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THE STATES assembled on Tuesday,  
8th July 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 -

Senator Richard Joseph Shenton - out of the  
Island  
Derek Ryder Maltwood, Deputy of St. Mary -  
out of the Island  
Margaret Anne Le Geyt, Deputy of St.  
Saviour - out of the Island.

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Prayers

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Tribute to the late Mr. H.L. Dubras, former  
Deputy of St. Martin

The Bailiff paid tribute to the late Mr. Henri  
Leon Dubras, former Deputy of St. Martin.

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

Tribute to the late Mrs. I. M. Forster, former  
Deputy of St. Helier

The Bailiff paid tribute to the late Mrs. Ivy  
May Forster, former Deputy of St. Helier.

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

## Jersey Island Games - congratulations and thanks

The Bailiff, on behalf of the States, congratulated and thanked all those involved in making the 7th Island Games such a success, including the Sport, Leisure and Recreation Committee, the Jersey Island Games Association Organising Committee, under their Chairman, Mr. Peter Pitcher, and the Games Administrator, Mr. Paul du Feu.

## Subordinate legislation tabled

The following enactment was laid before the States, namely -

Motor Vehicles (Driving Licences)  
(Amendment No. 6) (Jersey) Order 1997.  
R & O - 9095.

## Matters presented

The following matters were presented to the States -

1. The Jersey Law Commission: first annual report - R.C.27/97.  
Presented by the Legislation Committee.
2. Public Employees Contributory Retirement Scheme: actuarial review as at 31st December 1995 - R.C.28/97.  
Presented by the Establishment Committee.

Regulation of Undertakings and Development: six-monthly manpower returns - R.C.29/97.  
Presented by the Finance and Economics Committee.

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

## Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 30th June 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 Housing Committee, a Deed of Arrangement with Mrs. Elizabeth Dean, née Michel, for the sale of an area of land to the south of La Balleine Close, St. Clement, and adjacent to the property known as La Berge, La Rue de la Croix, St. Clement, in the sum of £25, with Mrs. Dean being responsible for all legal costs arising from this transaction;
- (b) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of the sub-station 592 at Westley Court, St. Helier, for a period of 99 years at £1 a year, payable immediately, with the granting of a wayleave free of charge for cable routes, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Public Services Committee, the purchase from F.B.F. Developments Limited of an area of land measuring approximately 745 square feet at the junction of Castle Street and Commercial Street, St. Helier, for a consideration of £745, with the Committee being responsible for the cost of the necessary accommodation works, and with each party being responsible for its own legal costs arising from the transaction. (The Committee accordingly rescinded Act No. 2(p) of 13th May 1996 of the Committee, as previously constituted).

Matters noted - acceptance of tender

THE STATES noted Acts of the Finance and Economics Committee, dated 30th June 1997, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Education Committee had accepted the lowest of six tenders, namely that submitted by G. Thornton (Contracts) Limited in the revised sum of £550,260.00 in a contract period of 20

weeks for the development of an all-weather sports facility on Field No. 1587, St. Saviour, for the Jersey College for Girls;

- (b) the Health and Social Services Committee had accepted the revised lowest of two tenders, namely that submitted by Hacquoil and Cook Limited in the sum of £761,746.84 in a contact period of 35 weeks for the development of Maison Le Pape, The Parade, St. Helier.

#### Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Summer Time (Jersey) Act 199 - P.90/97.  
Presented by the Legislation Committee.
2. Jersey Dental Scheme: further amendment - P.91/97.  
Presented by the Employment and Social Security Committee.
3. Covenants - Victoria Avenue, St. Helier: transfer of administration - P.92/97.  
Presented by the Public Services Committee.
4. Channel Islands instant lottery - P.93/97.  
Presented by the Gambling Control Committee.
5. Draft Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 199 - P.94/97.  
Presented by the Policy and Resources Committee.
6. Draft Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 199 - P.95/97.  
Presented by the Policy and Resources Committee.
7. Draft Social Security (Amendment No. 13) (Jersey) Law 199 - P.96/97.

