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THE STATES assembled on Tuesday,
9th September 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 -

Leonard René Hamel, Connétable of St.
Clement - out of the Island.

Prayers

Diana, Princess of Wales - messages on her death

The Bailiff informed the Assembly that His
Excellency the Lieutenant Governor of Jersey had
sent the following messages to Buckingham
Palace on the death of Diana, Princess of
Wales -

``HER MAJESTY THE QUEEN:

The Lieutenant Governor, Bailiff, States
and People of Jersey send their deepest
sympathy to Her Majesty on the tragic death
of Diana, Princess of Wales. Islanders have
been shocked and distressed by the grievous
news and wish to convey to her their
heartfelt sorrow and sadness. They hope and
pray that Her Majesty will derive comfort
from the knowledge that her subjects in the
Bailiwick of Jersey share in her family's
grief at this difficult time."

``HIS ROYAL HIGHNESS THE PRINCE OF WALES:

The Lieutenant Governor, Bailiff, States and People of Jersey send their deepest sympathy to His Royal Highness on the tragic death of Diana, Princess of Wales. Islanders have been shocked and distressed by the grievous news and wish to convey to him their heartfelt sorrow and sadness. They hope and pray that His Royal Highness, Prince William and Prince Harry will derive strength and comfort from the knowledge that the people of the Bailiwick of Jersey share in their grief at this difficult time."

The Bailiff also informed the Assembly that the following reply had been received from the Assistant Private Secretary to His Royal Highness The Prince of Wales -

``The Prince of Wales has asked me to thank you for your message and to say how touched he was that you should have taken the trouble to write as you did.

His Royal Highness greatly appreciates your kind and sympathetic thoughts, and has asked me to pass on to you his heartfelt best wishes: he hopes that you will understand why he is unable to write himself at this time."

Diana, Princess of Wales: Memorial service

The Bailiff expressed his gratitude to the Dean of Jersey, the Very Reverend J.N. Seaford, for the moving and very appropriate memorial service for Diana, Princess of Wales which he conducted at Howard Davis Park last Saturday. Also to the many officials who gave willingly of their time to make it possible, in particular to his secretary, Mr. Martin Hewlett, and to his private secretary, Mrs. Melanie Cavey.

Diana, Princess of Wales: attendance at the funeral

The Lieutenant Governor, General Sir Michael Wilkes, informed the Assembly that he and Lady Wilkes had attended the funeral service for

Diana, Princess of Wales in Westminster Abbey as representatives of the Island. He had had the opportunity of reaffirming the condolences of the people of Jersey with representatives of both families, who were grateful for the thoughts and prayers of the Islanders.

The Hon. Sue Wilding, M.L.C. of Victoria, Australia - welcome

The Bailiff welcomed to the Island the Hon. Sue Wilding, M.L.C. of the Victorian Parliament, Melbourne, Australia.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 8) (Jersey) Order 1997. R & O 9102.
2. Telecommunications (Telegrams) (Revocation) (Jersey) Order 1997. R & O 9103.
3. Places of Refreshment (Registration) (Fees) (Jersey) Order 1997. R & O 9104.
4. Tourism (General Provisions) (Amendment No. 5) (Jersey) Order 1997. R & O 9105.
5. Royal Court (Amendment No. 12) Rules 1997. R & O 9106.
6. Road Racing (Motor Vehicle Rally) (Jersey) Order 1997. R & O 9107.
7. Road and Sand Racing (No. 2) (Jersey) Order 1997. R & O 9108.
8. Battle of Britain Air Display (Jersey) Order 1997. R & O 9109.
9. Road Traffic (Saint Brelade) (Amendment No. 7) (Jersey) Order 1997. R & O 9110.

Matters presented

The following matters were presented to the States -

1. Housing: States rental waiting list as at 20th June 1997 - R.C.33/97.
Presented by the Housing Committee.
THE STATES ordered that the said report be printed and distributed.
2. Immigration and Nationality Department: report for 1996.
Presented by the Defence Committee.

The following matter was presented to the States on 5th August 1997 -

Census Report for 1996.
Presented by the Etat Civil Committee.

The following matter was presented to the States on 19th August 1997 -

Millennium project: interim report - R.C. 32/97.
Presented by the Policy and Resources Committee.
THE STATES ordered that the said report be printed and distributed.

