reference of the Joint Advisory Council (P.109/96 - lodged ``au Greffe" on 9th July 1996) be deferred to a later date.

Arrangement of public business for an extraordinary meeting on 3rd September 1996

THE STATES acceded to the request of the President of the Finance and Economics Committee that consideration of the remaining Articles of the draft Limited Liability Partnerships (Jersey) Law 199 (P.84/96 - lodged ``au Greffe" on 21st May 1996) be deferred from the present meeting and agreed to meet on 3rd September 1996 to consider this matter. On the proposition of Deputy Philip John Rondel of St. John, the amendments relative thereto presented by Deputy Gary Matthews of St. Brelade were lodged ``au Greffe" (P.124/96 (Revised)).

Form of contracts used in public civil engineering construction works - questions and answers (Tape No. 353)

Deputy Philip John Rondel of St. John asked Deputy Derek André Carter of St. Helier, President of the Public Services Committee, the following questions -

- ``1. Will the President confirm that the specifications for the Yacht Marina Project west of Albert Pier were drawn up on the standard form of contract that is used in all public civil engineering construction works in the Island?
2. If the answer to 1. is in the affirmative, will the President explain why the contractor, and ultimately the taxpayer, has to supply a boat and four 4 x 4 vehicles, office furniture and certain items of surveying equipment to the resident engineering staff on this site when the Public Services Department has much of this equipment to call on within its Department?"

The President of the Public Services Committee replied as follows -

- ``1. The specification for the west of Albert Pier Yacht Marina was prepared in the Public Services Department and utilises the ICE 6th Edition (Institution of Civil Engineers, Conditions of Contract 6th Edition). This is a standard document used in most major civil engineering contracts in the Island.
2. The short answer to the Deputy's question is that to carry out the works efficiently it is necessary to have the plant and equipment specified.

The detailed answer is -

- (a) A boat (which remains the property of the contractor) is supplied for joint use with the contractor.

It is used for inspection of works, i.e. turbidity readings and monitor buoys, etc. and for transporting of men and equipment to sections of work that will be inaccessible at certain times, during the extent of the contract.

The boat is a 14 foot dory type with outboard engine.

- (b) The 4 x 4 vehicles are for use on the site and are employed during a 24 hour day depending on the state of the tide. They are Land Rovers, as rugged vehicles are necessary and four wheel drive needed as they are used for long periods on the beach. They are used for transporting equipment, instruments and personnel from the site offices to various areas around this large site. These vehicles also remain the property of the contractor.

By comparison, the harbour road-works project, which was less than half the value of this project, specified two 4 x 4 vehicles and an estate car. Specification done by Ove-Arup and staff numbers decided by consultants.

- (c) The office furniture is standard - desks, chairs, filing cabinets and drawing boards, commensurate with a major civil engineering project.
- (d) The surveying equipment provided is not available from within the Department. The equipment held at Public Services is utilised throughout the day and the requirement of a major site cannot be held up due to the non-availability of equipment at certain times.

It should be borne in mind that Deputy Rondel was given information in a letter dated 24th May from Professor Mulready relating to the four wheel drive vehicles and, if he wished to

discuss further any matters, was asked to contact the Chief Executive Officer of the Department."

Draft Limited Liability Partnerships (Jersey) Law 199 - statement

Senator Reginald Robert Jeune made a personal statement in the following terms -

``My only involvement in the matter of the drafting of the Limited Liability Partnerships Law arises out of a meeting of the Policy and Resources Committee, dated 28th November 1995, when Mr. Richard Syvret, Director, Financial Services Department and the Law Draftsman came to discuss an item on the agenda relating to judicial fees legislation. Mr. Syvret then raised a matter related to a Limited Liability Partnerships Law.

I must remind the House that the minutes of the Policy and Resources Committee are distributed to all members and there is contained in the minutes of that day a record of this matter.

