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THE STATES assembled on Tuesday,
21st October 1997 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache

His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E,
was present.

All members were present with the exception of -

Terence John Le Main, Deputy of St.
Helier - out of the Island
Graeme Ernest Rabet, Deputy of St. Helier -
out of the Island.

Prayers read by the Greffier

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Road Traffic (Speed Limits)
(Amendment) (Jersey) Order 1997.
R & O 9144.
2. Road Traffic (Saint Saviour)
(Amendment No. 6) (Jersey) Order 1997.
R & O 9145.
3. Road Traffic (Saint Clement)
(Amendment No. 12) (Jersey) Order 1997.
R & O 9146.
4. Gambling (Channel Islands
Lottery) (Amendment) (Jersey) Order
1997. R & O 9154.
5. Motor Vehicles (Construction and
Use) (Amendment No. 37) (Jersey) Order
1997. R & O 9155.

6. Motor Vehicles (Driving Instruction) (Amendment No. 8) (Jersey) Order 1997. R & O 9156.
7. Motor Vehicles (Driving Licences) (Amendment No. 8) (Jersey) Order 1997. R & O 9157.
8. Motor Vehicle Registration (General Provisions) (Amendment No. 5) (Jersey) Order 1997. R & O 9158.
9. Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 9) (Jersey) Order 1997. R & O 9159.
10. Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 10) (Jersey) Order 1997. R & O 9160.

Matter presented

The following matter was presented to the States -

Residential land availability
review - R.C.37/97.
Presented by the Planning and
Environment Committee.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 13th October 1997, recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Health and Social Services Committee, the renewal of the lease from Macpor Development Company Limited of Flat 1, 29 Midvale Road, St. Helier, required for the continued occupation by a speech therapist, for a period of 12 months from 1st October 1997, at an annual rent of £6,820.65, with all other terms and conditions remaining the same as the existing lease, on the basis that each party would be responsible for its own legal costs arising from this transaction;

- (b) as recommended by the Harbours and Airport Committee, the addendum to the current lease to Kufra Trading Limited of the Marina Shop and adjoining storerooms on the New North Quay, Port of St. Helier, so as to include a tarmacadamed area to the rear of the premises measuring 980 square feet, with effect from 1st June 1997 at an annual rent of £2,000 (representing a rate of £2.04 a square foot), subject to review as provided in the current lease;
- (c) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Timothy John Bechelet and Mrs. Barbara Ann Bechelet, née Fennessey, for the grant of formal drainage rights beneath the access road serving the pumping station owned by the public located at the rear of St. Peter's Arsenal, St. Peter, for a single capital sum of £250, with Mr. and Mrs. Bechelet being responsible for the public's reasonable legal expenses arising from the transaction;
- (d) as recommended by the Harbours and Airport Committee, the lease to British Midland Airways of office accommodation (B137A) located at the western end of the passenger pier and a workshop (B90), Rest Rooms (B90A and B90D), Locker Room (B90B) and Operations area (B90C) adjacent to the fuel compound, totalling 1,174 square feet, for a period of nine years from 1st April 1997, at an annual rent of £10,124.20 subject to annual rent reviews on 1st April;
- (e) as recommended by the Harbours and Airport Committee, the sub-lease to Jersey European Airways Limited of -
- (i) accommodation (Letting Nos. D003A, D003B, D003C and D003D) in the John Le Fondré Departure Hall, Jersey Airport, totalling approximately 741 square feet, for a period of nine years from 1st April 1997, at an annual rent of £8,865, subject to annual rent reviews on 1st April, plus a service charge of £1 a square foot in respect of air conditioning (amounting to £741), subject to annual reviews commencing 1st

April 2000; and

- (ii) a ticket desk (Letting No. D003) in the John Le Fondré Departure Hall, Jersey Airport, measuring approximately 154 square feet, for a period of nine years from 1st April 1997, at an annual rent of £5,000 subject to annual rent reviews on 1st April;

- (f) as recommended by the Harbours and Airport Committee, the assignment of the lease from Esso Petroleum Limited (Esso) to Fuel Supplies (C.I.) Limited (Shell) of the Fuel Farm at Jersey Airport;

- (g) as recommended by the Harbours and Airport Committee, the lease to Channel Island Tourist Services Limited of 345 square feet of accommodation in the first floor of the building known as Alares House, Jersey Airport, for a period of three years from 1st September 1997, at an annual rent of £3,795, subject to annual rent reviews on 1st September, on the basis that the lease was to be reviewed at six monthly intervals by the Committee with regard to the demolition of Alares House for the development of a one-way road system;