Matters noted - land transactions

THE STATES noted Acts of the Finance and Economics Committee, dated 11th and 22nd August 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 Sport, Leisure and Recreation Committee, the lease to St. Saviour's Bowls Club of the property known as the Clubhouse and playing greens forming part of the Grainville Sports Grounds, St. Saviour, for a period of nine years from 1st January 1997, at an annual rent of £4,368 in 1997, £5,534 in 1998 and £6,700 in 1999, to be subject thereafter to annual increases in line with changes in the Jersey Retail

Prices Index, the rent to be payable on 30th June each year, with the lessee to be responsible for the maintenance of the internal and external fabric of the clubhouse on the basis that the lessor would be responsible for all major repairs, and with each party being responsible for its own legal costs in relation to the preparation of the lease;

(b) as recommended by the Education Committee, the entering into of a further 12-month Supplemental Licence with the Honourable Elizabeth Campbell Parish, née Boot, John Angus Harcourt Gold, Charmain Joy Holcroft, née Gold, Jeremy Nicolas Norman, Sarah Jessica Rickett, née Norman, Tessa Roselle Pope, née Norman, Simon John Davie and Ann Claire D'Abo, to extend the use of Fields Nos. 877 to 880 (known as Millbrook Playing Fields), St. Lawrence, for the period 24th December 1996 to 23rd December 1997, in return for a sum of £3,000 payable in advance;

(c) as recommended by the Planning and Environment Committee, the lease to St. Brelade Social Club of Field No. 89 and part of Field No. 90, St. Brelade (together measuring 7.4 vergées) for the development of a football pitch, club house and car parking (subject to the grant of development permission), for a period of 25 years from the date of the signing of the lease, at an annual rent of £1,500, subject to review every three years, with each party being responsible for the payment of its own legal fees involved in the transaction;

(d) as recommended by the Health and Social Services Committee, the relaxation of the existing restrictive covenant over Ponderosa, Westmount Road, St. Helier, (which property was adjacent to a private road belonging to the public which formed part of the William Knott Day Centre at the Overdale Hospital site), which limited the height of the house to be constructed at the property Ponderosa to 21 feet, so as to allow the altered shape of the roof of that property (as

granted permission by the Planning and Environment Committee) to exceed that height by four feet, subject to the owners being responsible for both parties' legal costs arising from the transaction;

- (e) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Fief House Holdings Limited in respect of the site of the former Royal Bay Hotel, Gorey, Grouville, in order to clarify the boundary between the site and Field No. 146, Grouville, and also to grant servitudes and rights (including the establishment of four windows and six vents in the relative gable of the proposed new buildings towards adjacent public land), for a consideration of £2,000, with the owner of the site being responsible for all legal fees arising from the transaction. (The Committee rescinded Act No. 7(e) of 9th December 1996 of the Committee as previously constituted);
- (f) as recommended by the Prison Board, the grant of a wayleave to the Jersey Electricity Company Limited in respect of an electricity cable to the east and south of H.M. Prison La Moye, across land known as La Grande Lande, Field No. 559, St. Brelade, for the benefit of the property known as H.M. Old Signal Point, La Moye, St. Brelade, the wayleave being in perpetuity for a nominal sum of £500 with normal access rights, on the basis that the Jersey Electricity Company Limited would be responsible for the public's reasonable legal costs arising from the transaction;
- (g) as recommended by the Agriculture and Fisheries Committee, the purchase from Mrs. Laura Maud Le Ruez, née Bailhache, of an area of land (measuring 12 perch 18 feet) within Field No. 121, Crabbé, St. Mary, for a consideration of £1,600, on the basis that the Committee would be responsible for the vendor's reasonable legal costs arising from the transaction.

Matter noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 28th July 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 five tenders, namely that submitted by M.J. Gleeson (Jersey) Limited in the sum of £222,390.00 in a contract period of 11 weeks for the enabling contract in respect of Phase 1 of the Jersey College for Girls development, Mont Millais, St. Helier.