Presented by the Employment and Social Security Committee.

8. Draft Social Security (No. 3) (Jersey) Regulations 199 - P.97/97.  
Presented by the Employment and Social Security Committee.
9. Fields 571A and 571B, adjacent land and roadway, La Moye, St. Brelade: purchase - P.98/97.  
Presented by the Planning and Environment Committee.
10. Bellozanne, St. Helier - incinerator ash metal separation unit in Green Zone: - P.99/97.  
Presented by the Planning and Environment Committee.
11. Jersey Airport: Committee of Inquiry - P.100/97.  
Presented by Deputy P.J. Rondel of St. John.
12. Land at Ville ès Renauds, Grouville (P.149/96): amendment - P.101/97.  
Presented by Deputy A.S. Crowcroft of St. Helier.
13. Nuclear waste discharges into the marine environment - P.102/97.  
Presented by Senator S. Syvret.

#### Change in Presidency

The Bailiff retired from the Chamber and Senator Pierre François Horsfall took over the Presidency.

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

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

Land at Ville ès Renauds, Grouville - P.149/96.  
Lodged: 24th September 1996 and referred to the Planning and Environment Committee.  
Connétable of Grouville.

Land at Ville ès Renauds, Grouville  
(P.149/96): report - P.200/96.  
Presented: 5th November 1996.  
Planning and Environment Committee.

Land at Ville ès Renauds, Grouville  
(P.149/96): amendment - P.101/97.  
Lodged: 8th July 1997.  
Deputy A.S. Crowcroft of St. Helier.

St. Helier Waterfront Plan: west of  
Albert Pier - housing - P.88/97.  
Lodged: 17th June 1997.  
Planning and Environment Committee.

Draft Summer Time (Jersey) Act  
199 - P.90/97.  
Lodged: 8th July 1997.  
Legislation Committee.

Covenants - Victoria Avenue, St.  
Helier: transfer of administration -  
P.92/97.  
Lodged: 8th July 1997.  
Public Services Committee.

Channel Islands instant lottery -  
P.93/97.  
Lodged: 8th July 1997.  
Gambling Control Committee.

Draft Privileges and Immunities  
(Diplomatic, Consular, etc.) (Jersey)  
Law 199 - P.94/97.  
Lodged: 8th July 1997.  
Policy and Resources Committee.

Draft Hong Kong Economic and Trade  
Office (Privileges and Immunities) (Jersey)  
Law 199 - P.95/97.  
Lodged; 8th July 1997.  
Policy and Resources Committee.

Fields 571A and 571B, adjacent land  
and roadway, La Moye, St. Brelade:  
purchase - P.98/97.  
Lodged: 8th July 1997.  
Planning and Environment Committee.

Bellozanne, St. Helier - incinerator  
ash metal separation unit in Green  
Zone - P.99/97  
Lodged: 8th July 1997.  
Planning and Environment  
Committee.

Jersey Airport: Committee of  
Inquiry - P.100/97.  
Lodged: 8th July 1997.  
Deputy P.J. Rondel of St. John.

Nuclear waste discharges into the marine  
environment - P.102/97

THE STATES rejected the request of Senator  
Stuart Syvret that the proposition regarding  
nuclear waste discharges into the marine  
environment (lodged 'au Greffe' at the present  
meeting) be considered on 22nd July 1997 and  
referred the proposition to the Policy and  
Resources Committee.

Members present voted on referring the  
proposition to the Policy and Resources  
Committee as follows -

``Pour" (42)

Senators

Horsfall, Rothwell, Le Maistre, Stein,  
Quérée, Bailhache, Tomes, Norman, Walker.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H),  
Coutanche(L), S. Baudains(H), Trinity,  
Pullin(S), Duhamel(S), Routier(H),  
Dorey(H), Breckon(S), Huet(H), Le Main(H),  
Blampied(H), Rabet(H), Vibert(B), de la  
Haye(B), Le Cornu(C), St. Peter, Dubras(L),  
St. Ouen.

