

Price : £2.25

THE STATES assembled on Tuesday,  
8th April 1997 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache

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

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All members were present with the exception of -

Enid Clare Quénault, Connétable of St.  
Brelade - excused  
John Baudains Germain, Connétable of St.  
Martin - ill  
Terence John Le Main, Deputy of St.  
Helier - out of the Island.

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Prayers

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Tribute to the late Reverend P.G.K. Manton -  
former Senator

The Bailiff paid tribute to the late Reverend  
P.G.K. Manton, a former Senator.

THE STATES observed one minute's silence as a  
mark of respect.

St. Helena - Island Games

The Bailiff informed the Assembly that he had  
received the following letter from the Governor  
of St. Helena -

``I write on behalf of the people of the

Island of St. Helena to thank you for the good wishes conveyed by Mr. Rod Amy and for the book entitled "Moods of Jersey" which he presented to me last week. This beautiful book will be kept, for posterity, in the library at Plantation House.

At 47 square miles the geographical size of St. Helena is virtually the same of that of the Island of Jersey. We too have a beautiful island, but we lack the population and the wealth of Jersey, and we have been moved by the response of the Jerriais which Mr. Amy has relayed to us in respect of the appeal to assist Saints to attend and compete at the Island Games to be held in Jersey in June.

By means of this letter I convey our heartfelt thanks and to say that there will now be a team representing St. Helena at the 1997 Island Games.

Yours sincerely,

D.L. Smallman, LVO

Governor. "

#### Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Road Traffic (Saint Saviour)  
(Amendment No. 5) (Jersey) Order 1997.  
R & O 9069.
2. Road Traffic (Saint Martin)  
(Amendment No. 7) (Jersey) Order 1997.  
R & O 9070.
3. Prevention of Terrorism  
(Enforcement of British Island Orders)  
(Jersey) Rules 1997.  
R & O 9071.
4. Food Hygiene (General  
Provisions) (Amendment No. 3) (Jersey)  
Order 1997. R & O 9072.

#### Matters presented

The following matters were presented to the

States -

1. Draft Disability Transport Allowance (Jersey) Regulations 199 (P.54/97): comments - P.56/97. Presented by the Finance and Economics Committee.
2. Culling of gulls: petition (P.238/96): report - P.57/97. Presented by the Agriculture and Fisheries Committee.

Matter noted - land transaction

THE STATES noted an Act of the Finance and Economics Committee, dated 24th March 1997, recording the following decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Housing Committee, the entering into a Deed of Arrangement with Messrs. Charles Austin Noble Rollin, Nicolas Philip Rollin and Mrs. Charlotte Jane Barton, née Rollin, in order to clarify the boundary between Leslie Sinel Close, St. Helier and an adjacent car parking area, on the basis that -

- (i) the strip of land (measuring approximately 20 square feet) located on the opposite side of the wall from the housing development would be sold to the heirs of the estate of the late Mrs. Edith Rollin, namely Messrs. Charles Austin Noble Rollin, Nicolas Philip Rollin and Mrs. Charlotte Jane Barton, née Rollin, for a nominal consideration of £10;
- (ii) the section of the boundary wall which faced south and west of Leslie Sinel Close (being a strip of land 16½ inches wide beyond the wall) would remain in the entire ownership of the public, all with offset, and would be retained by the public for the purpose of gaining access to maintain the wall;
- (iii) the public would be responsible for the repair and maintenance of

the wall; and

- (iv) each party would be responsible for its own legal costs incurred by the transaction.

#### Matters lodged

The following matters were lodged ``au Greffe" -

1. `Frisco', No. 3 Clos de Clement, St. Peter: purchase - P.58/97.  
Presented by the Harbours and Airport Committee.
2. Audit Commission: appointment - P.59/97.  
Presented by the Finance and Economics Committee.
3. Draft The Lord Portsea Gift Fund (Jersey) Act 1971 (Amendment No. 2) Act 199 - P.60/97.  
Presented by the Education Committee.
4. Bailiff's Consultative Panel: States nominees - P.61/97.  
Presented by Senator R.J. Shenton.