Matters lodged

The following matters were lodged "au Greffe" -

1. South Pier, St. Helier: lease of premises to Jersey Yacht and Boatyard Company Limited - P.118/97.
Presented by the Harbours and Airport Committee.
2. Channel Islands lottery: future use of profits - P.119/97.
Presented by the Gambling Control Committee.
3. Draft Double Taxation Relief (Arrangement with the United Kingdom) (Jersey) Act 199 - P.120/97.
Presented by the Finance and Economics Committee.
4. Draft Fire Service (Amendment No. 3) (Jersey) Law 199 - P.121/97.
Presented by the Defence Committee.
5. Draft Fire Precautions (Designated Premises) (Amendment) (Jersey) Regulations 199 - P.122/97.
Presented by the Defence Committee.
6. Draft Licensing (Licence Fees) (Jersey) Regulations 199 - P.123/97.
Presented by the Tourism Committee.
7. Defence contribution:

Territorial Army Unit - P.124/97.
Presented by Deputy T.J. Le Main
of St. Helier.

8. 3 Gloucester Street, St. Helier:
sale - P.125/97.
Presented by the Health and
Social Services Committee.
9. Draft Medicines (Jersey) Law
1995 (Appointed Day) Act 199 -
P.126/97.
Presented by the Health and
Social Services Committee.
10. Draft Health Insurance
(Amendment No. 9) (Jersey) Law 1996
(Appointed Day) Act 199 (P.73/97):
amendment - P.127/97.
Presented by the Employment and
Social Security Committee.
11. Draft Arbitration (Jersey) Law
199 (P.113/97): amendments - P.128/97.
Presented by the Finance and
Economics Committee.
12. St. Helier Waterfront plan -
west of Albert Pier: residential area
3 - P.130/97.
Presented by Senator R.J.
Shenton.
13. Referendums - P.131/97.
Presented by Senator S. Syvret.
14. Total Recycling - P.132/97.
Presented by Senator N.L.
Quérée.

The following subjects were lodged on 5th August
1997 -

1. Draft Arbitration (Jersey) Law
199 - P.113/97.
Presented by the Finance and
Economics Committee.
2. Broadway Restaurant, 24
Esplanade/42 Commercial Street, St.
Helier: lease - P.114/97.
Presented by the Planning and
Environment Committee.

The following subjects were lodged on 19th August 1997 -

1. Draft Computer Misuse (Amendment) (Jersey) Law 199 - P.115/97.
Presented by the Establishment Committee.
2. Draft Road Traffic (No. 46) (Jersey) Regulations 199 - P.116/97.
Presented by the Defence Committee.
3. Draft Income Tax (Amendment No. 18) (Jersey) Law 199 - P.117/97.
Presented by the Finance and Economics Committee.

Arrangement of public business for the present meeting

The STATES noted that the draft Asbestos (Licensing) (Jersey) Regulations 199 - P.109/97 would be deleted from Public Business as consideration of the projet would be requested for 23rd September 1997.

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

Jersey Dental Scheme: further amendment - P.91/97.
Lodged: 8th July 1997.
Employment and Social Security Committee.

Draft Social Security (Amendment No. 13) (Jersey) Law 199 - P.96/97.
Lodged: 8th July 1997.
Employment and Social Security Committee.

Draft Social Security (No. 3) (Jersey) Regulations 199 - P.97/97.
Lodged: 8th July 1997.
Employment and Social Security Committee.

Draft Gambling (Licensing Provisions) (Amendment No. 10) (Jersey) Regulations 199 - P.104/97.
Lodged: 22nd July 1997.

Gambling Control Committee.

Draft Gambling (Betting) (Amendment
No. 10) (Jersey) Regulations 199 -
P.105/97.

Lodged: 22nd July 1997.

Gambling Control Committee.

Draft Gambling (Gaming and Lotteries)
(Amendment No. 11) (Jersey) Regulations
199 - P.106/97.

Lodged: 22nd July 1997.

Gambling Control Committee.

Airport: lease of land for extension
to hangar - P.111/97.

Lodged: 22nd July 1997.

Harbours and Airport Committee

Draft Protection of Children
(Amendment) (Jersey) Law 199 - P.112/97.

Lodged: 29th July 1997.

Legislation Committee.

Broadway Restaurant, 24 Esplanade/42
Commercial Street, St. Helier: lease -
P.114/97.

Lodged: 5th August 1997.

Planning and Environment Committee.

Draft Computer Misuse (Amendment)
(Jersey) Law 199 - P.115/97.

Lodged: 19th August 1997.

Establishment Committee.

Draft Road Traffic (No. 46) (Jersey)
Regulations 199 - P.116/97.