``Contre" (8)

Senators

Syvret, Kinnard.

Deputies

Johns(H), Layzell(B), Grouville, St.  
Martin, St. John, Crowcroft(H).

Stopford Road/Wellington Road gyratory road scheme: purchase of land - P.86/97

THE STATES acceded to the request of the President of the Public Services Committee that consideration of the proposition regarding the Stopford Road/Wellington Road gyratory road scheme (lodged ``au Greffe" on 17th June 1997) be deferred from the present meeting to 22nd July 1997. The States agreed that the matter be taken as the first item of matters lodged under Public Business on that date.

Termination of pregnancies - questions and answers (Tape No. 397)

Deputy Alastair John Layzell of St. Brelade asked the Connétable of St. Saviour, President of the Health and Social Services Committee, the following questions -

- ``1. Is the President aware of the article published in the latest edition of the `Jersey Law Review' on the Termination of Pregnancy (Jersey) Law 1997, and the opinion expressed which argues that there is effectively abortion on demand in Jersey?
2. Would the President inform the Assembly -
  - (a) in the years 1995 and 1996, the number and grounds of terminations carried out at the General Hospital?
  - (b) in the year 1996, the last figures available of the number of terminations carried out in the United Kingdom on women travelling from Jersey and whether this shows an increased trend or otherwise?
  - (c) in the year 1997, since February, the number of terminations which have been carried out at the General Hospital, in each case stating the statutory ground and the age of each of the women?
3. Would the President inform the Assembly



when the Order will be made by his Committee to provide for the information to be set out in an annual report of the Medical Officer of Health in accordance with Article 9 of the Termination of Pregnancy (Jersey) Law 1997?"

The President of the Health and Social Services Committee replied as follows -

1. I am aware of the article published in the 'Jersey Law Review' on the Termination of Pregnancy Law and the opinion expressed that there is abortion on demand in Jersey. At this stage, however, I can only repeat the view I expressed in July 1996, during the debate on the new Law, when the question of abortion on demand was raised, which was as follows -
- (i) Terminating a pregnancy is a medical procedure, and as such is subject to the same checks and controls as any other medical procedure. A doctor will only carry out a termination if, after full discussion and appropriate counselling, he considers it is in the best interests of his patient. The Law does not override the professional and ethical duties of the medical practitioner. No doctor is obliged by the Law or by my Committee to carry out a termination of pregnancy.
  - (ii) The Law does not require the Health and Social Services Committee to provide a service for the termination of pregnancy, although the Committee accepts its responsibility to do so.

Having said that, it seems the crux of the article in the Jersey Law Review is related to the interpretation of statute and that part is largely written in French. I am afraid my French is not up to subtle distinctions and neither am I learned in the rules of statutory interpretation. Therefore, I have asked my officers to seek the opinion of the Attorney General on this matter.

- 2(a) In 1995, 67 terminations of pregnancy were carried out in the General Hospital and in 1996, 90 terminations were carried out in the General Hospital.

The legal grounds for termination of pregnancy at that time were advised to this House, during the initial debate on Termination of Pregnancy. If I may, sir, I would refer members to the opinion of the then Attorney General which I quoted at that time. In simple terms, an abortion was permissible if carried out in good faith to save the life of the mother or when the continuance of the pregnancy would make the woman a physical or mental wreck. I am advised the terminations that took place in 1995 and 1996 were carried out on those grounds.

- 2(b) The only information that is available relates to the number of terminations carried out in the United Kingdom on women who have given home addresses in Jersey. Many Jersey residents have connections in the United Kingdom and some might prefer to return 'home' for a termination, or give a United Kingdom address during their stay in the United Kingdom for treatment. These figures would not be included in the statistics made available by the United Kingdom Office for Population Censuses and Surveys.