Lodged on 25th March 1997

1. Draft Disability Transport Allowance (Jersey) Law 1997 (Appointed Day) Act 199 - P.53/97.  
Presented by the Employment and Social Security Committee.
2. Draft Disability Transport Allowance (Jersey) Regulations 199 - P.54/97.  
Presented by the Employment and Social Security Committee.

Lodged on 1st April 1997

3. Army Cadet Force detachment - P.55/97.  
Presented by the Defence Committee.

Arrangement of public business for the present meeting

THE STATES confirmed that the following matters lodged ``au Greffe" would be considered at the present meeting -

Draft Prison (Amendment No. 4) (Jersey) Law 199 - P.235/96.  
Lodged: 10th December 1996.  
Prison Board.

Draft Criminal Justice (Jersey) Law 199 - P.236/96.  
Lodged: 10th December 1996.  
Prison Board.

Draft Criminal Justice (Compensation Orders) (Amendment) (Jersey) Law 199 - P.237/96.  
Lodged: 10th December 1996.  
Prison Board.

Arrangement of public business for the next meeting on 22nd April 1997

THE STATES confirmed that the following matters lodged ``au Greffe" would be considered at the next meeting on 22nd April 1997 -

Draft Disability Transport Allowance (Jersey) Law 1997 (Appointed Day) Act 199 - P.53/97.  
Lodged: 25th March 1997.  
Employment and Social Security Committee.

Draft Disability Transport Allowance (Jersey) Regulations 199 - P.54/97.  
Lodged: 25th March 1997.  
Employment and Social Security Committee.

Army Cadet Force detachment - P.55/97.  
Lodged: 1st April 1997.  
Defence Committee.

`Frisco', No. 3 Clos de Clement, St. Peter: purchase - P.58/97.  
Lodged: 8th April 1997.  
Harbours and Airport Committee.

Audit Commission: appointment -  
P.59/97.  
Lodged: 8th April 1997.  
Finance and Economics Committee.

Draft The Lord Portsea Gift  
Fund (Jersey) Act 1971 (Amendment No. 2)  
Act 199 - P.60/97.  
Lodged: 8th April 1997.  
Education Committee.

Bailiff's Consultative Panel: States  
nominees - P.61/97.  
Lodged: 8th April 1997.  
Senator R.J. Shenton.

Ownership of the foreshore - questions and  
answers (Tape No. 386)

Senator Stuart Syvret asked Senator Pierre  
François Horsfall, President of the Policy and  
Resources Committee, the following questions -

- ``1. Would the President inform the  
States of the current position of  
the claim by Les Pas Holdings  
Limited to that part of the  
foreshore that forms part of the  
Fief de la Fosse?
  
2. Would the President inform the States  
if negotiations have taken place  
between Les Pas Holdings Limited and  
the States and/or the Waterfront  
Enterprise Board. If such negotiations  
have taken place would he give to the  
States a full explanation of the  
current position, including any  
financial implications?"

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

- ``1. The current position of the claim  
by Les Pas Holdings Limited is  
that it is before the Court and is  
therefore sub judice. However,  
what I can say is that the case  
has now reached the stage when the  
parties to the action make  
discovery. Discovery is a  
procedure whereby each party  
furnishes the other with a list of  
all the documents relevant to any  
issue in the action which the

party furnishing the list has, or at any time has had, in his possession. When the Court hearing will commence will depend upon a number of factors, including of course the length of time which it takes to complete comprehensive discovery.

2. No negotiations have taken place to date between Les Pas Holdings Limited and the States and/or the Waterfront Enterprise Board. The Waterfront Enterprise Board is not in any event a party to the action. The Receiver General, who represents the Crown as the co-defendant in the action, has not entered into any negotiations either. However, I have very recently been approached by Mr. Ian Smail, Executive Director of Les Pas Holdings Limited, enquiring whether we were prepared to talk about the possibility of holding discussions with the Les Pas Holdings Board in an attempt to resolve the issue other than through the Courts. This approach has yet to be discussed by my Committee or with our legal advisers."