Mr. Syvret informed the Policy and Resources Committee that a large United Kingdom finance institution was interested in extending its activities in Jersey, and it had offered to draft a limited partnerships law at its own expense. The draft Law would, he said, need to be approved by the Law Draftsman, but it was understood that work involved in checking the draft Law and making sure that it conformed to local systems, should not be onerous and would not, therefore, significantly affect the 1996 Law Drafting Programme.

The Policy and Resources Committee was informed by Senator P.F. Horsfall, whose Committee had already agreed to proceed with this Law, that the Finance and Economics Committee believed there were substantial economic benefits for the Island and he stressed the limited impact on law drafting.

On the basis of this information the Policy and Resources Committee approved the

request, but the Law Draftsman was requested to report back to the Policy and Resources Committee if the impact on the 1996 Programme was likely to be increased.

At no time during that meeting were any reports or correspondence produced nor any indication given that Messrs. Mourant, du Feu and Jeune, on behalf of their clients, had written to the President of the Finance and Economics Committee asking that Committee for its agreement to the proposed Limited Liability Partnerships Law.

I saw this discussion entirely as an inter-Committee one, the Finance and Economics Committee having already decided on the principle. In my judgment the role of the Policy and Resources Committee that day was simply to consider the impact on the Law Drafting Programme. And it was only when the Committee was assured that any interference would not affect the other legislation on the Programme that they agreed.

I appreciate the genuine and serious concern that exists among States' members regarding the drafting of this Law and I am bound to say with the benefit of hindsight, that if the Policy and Resources Committee had known on 28th November that the law drafting requirement was to be as great as it proved to be, the Committee I am sure would have applied to the request of the Finance and Economics Committee a similar procedure to that which was set out in the statement I made to the House on 16th January this year.

Although I had heard that Messrs. Mourant, du Feu and Jeune were part of a large team of professionals looking into this matter, I was not aware of their role nor that they were responsible for the initiating letter to the Finance and Economics Committee acting for their client. In fact the first time I became aware of its existence was exactly one week ago when Deputy Gary Matthews produced what I understand to be a copy of the letter addressed to the President of the Finance and Economics Committee. And to this day I have not actually read the letter.

Finally, may I say that I ceased to be a

partner of Messrs. Mourant, du Feu and Jeune over ten years' ago and have nothing whatsoever to do with the management or operations of the firm. I do receive a pension from the firm and, as members are well aware, I have the benefit of an office and the use of a secretary to carry out my States work.

Although I am described as a consultant, as is the practice in professional firms when partners of long standing retire, I cannot recall when I was last consulted by any of the present partners.

I can assure the House that these unfounded allegations have caused me great distress. I have been 34 years a member of this House during which time I have been called upon to make many decisions. I have always striven to be meticulous concerning declarations of interest, and I feel sure that all those who have served on Committees with me and officers would testify to this fact. During all these years I believe that I have always acted in good faith and in the best interests of our Island."

Senator S. Syvret - allegations

The President read a letter dated 25th July 1996, which the Bailiff had sent to Senator Stuart Syvret in the following terms -

``The States Greffe has produced at my request a transcript of your intervention at the beginning of the debate on the draft Limited Liability Liability Partnerships Law on Tuesday. I enclose a copy herewith and would draw your attention to the passage which reads -

`Senator Jeune has, in his capacity as President of the Policy and Resources Committee, used his influence to speed up the Law Drafting process and get this matter brought through. He has spoken on this matter in the House and at Committee meetings, even though he has a financial interest in this matter.'

These remarks constitute serious imputations upon the character of a member

of the States. Allegations of this kind under the cloak of parliamentary privilege should not be made unless the member concerned is able to substantiate them. I must therefore ask you to let me have, by close of business tomorrow, Friday, 26th July, a copy of the evidence upon which you relied in making those allegations."

The President called on Senator Syvret to withdraw his accusations against Senator Jeune and to make an apology. Senator Syvret refusing to comply with this request the President, in accordance with Standing Order No. 30(3), ordered Senator Syvret to withdraw from the precincts of the Chamber.