In 1996, 181 women who obtained a termination of pregnancy in the United Kingdom gave a home address in Jersey. On the basis of the figures we have available, the overall trend has been a decrease since 1990, when 323 terminations were reported for Jersey residents in the United Kingdom.

- 2(c) From the beginning of February, to the end of June this year, 121 terminations of pregnancy have been notified to the Medical Officer of Health. All were carried out on the statutory ground under Article 2(2)(c) of

the Law, that is when 'the woman's condition causes her distress' and all were carried out before the end of the twelfth week of pregnancy.

The ages of the women were as follows -

Under 19 years	17
20-24 years	31
25-29 years	34
30-34 years	26
35-39 years	10
40-44 years	3

3. Article 9 of the Termination of Pregnancy (Jersey) Law 1997 requires the Medical Officer of Health to 'lay before the States, every calendar year, a report on the operation of the Law in the preceding calendar year.' The Medical Officer of Health shall therefore lay before this House a report in 1998 in respect of the calendar year 1997.

The Article permits, but does not require, the Committee to prescribe the information that the report should contain and my Committee does not believe it to be necessary to make an Order at present."

Composition of the Sea Fisheries Advisory Panel - questions and answers (Tape No. 397)

Deputy Philip Rondel of St. John asked questions of Deputy Jeremy Laurence Dorey, President of the Agriculture and Fisheries Committee, the following question -

"Would the President inform the Assembly of the composition of the Sea Fisheries Advisory Panel, including the organisations the members represent, how the members are selected and the term of office for the non-States members?"

The President of the Agriculture and Fisheries Committee replied as follows -

"The Sea Fisheries Advisory Panel has been in place since 1976 and includes both

political members and members actively involved in fishing. Industry membership is decided by the Agriculture and Fisheries Committee on the basis of recommendations from the Chairman of the Panel. The Chairman is a member of my Committee and he is joined by a member of the Harbours and Airport Committee. These political positions are reviewed every three years.

Representatives from the north and south coast with a special interest in low water fishing attend, together with the Chairman of the Jersey Federation of Sea Anglers and a representative of the fish farming industry. The President of the Jersey Fishermen's Association also attends with either two active fishermen or the secretary of his Association and one active fisherman. All these non-political posts are reviewed annually and at the end of each three year Committee session. Also in attendance at meetings are the Sea Fisheries Adviser, the Senior Fisheries Inspector and a representative of the Harbour Office."

Applications under the Island Planning (Jersey) Law 1964 - questions and answers (Tape No. 397)

Deputy Graeme Ernest Rabet of St. Helier asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions -

- ``1. Would the President advise members of the number of applications the Committee has received under the Island Planning (Jersey) Law 1964, as amended, since it took office in December 1996, how many of these applications have been processed, and how many have received approval?
2. Would the President advise members how many of the applications received are connected with the tourism industry?"

The President of the Planning and Environment Committee replied as follows -

- ``1. My Committee took office on 16th December 1996 and up to 24th June 1997, when the questions were

tabled, have received 1,774 applications to be considered under the Island Planning (Jersey) Law 1964, as amended, and/or the Public Health (Control of Building) (Jersey) Law 1956, as amended, and the Building Bye-Laws (Jersey) 1960 and 1997. 666 of these applications were submitted under the Planning Law only, 28 were for Building Bye-Laws only, 301 were for planning and building works combined and 779 for small works which mostly required planning permission but on some occasions bye-law permission only. As the Deputy will see, the majority of applications were for significant works under the Planning Law.

Of the total of 1,774 applications, all have been processed or are in the process of determination; 1,409 have been determined, that is, a decision made and the applicant informed. This represents very nearly 80 per cent of the total. Of those 1,308 have been approved, representing over 92 per cent of the applications determined.