- (h) as recommended by the Public Services Committee, the purchase from -
 - (i) Mr. John Le Sueur Gallichan and Mrs. Doreen Ruth Gallichan, née Le Masurier, of land at Fields Nos. 1148 and 1150, Trinity, required for the construction of a pumping station, namely 160 square metres for a consideration of £1,722 plus £999 rent for use of a working area, including the construction and maintenance of a new access track and the granting of rights of way along the track for the life of the pumping station; and

 - (ii) Mr. John Le Sueur Gallichan (Senior) of land at Fields Nos. 1148 and 1150, Trinity, required for the construction of a pumping station, namely 8 square metres, including an existing outbuilding and steps, for a consideration of £86;

on the basis that the Committee would be responsible for all accommodation works required and the payment of all reasonable legal costs arising from the transaction.

Matter noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 13th October 1997, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education Committee had accepted the lowest of four tenders, namely that submitted by Charles Le Quesne (1956) Limited in the sum of £8,229,691 for the construction of the main campus of the Jersey College for Girls, Mont Millais, St. Helier.

Matters lodged

The following matters were lodged "au Greffe" -

1. Draft Public Service Vehicles (Fees) (Amendment No. 8) (Jersey) Regulations 199 - P.156/97.
Presented by the Defence Committee.
2. Draft Hire Cars (No. 7) (Jersey) Regulations 199 - P.157/97.
Presented by the Defence Committee.
3. Draft Patents (Amendment No. 2) (Jersey) Law 1997 (Appointed Day) Act 199 - P.158/97.
Presented by the Finance and Economics Committee.
4. Strategic Policy Review and Action Plan 1997 (P.149/97): fourth amendments - P.160/97.
Presented by Senator W. Kinnard.
5. Strategic Policy Review and Action Plan 1997 (P.149/97): fifth amendments - P.161/97.
Presented by the Housing Committee.

The following matters were lodged on 14th October 1997 -

1. Anne Port rock face, St. Martin:
remedial work - P.153/97.
Presented by Deputy F.J. Hill of
St. Martin.
2. Strategic Policy Review and
Action Plan 1997 (P.149/97): second
amendments - P.154/97.
Presented by Senator R.J.
Shenton.
3. Strategic Policy Review and
Action Plan 1997 (P.149/97): third
amendments - P.155/97.
Presented by Deputy A. Breckon
of St. Saviour.

Accident benefit: special payment - P.159/97

THE STATES noted that Deputy Terence John Le Main of St. Helier had given notice of his intention to lodge "au Greffe" a proposition regarding accident benefit: special payment, but had decided not to proceed.

Arrangement of public business for the next meeting on 4th and 5th November 1997

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 4th and 5th November 1997 -

Strategic Policy Review and Action Plan 1997 - P.149/97.
Lodged: 30th September 1997.
Policy and Resources Committee.

Strategic Policy Review and Action Plan 1997 (P.149/97): amendment - P.150/97 (revised).
Lodged: 7th October 1997.
Deputy J.L. Dorey of St. Helier.

Strategic Policy Review and Action Plan 1997 (P.149/97): second amendments - P.154/97.
Lodged: 14th October 1997.
Senator R.J. Shenton.

Strategic Policy Review and Action Plan 1997 (P.149/97): third amendments - P.155/97.
Lodged: 14th October 1997.
Deputy A. Breckon of
St. Saviour.

Strategic Policy Review and Action Plan 1997 (P.149/97): fourth amendments - P.160/97.

Senator W. Kinnard.

Strategic Policy Review and Action
Plan 1997 (P.149/97): fifth
amendments - P.161/97.
Housing Committee.

Home Office, Members of the Constitutional and
Policy Unit - welcome

The Bailiff welcomed to the Island Mrs. Gloria
Moody and Miss Fiona Miller of the Home Office
Constitutional and Policy Unit.

States' members remuneration - questions and
answers (Tape No. 409)

Deputy Frederick John Hill of St. Martin asked
Deputy Derek Ryder Maltwood of St. Mary,
President of the House Committee, the following
questions -

- ``1. On 6th May 1997, the report of the
States Members' Remuneration Board
was released to enable the House
Committee to bring a proposition
before the States. Would the
President inform members -
 - (a) what steps have the House
Committee taken to produce a
proposition?
 - (b) when does he expect a proposition
to be presented to the States?
2. The House Committee has been in the
process of producing a States Members'
Handbook. Would the President inform
members of the progress of the
production and when it will be
completed?"