Bovine Spongiform Encephalopathy (BSE) - carcass cremator - statement

The President of the Finance and Economics Committee made a statement in the following terms -

``The Finance and Economics Committee considered at its meeting yesterday an urgent request from the Agriculture and Fisheries Committee to make funds available immediately in connexion with the BSE slaughter policy to provide for the construction and the equipment of a carcass disposal building, the estimated capital cost of which amounts to £315,000. It also studied details of the other estimated costs in connexion with the BSE slaughter policy and will bring suitable propositions to the States at its first meeting in September.

The Finance and Economics Committee learned that the current carcass incinerator at Le Rondin Farm is now at the end of its useful life and needs to be replaced. The Public Services Department has confirmed that the new clinical incinerator to be installed at Bellozanne does not have sufficient capacity to deal with the volume or size of animal carcasses which will require destruction.

The Finance and Economics Committee is satisfied there is a very urgent need to progress work on the new, purpose-built carcass cremator and is making available at once to the Agriculture and Fisheries

Committee £315,000 from its Contingencies Vote.

Full details of the scheme will be presented to the States when the request for an additional vote of credit and a supplementary vote of credit in respect of compensation costs, etc. is brought to the States at its first meeting in September."

Portelet headland, St. Brelade: purchase of land

THE STATES, adopting a proposition of the Planning and Environment Committee, rescinded their Act dated 30th April 1996 and -

- (a) approved the purchase, on behalf of the public, of approximately 56 vergées of land at Portelet, St. Brelade, as shown on drawing No. 512/1, from Mr. Ian Douglas Parker and Mrs. Hazel Josephine Parker, née Cashmen, for £50,000 (fifty thousand pounds) the public being responsible for the payment of all legal expenses incurred by the vendors up to a maximum amount of £2,000 (two thousand pounds);
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (c) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract that it might be found necessary to pass in connexion with the acquisition of the said land, and any interest therein;
- (d) authorised the payment or discharge of the expenses to be incurred in connexion with the acquisition of the land and all interests therein from the Planning and Environment Committee's capital vote of credit 'Acquisition of Land - Major Reserve' (Vote C0904).

Belle Vue Pleasure Park and Fields 91, 91A and 92, St. Brelade: development - P.72/96

THE STATES, adopting a proposition of the Planning and Environment Committee, referred to their Act dated 31st July 1990 in which they approved the rezoning of land comprising Belle

Vue Pleasure Park and Fields 91 and 91A, St. Brelade, for the purpose of category `A' housing development and, if appropriate, for small scale community facilities, and their Acts dated 14th March 1995 approving the rezoning of Fields 89 and 90, St. Brelade, for recreation and amenity use, and 21st November 1995 designating part of Fields 93 and 94, St. Brelade, for use as a cemetery, and -

- (a) authorised the Planning and Environment Committee to carry out works of landscaping and infrastructure required for the development of the said area of land, as shown on drawing No.485/1 A; and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Finance and Economics Committee to make available bridging finance under Article 7(1)(e) of the Public Finances (Administration) (Jersey) Law 1967, as amended, for the carrying out of the said works;
- (c) charged the Planning and Environment Committee, with the agreement of the Finance and Economics and Housing Committees, to enter into agreements with -
 - (i) housing trusts for the purpose of constructing category `A' houses for rent;
 - (ii) private developers for the purpose of constructing category `A' houses for first-time buyers;
- (d) authorised such sales or leases of land to such trusts or developers as were appropriate to give effect to such agreements;
- (e) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts, and the Greffier of the States to sign any agreements, that it might be found necessary to pass or sign, as the case may be, in connexion with the said development;
- (f) authorised the Treasurer of the States to receive any payments to the public

as they became due.

Chelsea Flower Show - P.104/96

THE STATES rejected a proposition of Deputy Alan Breckon of St. Saviour that -

- (1) the Island of Jersey should be promoted at the Chelsea Flower Show;
- (2) the promotion should be done jointly by the Agriculture and Fisheries and Tourism Committees;
- (3) funds should come from existing Committee budgets if necessary with the assistance of the Audit Committee/Commission.