2. The applications are not classified in accordance with an industry code. However, I can inform the Deputy that during the period only 85 of the 1,774 total applications were submitted in respect of hotels and guest houses in the Island."

Land above the high water datum - question and answer (Tape No. 397)

Senator Stuart Syvret asked Senator Nigel Lewis Qu  r  e, President of the Planning and Environment Committee, the following question -

``Would the President of the Planning and Environment Committee inform members of the area of land above high water datum that has been designated to the following land use categories -

1. Agricultural - crops and fallow; grass and rough grazing; other agricultural.

2. Dune.
3. Gorseland.
4. Uncultivated meadow and marsh.
5. Forest and woodland.
6. Urban and suburban land, and land not elsewhere specified.

Would the President also provide members with an annual breakdown showing the area of each of the first five above categories that has been granted development approval since 1991?"

The President of the Planning and Environment Committee replied as follows -

`` Apart from the information contained in Chapter 2, Volume 1 of the Island Plan, the Planning and Environment Committee does not have the detailed and up to date information available which the Senator requests.

1. The area of land currently worked by the `agricultural' industry and the changes in cropping patterns are only known to the Agriculture and Fisheries Committee.
2. The areas of land in the Senator's categories `dune, gorseland, uncultivated meadow and marsh, forest and woodland', are currently under study as part of my Committee's work on the Island's biodiversity strategy.
3. The area of `urban land' will be re-assessed as part of the Island Plan review when it is in progress.
4. The `land not specified elsewhere' by the Senator would presumably include offshore reefs which are also subject of very detailed survey work which will be carried out as part of preparation of SSIs and Ramsar designation.
5. No only do we not have up to date information but it would be unrealistically expensive to provide an annual breakdown of the changes in this information. However during the preparation for the replacement of the

planning applications system, which is scheduled for the autumn, we will consider whether it would be possible to produce such information in the future and assess whether the potential benefits will justify the costs.

6. The term high water datum is an incorrect one which I can discuss with the Senator outside question time."

Consents given under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended - questions and answers (Tape No. 397)

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

1. Would the President of the Finance and Economics Committee inform members how many new undertakings the Finance and Economics Committee licensed under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, in 1995, 1996 and in 1997 to date?
2. Would he also inform members how many new jobs were created by the granting of these licences, and in which industries these new jobs were created?
3. Finally, would the President advise members what measures have the Committee put into effect to ensure that the overall level of commercial activity is regulated in such a way as to achieve the States' policy of limiting the Island's population to a ceiling of 85,000 people?"

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

1. 748 new undertakings were licensed in 1995, and 635 in 1996. At the end of June, 1997 309 new undertakings had been approved.
2. The Finance and Economics Committee has for many years recognised that no meaningful statistics can be produced

merely by analysing the licences granted under the Regulation of Undertakings and Development Law. This is because the Committee has no knowledge of how many licences are actually proceeded with, almost all of the licences being granted to local people planning to establish undertaking on their own account. Presently, there is also no need for a licence application to take on additional local staff, and the Committee has no information on the number of undertakings that are being discontinued.

Therefore, the Committee is of the opinion that the analysis of manpower returns provides the vital data that is needed to assess the relative condition of the labour market. This information is presently published on a six monthly basis.

Given the shortage of resources within the Office of the Chief Adviser and the short timescale available to research this matter, I am unable to provide the job figures for the full years requested. However, the Office of the Chief Adviser has examined the application forms for the first six months of each year and the following figures emerge -

261 full time, and 153 part-time jobs were created in 1995; and

516 full time, and 149 part-time jobs were created in 1996;

For the first six months of 1997, the figures are 288 full time and 169 part time.

The above figures have been analysed according to job category and in order not to take up the time of the States unduly by my reading out a long list, the answer is provided in the paper which has been placed on Members desks this morning. However, I would suggest for the reasons I have given that the figures should be treated with extreme



caution.