Lodged: 19th August 1997.

Defence Committee.

Arrangement of public business for the next
meeting on 23rd September 1997

THE STATES confirmed that the following matters
lodged ``au Greffe" would be considered on 23rd
September 1997 -

Draft Amendment (No. 10) of Standing
Orders Relating to Certain Transactions in
Land - P.107/97.

Lodged: 22nd July 1997.

Finance and Economics Committee.

Draft Asbestos (Licensing) (Jersey)

Regulations 199 - P.109/97.
Lodged: 22nd July 1997.
Employment and Social Security
Committee.

Draft Island Planning (Use Classes)
(Amendment No. 2) (Jersey) Regulations
199 - P.110/97.
Lodged: 22nd July 1997.
Planning and Environment Committee.

Draft Arbitration (Jersey) Law 199 -
P.113/97.
Lodged: 5th August 1997.
Finance and Economics Committee.

Draft Arbitration (Jersey) Law
199 (P.113/97): amendments - P.128/97.
Lodged: 9th September 1997.
Finance and Economics Committee.

Draft Income Tax (Amendment No. 18)
(Jersey) Law 199 - P.117/97.
Lodged: 19th August 1997.
Finance and Economics Committee.

South Pier, St. Helier: lease of
premises to Jersey Yacht and Boatyard
Company Limited - P.118/97.
Lodged: 9th September 1997.
Harbours and Airport Committee.

Draft Double Taxation Relief
(Arrangement with the United Kingdom)
(Jersey) Act 199 - P.120/97.
Lodged: 9th September 1997.
Finance and Economics Committee.

Draft Fire Service (Amendment No. 3)
(Jersey) Law 199 - P.121/97.
Lodged: 9th September 1997.
Defence Committee.

Draft Fire Precautions (Designated
Premises) (Amendment) (Jersey) Regulations
199 - P.122/97.
Lodged: 9th September 1997.
Defence Committee.

Draft Licensing (Licence Fees)
(Jersey) Regulations 199 - P.123/97.
Lodged: 9th September 1997.
Tourism Committee.

3 Gloucester Street, St. Helier:

sale -P.125/97.
Lodged: 9th September 1997.
Health and Social Services Committee.

Draft Medicines (Jersey) Law 1995
(Appointed Day) Act 199 - P.126/97.
Lodged: 9th September 1997.
Health and Social Services Committee.

Draft Health Insurance (Amendment
No. 9) (Jersey) Law 1996 (Appointed Day)
Act 199 - P.73/97.
Lodged: 13th May 1997.
Employment and Social
Security Committee.

Draft Health Insurance (Amendment
No. 9) (Jersey) Law 1996 (Appointed Day)
Act 199 (P.73/97): amendment - P.127/97.
Lodged: 9th September 1997.
Employment and Social Security
Committee.

Total Recycling - P.132/97.
Lodged: 9th September 1997.
Senator N.L. Qu  r  e.

Referendums - P.121/96. Withdrawn

THE STATES noted that in pursuance of Standing
Order 17(6) the following matter, which was
lodged ``au Greffe" had been withdrawn -

Referendums - P.121/96.
Lodged: 23rd July 1996.
Senator S. Syvret.

Car park at Le Riches Stores Limited, Red
Houses, St. Brelade: petition - P.127/97

Deputy Michael Edward Vibert of St. Brelade
presented to the States a petition on behalf of
residents in the neighbourhood of Red Houses
regarding their objection to the planning
permission given to Le Riches Stores Limited to
demolish two bungalows and extend a single
(ground) level car park on to the sites thereof.

THE STATES referred the petition to the Planning
and Environment Committee and lodged "au
Greffe" a proposition of Deputy Vibert to the
effect that the prayer of the petition be
granted.

Noise abatement legislation - question and answer (Tape No. 403)

Deputy Frederick John Hill of St. Martin asked the Connétable of St. Saviour, President of the Health and Social Services Committee, the following question -

“On 21st January 1997 in response to my question, the President advised the States that he thought that the proposed legislation to control noise abuse might be presented to the States in May or June this year.

Would the President inform the States -

- (a) what are the reasons for the delay in presenting the legislation?
- (b) what steps are being taken to bring the legislation forward?
- (c) when he now expects that the draft legislation will be presented to the States for debate?”