The President of the House Committee replied as
follows -

- ``1. I regret that the Deputy of St.
Martin has had to ask these
questions as it had been the
intention of the House Committee
to lodge this proposition several
months ago.

The position is that the House
Committee decided to present to the
States a report and proposition seeking
approval of the recommendations of the
Board. However, some complications then
arose with the administrative

procedures of the Scheme, but I am pleased to report that these have now been resolved. Therefore, I envisage that the House Committee will approve the report and proposition at its meeting on 30th October. They will then be lodged `au Greffe' through the intermediary of the Finance and Economics Committee and I would expect that the proposition will be debated on 9th December 1997.

2. The Members' Handbook is at last on the verge of publication. I envisage that the final draft will be approved by the House Committee at its meeting on 30th October 1997. In which case, it will then be prepared for publication and distributed as soon as possible thereafter.

In case I do not have a better opportunity, I would like to thank all those who have been involved in its preparation. A considerable amount of work and research has been undertaken by a number of people and, on behalf of the House Committee and fellow members, I would like to express my sincere gratitude to them."

Cost of interpreters - question and answer (Tape No. 409)

Deputy Philip John Rondel of St. John asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following question -

``Would the President inform members of the cost to the States of Jersey Police of employing interpreters during 1996, and provide similar details for the years, 1992 and 1994?"

The President of the Defence Committee replied as follows -

``The costs to the States of Jersey Police of employing interpreters since 1992 are as follows -

1992	£2,744
1993	£12,193
1994	£18,670
1995	£24,786
1996	£31,158
1997 to date	£27,431

These costs include the use of interpreters for all nationalities."

Jersey Arts Trust - statement

The President of the Education Committee made a statement in the following terms -

``Following questions asked of me by Deputy Vibert on 7th October 1997, I undertook to make a statement to the House concerning the issues raised in his first question which was -

`Will the President inform the Assembly of the progress that has been achieved by the Jersey Arts Trust against its stated targets for the years 1996 and 1997, which were included in its Five Year Plan, presented to the States on 9th July 1996 as part of P.114/96`
`Jersey Arts Trust: future funding"?'`

As I confirmed at the time, I had contacted the Chairman of the Arts Trust, Sir Peter Crill, to obtain the information requested by Deputy Vibert. I received a comprehensive response from Sir Peter which I have circulated to all members. I would draw the attention of members to Sir Peter's willingness and commitment to provide any further details requested by them.

For the sake of clarity, I would like to remind members of the status of the Arts Trust and of the relationship which exists between the Trust and the Education Committee.

The Arts Trust was established by an act of incorporation by the Royal Court.

As such the Jersey Arts Trust was authorised to -

Take, acquire, hold and possess in its corporate name all forms of property both real and personal and wheresoever situated in order that the objects of the Association may be achieved.

The Trust is an incorporated body with wide ranging powers and duties. Under its Constitution, the Arts Trust has the following responsibilities to the Education Committee -

- (i) to advise and co-operate with the Education Committee on matters connected with the Arts;
- (ii) liaise with the Education Committee on the provision of education opportunities and events involving arts and crafts.

The Education Committee also has responsibilities to the Trust. These are -

1. to recommend to the States a person who may be appointed as Chairman; however, it is the States that make that appointment;
2. to nominate a member of the Education Committee to act as Vice Chairman of the Trust;
3. to consider and approve or reject alterations to the Trust's constitution proposed by a majority of its members; while the Committee has a role in approving amendments to the constitution of the Trust, it is the responsibility of the Trust to make representations to the Royal Court for amendments to its constitution.

I trust that this clarifies any misconceptions which may have been held by members concerning the status of the Trust and the extent of my Committee's responsibilities towards it. However, I am willing to use my best endeavours to assist in resolving present difficulties and I will continue to give my support to those who give so much of their time and energy to supporting the Arts in Jersey."

Jersey Arts Trust - questions and answers (Tape No. 409)

Deputy Michael Edward Vibert of St. Brelade asked Senator Leonard Norman, President of the Education Committee, the following questions -

1. Is the President now in a position to, and will he now, answer my question of two weeks ago regarding the progress that has been achieved by the Jersey Arts Trust against their stated targets for the years 1996 and 1997 which

were included in the Trust's Five Year Plan which was presented to the States on 9th July 1936 as part of the Finance and Economics Committee's proposition 'Jersey Arts Trust: future funding' (P.114/96)?