Town drainage scheme - question and answer (Tape No. 386)

Senator Stuart Syvret asked Senator Vernon Amy Tomes, President of the Public Services Committee, the following questions -

``Will the President provide to the States a full explanation of the current status of the town drainage scheme, paying particular regard to the likely final cost of the project?"

The President of the Public Services Committee replied in the following terms -

``I am pleased to have the opportunity of answering the Senator's question. This gives me the opportunity to dispel a number of rumours about this project.

The civil engineering work on the storage tank part of the project, or, as it is more popularly known the Cavern, was completely finished in February 1997.

The boring of the tunnel from Snow Hill to the Weighbridge was completed in November 1996, and work on the concrete finishes to this tunnel has now been completed. The pipes, which will carry the foul sewage overflow from the Weighbridge to the Cavern, are being installed. The shaft at the Weighbridge should be completed, and the area reinstated, in early June 1997.

The boring of the tunnel from Snow Hill to the Gas Works car park was completed in February 1997. Finishing work to this tunnel, and the installation of the foul sewage overflow pipes, are taking place.

The various shafts and site clearing works will then be completed, and it is anticipated that the civil engineering contractor, Balfour Beatty Civil Engineering Limited, will finish its work in July 1997.

Soon after the civil engineering contract has been completed, the surface water tunnel from the Gas Works to the Weighbridge can be commissioned, to convey separated surface water to sea.

This is one of the purposes of the project, to reduce the overloading of the foul sewers by surface water which unnecessarily enters the system, and to reduce the amount of surface water going unnecessarily to the sewage treatment works.

Something which I would like to point out is that the tunnels and shafts are the most important part of this project, and are the major part, in terms of cost. They are taking the longest time to complete. Most people refer to the Cavern as though it was the major part of the project. Perhaps this is because it catches the attention more, on account of its physical size.

Constructing the storage tank under Fort Regent has been far less disruptive than the other options, which were considered, would have been. These would have involved working on the Esplanade, and in the car parks along Victoria Avenue, affecting the roads, the car parks, and the walkways.

Other options which were investigated for



the construction of the surface water link from the Gas Works to the Weighbridge would have involved enormous disruption, digging up roads in St. Helier, for example Bath Street. The scheme, as it is now, has not caused much disruption to the roads, traffic and businesses in the area.

After the civil engineering contract has been completed, the mechanical and electrical contractor will move into Snow Hill car park, to install the operational equipment in the Cavern. This will take a further six months, and the Cavern should be commissioned in early 1998. It will then receive, and store, the foul sewage which at present overflows to sea on regular occasions, during periods of heavy rainfall. This stored sewage will later be pumped to Bellozanne for treatment.

I would like members to note that, under the existing arrangements, this overflowed sewage is discharged to sea through the surface water outfall behind the Elizabeth Terminal, where the new marina is being constructed.

The outfall has now been extended, to discharge outside the marina. The discharge of foul sewage from this outfall, albeit only at times of heavy rainfall, is a main source of contamination of the sea in this area, and in St. Aubin's Bay. It would also be somewhat undesirable to have foul sewage discharging into the sea just outside the new marina. It was for all of the above reasons that the storage tank, or Cavern, part of the project was considered necessary.

There is still work to be done on the provision of the overflow from the Beresford Street area, to relieve the flooding which can occur there at times of very intense rainfall. Due to the change in location of the proposed overflow shaft from Wests Centre to Peter Street, this has meant a change in the design of the shaft, and it cannot be constructed until after the completion of the main tunnel to the Gas Works. As reported above, this has not yet been fully completed. Therefore, it is proposed to start work on this shaft in January 1998, and it should be completed soon after the commissioning time for the

Cavern.

It is well known, and has been much publicised, that there are considerable delays on this project. This is deeply regretted by the Committee and the Department.