3. The Strategic Report '2000 and Beyond' approved by the States in 1995 identified the Regulation of Undertakings and Development Law as the main policy instrument to be used to achieve the States' population policy objective. The general policy of the Finance and Economics Committee is set out in the Policy Statement included as an Appendix to the 1996 Strategic Policy Review and Action Plan.

At the present time, when considering individual licence applications against the background of evidence of a tightening of the labour market, the Committee is adopting a selective approach which takes the population policy fully into account. The Finance and Economics Committee however is also mindful of other States policy objectives, which include maintaining a successful economy and achieving a balanced budget.

The Finance and Economics Committee is aware that the Policy and Resources Committee is focusing on the States population policy in this year's Strategic Policy Review and Action Plan report, and that with this in mind, that Committee is currently considering what action is required both in the short and medium term to sustain that policy. In doing so, it is proposing to consult fully with the Finance and Economics Committee and other interested parties. I welcome this and my Committee believes that it should avoid any short-term changes, which could be premature and counter-productive, until this exercise is complete.

Regulation of Undertakings and  
Development  
Law Analysis of Jobs for Six Month  
Period  
January - June 1995 to 1996

Category	1995	1996	1997
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Retail	63	140	82
Building/allied trade	42	130	47
Hotels/G. houses, etc.	1	0	0
Restaurants/catering	100	60	36
Banks/finance houses	10	40	18
Offices	8	48	49
Garages/sales	2	5	17
Transport	0	21	10
Marine	5	2	10
Other	183	219	188
Total six months	414	665	457
Part time	153	149	169
Full time	261	516	288

6 Le Feugerel, La Moye, St. Brelade: sale of share

THE STATES, adopting a proposition of the Finance and Economics Committee, rescinded their Act of 23rd July 1996 agreeing to the sale of the one quarter share in the immovable estate, consisting of a dwelling house known as No. 6, Le Feugerel, La Moye, St. Brelade to Mr. Guy Storer Powell and Mrs. Caroline Beverley Elizabeth Powell, née Chambers, and -

- (a) agreed the sale to Mr. Trevor Brian Daghorn and Mrs. Alison Kathleen Daghorn, née Stevens, 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 by the late Mrs. Irene Elizabeth Alexandra Warne, née Bower ``for the purchase of equipment for the Cancer Unit at the General Hospital";
- (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.

THE STATES, in pursuance of Article 13 of, and sub-paragraph (2) of paragraph 2 of the Third Schedule to, the Advocates and Solicitors (Jersey) Law 1997, made an Act entitled the Advocates and Solicitors (Jersey) Law 1997 (Appointed Day) Act 1997.

Departments of the Judiciary and the Legislature (Amendment No. 3) (Jersey) Law 1997 (Appointed Day) Act 1997 - P.85/97

THE STATES, in pursuance of Article 4 of the Departments of the Judiciary and the Legislature (Amendment No. 3) (Jersey) Law 1997, made an Act entitled the Departments of the Judiciary and the Legislature (Amendment No. 3) (Jersey) Law 1997 (Appointed Day) Act 1997.

Fire Service Headquarters: relocation - P.87/97

THE STATES commenced consideration of a proposition of the Defence Committee regarding the relocation of the Fire Service Headquarters. After discussion, the President of the Defence Committee agreed to accept the reference back proposed by Senator Leonard Norman.

Orillande, La Rue du Mont Capel, St. Ouen: development in Green Zone - P.89/97

THE STATES, adopting a proposition of the Planning and Environment Committee, decided to support the Planning and Environment Committee's intention to grant planning permission for the construction of a farm dwelling and agricultural storage building on land at Orillande, La Rue du Mont Capel, St. Ouen, (as shown on drawing No. 564/1) the land being situated within an area designated as Green Zone on the Island Map, as amended 1-87.

THE STATES rose at 11.47 a.m.

G.H.C. COPPOCK

Greffier of the States.