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

“(a) As I advised this House in January of this year, the third draft of a Statutory Nuisances Law had been forwarded to the Law Officers' Department to consider specific legal points. Following correspondence on details of the proposed Law, a meeting was held between the Law Officers, the Law Draftsman and the Chief Environmental Health Officer.

At that meeting a large number of drafting issues and technical matters were resolved. However, the Attorney General identified a number of points in the third draft which caused him concern.

The first related to abatement notices. I should explain to Members that the scheme of the proposed Law is that, if my Committee is satisfied that a statutory nuisance exists or is likely

to occur (or recur) it would be required to serve an abatement notice. The third draft of the Law would have gone so far as to enable anyone aggrieved by the existence of a statutory nuisance to apply to the Court for an abatement order and would have empowered the Court then to impose a fine. This approach caused difficulties because it tended to confuse civil and criminal proceedings and took no account of the differing burdens of proof between the two. It was therefore agreed that this particular provision should be redrafted.

The third draft also incorporated within the definition of a statutory nuisance a number of matters relating to food safety. This in turn created drafting difficulties. Whilst I do not propose to burden members with the technical detail of the difficulties, I can tell the States that the result has been to agree that we should have not one, but two, new Laws -

- (i) the first dealing with statutory nuisances in the ordinary sense, and
- (ii) the second dealing with those matters relating to food safety.

Accordingly, two separate draft Laws have now been prepared. It was difficult at the beginning of this year to foresee these particular technical problems but, nonetheless, the two new revised draft Laws are now with the Law Officers' Department for further scrutiny.

As a result of the Attorney General raising a number of further points in regard to the interpretation and application of the proposed Statutory Nuisances Law, the Committee's Environmental Health officers were uncertain whether the fourth draft of the Law would achieve the purposes that were initially intended and sought guidance from my Committee.

In summary, the reasons for the delay

in presenting the legislation are as follows -

the legislation was complex and needed detailed scrutiny by Law Officers;

a fourth draft of the Law had to be completed;

additional separate legislation on food safety had to be drafted; and

Environmental Health officers needed to seek guidance from my Committee.

I would not wish members of this House to interpret my comments as being critical of the Law Draftsman's Office. The fourth draft of the Law and the separate legislation on food safety were prepared promptly.

- (b) Before I had been notified of the Deputy's questions, my Committee had already received a report from the Chief Environmental Health Officer informing it of the delay in finalising the Law and the legal uncertainties arising. At my request, the Chief Environmental Health Officer had also written to the Deputy of St. Martin on 25th June 1997, to advise him of progress and the reasons for the delay.

In view of the issues I have outlined, my Committee decided at its last meeting to -

review the purposes which the Law was originally intended to fulfil;

determine the extent to which the Law as currently drafted meets the initial intention of the States.

My Committee has directed that a report is prepared for its meeting on 1st October 1997.

- (c) Subject to the further advice of the Law Officers and assuming my Committee believes the fourth draft of the Law would meet the expectations of this Assembly, it is my intention to lodge

the draft legislation as soon as possible after my next Committee meeting."

Airport development - questions and answers -
(Tape No. 403)

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

1. Would the President inform the States of the cost of remedial works required in the new arrivals hall at the Airport to accommodate a proper baggage handling system?
2. In the light of the recently announced delays in the building work at the Airport, would the President provide a firm completion date for the work in all current contracts and would he inform the States of the additional costs involved?
3. As the baggage X-ray system in the departures hall is still not fully operational, would the President inform the States when this system will be completed to 100 per cent satisfaction?"

The President of the Harbours and Airport
replied as follows -

1. The current estimated cost of the remedial works involved is £25,000.
2. The refurbishment of the old 1937 building has been fraught with unexpected problems which range from uncovering enormous amounts of asbestos, inaccurate 'as built' record details, inadequate fire protection to existing floors and, lastly, the construction of beams and columns which have had to be rebuilt or strengthened to safeguard the facilities above them. These wholly unexpected findings have inevitably resulted in delays to the project. At present the delay is being reported by the design team as 12 weeks.