There are various reasons for these delays.

Some are due to additional works which have been found to be necessary. On projects of this nature and complexity, it is difficult to foresee every aspect of construction which will be required, and the contract contains provisions for such variations.

There have been some unforeseen conditions, such as ground conditions, or un-charted services in the ground, which have affected mainly the construction of the shafts.

Even though a very extensive site investigation, involving excavating trial holes and drilling over 40 boreholes, was carried out before construction started, it is impossible to predict absolutely everything which is likely to be encountered underground. This is a standard feature of underground projects, and the contract requires the contractor to take a certain amount of the risk involved, but also requires the employer to accept part of this risk.

Some of the delays are due to breakdowns of plant and equipment. It must be remembered that tunnelling and excavating in hard rock is working in a very harsh and exacting environment. Tunnelling machines are sophisticated and complex equipment, and, even though they are designed for this harsh environment, it is still common to suffer breakdowns.

Here I would like to dispel one of the rumours. It has been stated on a number of occasions, particularly in the media, that rock was encountered where it was not expected. This is totally untrue. Rock was expected all the way along the tunnels, in the lower parts of the shafts, and all the way through the Cavern.

The Cavern was designed as a structure to be constructed totally in rock.

The tunnels were deliberately located in the rock, to avoid the risk of causing damage to the buildings and structures above, and this has proven to be a totally prudent decision.

The area which often causes disputes in such projects is the exact nature of the ground or rock. Contractors tendering for work are provided with all of the site investigation information, including details of tests on rock samples, and rock core samples are kept for examination.

Therefore, it does not necessarily follow that all, or any, claims for delays or additional costs will automatically be met. These have to be assessed and their validity determined.

There has been considerable speculation, mainly in the media, on the possible final cost of the civil engineering contract, and I have to say that it is disappointing both that the Jersey Evening Post has chosen to publish information apparently leaked to it, and that statements are then made based primarily on reports in the media.

I thought that the proper way of dealing with such issues is to contact the President of the Committee concerned, to discuss the matter, and only then, if that does not produce satisfactory results, to bring the matter to the House for discussion. No such contact has been made to me.

I would like to say, first of all, that the full details of the costs on this project will be reported to the States at the appropriate time. This has already been agreed by my Committee and by the Finance and Economics Committee.

I would like to assure the Senator and the States that the proper procedures required by the States for monitoring capital projects have been, and will be, followed. I am sure that members will be fully aware of these procedures.

The Public Services Committee has been kept informed of progress and costs at regular intervals, and is fully briefed on

this matter.

The Treasury and the Finance and Economics Committee have been kept informed of costs and potential costs.

The Audit Commission has been monitoring this project, and will produce a report on it, but at an appropriate time. The Commission, along with the States bodies which are required to be kept informed, appreciates the need for confidentiality, when sensitive contractual issues are being discussed and negotiated.

It is not in the best interests of the Committee or the States to have these matters discussed in public, as this could prejudice negotiations.

I would like to point out that the figure of 28 million pounds mentioned in press reports is referred to as the 'bill' submitted by the contractor. The contractor can submit the costs he feels he is entitled to, under the terms of the contract, including claims for conditions which he feels are different to those which could have been foreseen. This, however, does not necessarily mean that these claims will be accepted. The contractor has to prove that they are totally justified and can be fully substantiated.

The possible final cost quoted by the Jersey Evening Post is apparently from leaked information, and we should not speculate on whether this information has been correctly interpreted, or whether this cost is likely.

I can say that the contractor has reduced his claims by a significant amount, following discussions with our engineers, and further evaluation of his claims is continuing.

Claims for delays and additional costs involve complex technical and contractual matters, and these are being dealt with by the engineers through the proper mechanism of the contract.

The contract which has been used in this case is the standard Conditions of Contract of the Institution of Civil Engineers for

Works of Civil Engineering Construction, and has been developed over many years.