2. Will the President also inform the members as to the latest situation regarding the Jersey Arts Trust's restructuring proposals for the arts in Jersey?"

The President of the Education Committee replied as follows -

1. On 7th October, I replied to Deputy Vibert's first question to the best of my knowledge and ability. I indicated my understanding that the question should have been asked of the Chairman of the Arts Trust and that, on behalf of Deputy Vibert, I had contacted Sir Peter to secure his response.

I have received a comprehensive reply from Sir Peter which I have circulated to all members. In his letter, Sir Peter confirmed his willingness and commitment to provide any further details requested by any member of the House."

Senator Patricia Ann Bailhache, Vice-President of the Education Committee, replied as follows -

2. In March of this year, the Education Committee, in accordance with the constitution of the Arts Trust, received representations from the Arts Trust for changes to its constitution. The Committee gave its approval, in principle, to the proposals on the understanding that the Trust would take further advice and return to the Committee, in due course, with a detailed draft of the amendments prior to representations to the Royal Court.

The Arts Trust is engaged in further discussions with interested groups. Members are well aware of the extent and nature of those discussions. Because of the difficulties which have been experienced, the consultative

process now includes arrangements for conciliation and we are most appreciative of the commitment that is being given by Jurat Nick Herbert who is chairing a first meeting of interested parties on Tuesday, 21st October 1997.

I must stress to members that the proposals for amendments to the constitution of the Arts Trust are still 'on the table'. Furthermore, I am not a member of the group which will be meeting with Jurat Herbert and I am sure that members will agree that it would be quite inappropriate for me to make any statement which might influence or prejudice the conciliation which is underway."

Elysée Estate, St. Helier - Phase II: approval of drawings

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved drawings Nos. 3903/01 - 17 inclusive and 1158/2/03 showing the redevelopment of Phase II of Elysée Estate, St. Helier;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Industrial Disputes Tribunal: appointment of Chairman

THE STATES, adopting a proposition of the Legislation Committee, referred to their Act, dated 21st February 1989 and, in accordance with the provisions of Article 3A of the Industrial Disputes (Jersey) Law 1956, as amended, appointed Advocate Ashley Hoy as Chairman of the Industrial Disputes Tribunal.

St. Helier Waterfront plan - west of Albert Pier: residential area 3 - P.130/97

THE STATES rejected the proposition of Senator Richard Joseph Shenton that the States refer to their Act, dated 22nd July 1997, in which they designated areas 1, 2 and 3 of the St. Helier Waterfront area, shown on drawing No. 558/1, for use for residential purposes, and agree to delete area 3 from that designation and to redesignate that area for use as public open space.

Members present voted as follows -

``Pour" (20)

Senators

Shenton, Horsfall, Rothwell, Le Maistre.

Connétables

St. Mary, St. Brelade, St. Peter,
Grouville, St. Martin.

Deputies

S. Baudains(H), Le Geyt(S), Trinity,
Routier(H), Dorey(H), Huet(H), St. Martin,
St. John, Blampied(H), de la Haye(B), Le
Cornu(C).

``Contre" (30)

Senators

Stein, Quérée, Bailhache, Syvret, Tomes,
Norman, Walker, Kinnard.

Connétables

St. Clement, St. Lawrence, St. Saviour, St.
Ouen, St. John, Trinity.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H),
Coutanche(L), St. Mary, Pullin(S),
Johns(H), Duhamel(S), Layzell(B),
Breckon(S), Grouville, Crowcroft(H),
Vibert(B), S. Pierre, Dubras(L), S. Ouen.

Privileges and Immunities (Diplomatic, Consular,
Etc.) (Jersey) Law 199 - P.94/97

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council, adopted a Law
entitled the Privileges and Immunities
(Diplomatic, Consular, Etc.) (Jersey) Law 199 .

Hong Kong Economic and Trade Office (Privileges
and Immunities) (Jersey) Law 199 - P.95/97

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council, adopted a Law
entitled the Hong Kong Economic and Trade Office
(Privileges and Immunities) (Jersey) Law 199 .

Referendums - P.131/97

THE STATES commenced consideration of a proposition of Senator Stuart Syvret and adopting Part 1, agreed -

- (a) in principle to the holding of referendums; and
- (b) that a referendum should be held when the States agree -
 - (i) to the principle of a referendum on the subject in question;
 - (ii) the wording of the ballot;
 - (iii) the date of the referendum.