Members present voted as follows -

``Pour" (6)

Senator

Chinn.

Connétable

Trinity.

Deputies

Carter(H), Johns(H), Breckon(S),
Huet(H).

``Contre" (38)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le
Main, Le Maistre, Stein, Quérée, Tomes.

Connétables

St. Clement, St. Mary, St. Brelade, St.
Peter, St. Helier, St. Saviour, St. Martin,
St. Ouen.

Deputies

Wavell(S), Norman(C), H. Baudains(C),
St. Ouen, Coutanche(L), Huelin(B), St.
Mary, S. Baudains(H), Le Geyt(S),
Walker(H), Crespel(H), Pullin(S), Trinity,
Duhamel(S), Matthews(B), Routier(H),
Dorey(H), Layzell(B), Grouville, St.

Martin, St. John.

States' Members Remuneration Board: membership -
P.105/96 and P.125/96

THE STATES commenced consideration of a
proposition of the House Committee and agreed to
appoint the following as Chairman and members of
the States' Members Remuneration Board -

Two former States members -

John Clark Averty, Chairman
Terence Ahier Jéhan

representative of the Jersey Trades
Council -

Andrew John Walker Hamilton

representative of the Jersey Chamber of
Commerce -

Robert Henry Henkhuzens

representative of the Institute of
Directors -

George McDonald Thain

representative of the Standing Conference
of Women's Organisations -

Mrs. Daphne Joan Minihane, M.B.E., née
Noel.

Members present voted as follows -

``Pour" (38)

Senators

Jeune, Horsfall, Rothwell, Le Main,
Quérée, Chinn, Tomes.

Connétables

St. Clement, St. Lawrence, St. Mary, St.
Brelade, St. Helier, St. Saviour, St.
Martin, St. Ouen.

Deputies

Wavell(S), Norman(C), St. Peter,
H. Baudains(C), St. Ouen, Coutanche(L),

Huelin(B), St. Mary, S. Baudains(H),
Le Geyt(S), Walker(H), Crespel(H),
Pullin(S), Trinity, Carter(H), Johns(H),
Duhamel(S), Routier(H), Dorey(H),
Layzell(B), Breckon(S), Grouville, St.
Martin.

``Contre" (8)

Senators

Shenton, Le Maistre, Stein.

Connétables

Grouville, Trinity.

Deputies

Matthews(B), Huet(H), St. John.

On the proposition of Deputy Derek Ryder Maltwood of St. Mary, the States agreed to defer consideration of the remainder of the proposition, namely the appointment to the Board of members of the public not representing any particular organisation, from the present meeting to a later date. On the proposition of Senator Jean Amy Le Maistre, amendments of the proposition of the House Committee presented by Deputy Philip John Rondel of St. John were lodged ``au Greffe" (P.125/96).

Amendment (No. 17) of the Standing Orders of the States of Jersey - P.113/96

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, made amendments of the Standing Orders of the States of Jersey entitled Amendment (No. 17) of the Standing Orders of the States of Jersey.

Jersey Arts Trust: future funding - P.114/96

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

(1) approved an increase of £82,000 in the annual revenue grant to the Jersey Arts Trust with effect from 1st January 1997;

(2) approved the immediate capital grant of

£1 million to the Jersey Arts Trust for the adaptation of the former St. James' Church and Vicarage for arts purposes as outlined in the Trust's Business Plan.

Jersey Law Commission: establishment P.102/96

THE STATES, adopting a proposition of the Legislation Committee -

- (a) approved the establishment of a Jersey Law Commission as outlined in the report of the Legislation Committee, dated 20th May 1996;
- (b) appointed the following persons to act as Chairman and members of the Law Commission -

Advocate Keith Sherwood Baker -
Chairman
Jurat Donald Edward Le Boutillier
Mr. David Lyons
- (c) authorised the Finance and Economics Committee to make the necessary financial resources available.

THE STATES rose at 1.05 p.m.

G.H.C. COPPOCK

Greffier of the States.