The statement by the acting Chief Executive Officer of the Public Services Department, that he is not prepared to reveal the Department's estimate of the final cost, is not an attempt to conceal information or to evade reporting matters, but is a reminder that it is necessary to let the officers complete their investigations and negotiations in the proper manner, and has my full support. I do not intend to bind the hands of my officers, when they are involved in sensitive discussions and negotiations, and I would expect that States' members would agree with this.

Sir, as I have said, the full details of the costs of this project will be reported to the States at the appropriate time.

Finally, we have been asked about allowing the public to visit the works. It has been difficult to do this while full scale construction was taking place. However, it is proposed to have days for public visits, to enable the public to view the works, particularly the Cavern. Access to the tunnels is more difficult to organise, for safety reasons, and may not be possible.

It will still be difficult to get visitors in and out of the Cavern, and numbers will have to be restricted, for safety reasons, as it is an underground installation.

There is no problem for fit people, but it is a bit of a climb back up from the Cavern to the car park. We obviously cannot have very young children running around, so we will have to put a minimum age limit on visitors. We are planning to have visits in May this year. If the demand is greater than we can handle on those days, then we will have to arrange further days for public visits.

I have already extended an invitation to a number of States' members to visit the works, to see for themselves, and I gladly invite all States' members for a visit. If you would like to do so, please let me know."

Airport Fire Service - questions and answers  
(Tape No. 386)

Deputy Philip John Rondel of St. John, asked Deputy James Thomas Johns, President of the Harbours and Airport Committee, the following questions -

- ``1. Would the President confirm that a Senior Fire Officer for the Airport Fire Service is to be brought over to Jersey from the United Kingdom and explain the role of this officer and the arrangements being made to accommodate him?
  
2. Would the President explain his Committee's policy in promoting from within the Airport Fire Service and give details of current programmes of officer training?"

The President of the Harbours and Airport Committee replied in the following terms -

- ``1. Following a retirement, an Assistant Divisional Officer has been seconded from BAA(plc) (Stanstead Airport) to the Airport Fire Service to assist with the management of the Fire Service. His appointment will improve the succession planning of the service as a number of the senior officers are retiring in the same year. He is being accommodated in a leased house for a period of approximately one year as notified to the States elsewhere today.
  
2. The Committee has promoted from within the Airport Fire Service for at least 20 years. The officer training programme has been stimulated by airport management and Fire Service officers but extra assistance is required on this occasion to bring the succession programme to a satisfactory conclusion. Currently, six fire-fighters are being trained to be ready for more senior jobs as the opportunity arises. All other professional training is carried out at the Civil Aviation

Authority Fire Training School at Teeside."

Water for fire-fighting at the airport - questions and answers (Tape No. 386)

Deputy Philip John Rondel of St. John, asked Deputy James Thomas Johns, President of the Harbours and Airport Committee, the following questions -

- ``1. The joint statement of the Defence and Harbours and Airport Committees issued on 25th March 1997 on fire safety in the John Le Fondré Departure Hall at the airport, states in the final paragraph that `there are 80,000 gallons of water available now with a further 50,000 gallons to be available by the end of April' to fight fires. Would the President give an indication of how long in fire-fighting time this water would last in the worst envisaged scenario?

The joint statement also states that the Jersey New Waterworks Company is supplementing the water supply. Would the President inform the House what steps are being taken to give an uninterrupted supply to the airport, given that water mains in the area feed housing estates, etc., and when the installation will be fully operational?

2. As a sprinkler system is to be installed in selected areas of the new Departure Hall would the President inform members whether this work is part of the original contract specification, and price, or an additional requirement?"

The President of the Harbours and Airport Committee replied in the following terms -

- ``1. The length of fire-fighting time available is entirely a technical matter for the States Fire Service. I would refer the Deputy therefore to that Service of any detailed answer to his question.

As to future water supplies at the Airport, the announcement recently from the Jersey New Waterworks Company that a reservoir is to be constructed in the north of the Island, confirmed that a large, new water main could be operational in approximately two years' time.