Members present voted on Part 1 as follows -

``Pour" (25)

Senators

Shenton, Qu  r  e, Bailhache, Syvret, Norman, Walker, Kinnard.

Conn  tables

St. Lawrence, St. Mary, Grouville, St. Martin, St. John, Trinity.

Deputies

Coutanche(L), S. Baudains(H), Duhamel(S), Dorey(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. John, Crowcroft(H), Vibert(B), Dubras(L).

``Contre" (17)

Senators

Horsfall, Rothwell, Le Maistre, Stein.

Conn  tables

St. Clement, St. Brelade.

Deputies

H. Baudains(C), St. Mary, Trinity, Pullin(S), Johns(H), Routier(H), Huet(H), Blampied(H), de la Haye(B), Le Cornu(C), S. Ouen.

THE STATES rejected Part 2 of the proposition requesting the States -

- (a) to agree in principle to the holding of referendums called by the public through popular initiative;

- (b) to agree that a referendum shall be held when a petition containing the wording of the proposed ballot and 5,000 signatures is presented to the States;
- (c) that the procedure for calling a referendum through popular initiative should be -
 - (i) a written request for a referendum shall be submitted to the Greffier of the States; the request shall contain the text of the proposed ballot and be signed by ten voters;
 - (ii) the wording of the proposed ballot and petition shall be tested by the Greffier of the States to ensure that the intention of the motion is clear and the petition is in order. When satisfied he shall refer the matter to the Attorney General who will test the proposition for compatibility with the Island's obligations under international agreements and the Island's constitutional relationship with the United Kingdom;
 - (iii) when the above requirements have been satisfied the Bailiff shall notify the States and from that date the petitioners shall have a period not exceeding six months to gather the requisite number of signatures;
 - (iv) when the petition is complete the petitioners shall approach a willing member of the States who will present the petition to the House;
 - (v) the referendum shall be held as soon as is practically possible after that date.

Members present voted on Part 2 as follows -

``Pour" (6)

Senators

Quérée, Syvret, Kinnard.

Deputies

Duhamel(S), Grouville, Crowcroft(H).

``Contre" (36)

Senators

Shenton, Horsfall, Rothwell, Le Maistre,
Stein, Bailhache, Norman, Walker.

Connétables

St. Clement, St. Lawrence, St. Mary, St.
Brelade, Grouville, St. Martin, St. John,
Trinity.

Deputies

H. Baudains(C), Coutanche(L), St. Mary,
S. Baudains(H), Trinity, Pullin(S),
Johns(H), Routier(H), Dorey(H), Layzell(B),
Breckon(S), Huet(H), St. Martin, St. John,
Blampied(H), Vibert(B), de la Haye(B), Le
Cornu(C), Dubras(L), S. Ouen.

Secondary education: re-organisation -
P.151/97 and P.152/97

THE STATES commenced consideration of a proposition of the Education Committee on Secondary education re-organisation and accepted an amendment of Deputy Stanley John Le Cornu of St. Clement that at the end of the proposition there should be inserted the words ``, except that the membership of the Appeals Panel within the new system should comprise -

one member of the Education Committee, who shall act as chairman,

two independent persons."

THE STATES adopted the proposition as amended and supported the Education Committee's recommendation to replace with a system based on selection, the arrangements established following the adoption by the States on 20th November 1973 of a report and proposition regarding the re-organisation of secondary education whereby ``priority for transfer to Hautlieu School has to be given to the wishes of the parents and the student even when they are contrary to the other indications," except that the membership of the Appeals Panel within the new system should comprise -

one member of the Education Committee, who shall act as chairman,

two independent persons.

Members present voted as follows -

``Pour" (27)

Senators

Shenton, Horsfall, Le Maistre, Stein,
Bailhache, Norman.

Connétables

St. Clement, St. Mary, St. Brelade,
St. Martin, St. John, Trinity.

Deputies

H. Baudains(C), Coutanche(L),
S. Baudains(H), Trinity, Duhamel(S),
Routier(H), Layzell(B), Breckon(S),
Huet(H), St. Martin, St. John, Blampied(H),
de la Haye(B), Le Cornu(C), St. Ouen.

``Contre" (11)

Senators

Rothwell, Kinnard.

Connétables

St. Lawrence, Grouville.

Deputies

Pullin(S), Johns(H), Dorey(H), Grouville,
Crowcroft(H), Vibert(B), Dubras(L).

THE STATES rose at 6.05 p.m.

G.H.C. COPPOCK

Greffier of the States.