2. This work is not part of the original contract specification and is an additional requirement. The States Fire Service has not yet recommended a particular system and I cannot therefore quote a price."

Explosives (Amendment No. 2) (Jersey) Law 199 - P.43/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Explosives (Amendment No. 2) (Jersey) Law 199 .

Nursing and Residential Homes (No. 2) (Jersey) Law 199 - P.44/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Nursing and Residential Homes (No. 2) (Jersey) Law 199 .

Health Insurance (Amendment No. 12) (Jersey) Law 199 - P.45/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Health Insurance (Amendment No. 12) (Jersey) Law 199 .

Main Roads (Classification) (No. 26) (Jersey) Act 1997- P.46/97

THE STATES, in pursuance of Article 1 of the ``Loi (1914) sur la Voirie'', as amended, made an Act entitled the Main Roads (Classification) (No. 26) (Jersey) Act 1997.

Patents (Amendment No. 2) (Jersey) Law 199 - P.47/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law



entitled the Patents (Amendment No. 2) (Jersey)  
Law 199 .

Victoria College and Jersey College for  
Girls: sixth form fees - P.48/97

THE STATES, adopting a proposition of the  
Education Committee, referred to their report  
and proposition (P.113/73) regarding the  
reorganisation of secondary education, which was  
adopted by the States on 20th November 1973, and  
supported the intention of the Education  
Committee to re-introduce fees, with effect from  
September 2000, for all students following sixth  
form studies at Victoria College and the Jersey  
College for Girls.

Senator Wendy Kinnard, Deputy Alastair John  
Layzell of St. Brelade and Deputy Michael Edward  
Vibert of St. Brelade declared an interest in  
the matter and withdrew from the Chamber prior  
to the debate.

Sea Fisheries (Les Minquiers) (Jersey)  
Regulations 1997 - P.49/97

THE STATES, in pursuance of Articles 2, 5 and 22  
of the Sea Fisheries (Jersey) Law 1994, made  
Regulations entitled the Sea Fisheries (Les  
Minquiers) (Jersey) Regulations 1997.

Social Security (Reciprocal Agreement with  
Jamaica) (Jersey) Act 1997 - P.50/97

THE STATES, subject to the sanction of Her Most  
Excellent Majesty in Council, made an Act  
entitled the Social Security (Reciprocal  
Agreement with Jamaica) (Jersey) Act 1997.

Fishing Vessels (Safety Provisions) (Jersey)  
Regulations 1997 - P.51/97

THE STATES, by virtue and in exercise of the  
powers conferred upon them by the Order in  
Council of the fourteenth day of April 1884,  
made Regulations entitled the Fishing Vessels  
(Safety Provisions) (Jersey) Regulations 1997.

Waterfront Enterprise Board Limited: development  
of a leisure pool complex - P.52/97

THE STATES, adopting a proposition of the Policy and Resources Committee, agreed in principle to grant to the private developer who was to construct a leisure pool complex on land at the St. Helier Waterfront, which was to be leased by the public to the developer, an indemnity clause in respect of the claim by Les Pas Holdings Limited to ownership of the said land.

Members present voted as follows -

``Pour" (35)

Senators

Shenton, Horsfall, Rothwell, Le Maistre,  
Stein, Qu  r  e, Norman, Walker.

Conn  tables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H),  
Coutanche(L), St. Mary, S. Baudains(H), Le  
Geyt(S), Trinity, Pullin(S), Johns(H),  
Routier(H), Layzell(B), St. Martin,  
Blampied(H), de la Haye(B), Le Cornu(C),  
St. Peter, Dubras(L).

``Contre" (5)

Senators

Bailhache, Syvret, Kinnard.

Deputies

Duhamel(S), Dorey(H).

Adjournment

THE STATES then adjourned, having agreed that the outstanding items of public business should stand over until Tuesday, 22nd April 1997, when they would be taken as the first items of matters lodged under Public Business.

THE STATES rose at 12.50 p.m.

G.H.C. COPPOCK

Greffier of the States.