Completion dates and costs of large, complicated projects like this are very difficult to predict accurately. All sorts of unforeseen and unforeseeable problems have arisen and still could arise. Our current best estimates are for an end of January 1998 completion at a cost of £24m. This latter figure represents a possible - I stress possible - overspend of three per cent on the original budget estimate of £23.09m which, if achieved, would represent, I believe, given all the circumstances encountered, a commendable outcome. Notwithstanding that prediction, this overspend is currently under intense examination as members would expect. Claims and counter claims are being evaluated - a process which may continue for many months after completion, a situation, I should add, which is by no means unusual with this type of development project.

3. Since Lockerbie, aviation ministers all over Europe decided that all airports should work towards having the ability to X-ray screen every item of luggage that goes onto an aeroplane. That means airports need to put X-ray machines in line with their baggage handling system so that every bag is routinely screened. The airport development has built such a combination but it has proved extremely difficult in practice to get the computer programme which runs the X-ray screening to integrate satisfactorily with the computer programme in the baggage handling system. Several airports in the United Kingdom are also grappling with this problem and have not yet got a perfect solution. The baggage handling system has been working satisfactorily without the in line X-ray machines and trials on integrating the two systems started last month.

100 per cent hold baggage screening is a new technology in aviation which will replace the current systems routinely screening only a percentage of hold baggage at airports around the world.

Despite many rumours and dark predictions of failure, both systems currently are progressing well with only the occasional hiccup.

No date for the final acceptance of the new X-ray machines can be estimated until these trials are 100 per cent successful. Until such a time, the current X-ray system will, of course, remain in operation and the new machines will not be fully paid for."

Delays in the completion of the marina -
question and answer - (Tape No. 403)

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

``In the light of recent news reports that completion of the new yacht marina will be delayed, would the President explain the reasons for the alleged delay and give a firm date for completion of the marina?"

The President of the Harbours and Airport
Committee replied as follows -

``I can advise members that the original tender documents produced by the Public Services Department with regard to the Elizabeth marina stated a maximum construction period of 2½ years, with the option for the contractor to propose a reduced period.

The contract was awarded to AMEC Marine and commenced on 29th January 1996, the programme for completion being 100 weeks with a contractual completion date of 29th December 1997. However, AMEC Marine themselves introduced a target date for completion of 30th September 1997 and have constantly aimed to achieve that date.

After the commencement of the contract, additional works were negotiated with the contractor to dredge out an extra 1.4 metres of sediment/rock from the area of the planned widest fairways and around where the largest berths were to be situated. This amounts to approximately 30 per cent of the total area of the

marina. Additionally, general delays have occurred due to rock levels in some areas being lower than predicted. This has affected the foundations to walls, the marina gate installation and pontoon guide piles.

Work will be substantially complete by the contract completion date of 29th December 1997. Minor works will be carrying on until mid-February with total clearance by the end of February 1998.

The original prediction date of completion by Public Services was June 1998 to meet the aforementioned 2½ year contract period."

States Loan housing - questions and answers
(Tape No. 403)

Deputy Shirley Margaret Baudains of St. Helier asked Senator Corrie Stein, the President of the Housing Committee, the following questions -

``I understand that due to the recent price boom in the housing market, States Loan homes are being sold at 100 per cent profit only 18 months after purchase. Will the President inform the States -

- (a) what action the Committee is proposing to take in order to see that this practice stops?
- (b) how much public money has subsidised the purchase of land and building costs of States-built loan homes in the last ten years?
- (c) how many first time buyers' homes are currently planned or awaiting completion?
- (d) what the prices are likely to be?
- (e) is the States Loan ceiling of £90,000 likely to increase?"

The President of the Housing Committee replied as follows -

- ``(a) The recent boom in the housing market has affected all home-owners, not just those who

purchased first time buyer properties from the Housing Committee. During the period 1993 to 1995, properties were sold by the Committee to first time buyers at a discount of no more than 15 per cent to open market value. Subsequently, the asset value of these properties has increased considerably in line with market forces, in some cases helped by substantial improvements to the property which have been carried out by the owners since the original purchase.

To date, only 11 of the 470 dwellings sold by the Committee since 1992 have been resold, as the vast majority of first time buyers are seeking a home, not a quick profit. Unless the owner is leaving the Island or moving to rented accommodation, it is extremely difficult to realise a 'profit' as the full sum arising from sale will inevitably be needed to acquire alternative accommodation.

The Committee can take no action to prevent existing home-owners from selling their properties, acquired from the Committee under the first time buyer scheme, on the open market. However, the Committee is exploring the possibility of introducing measures to ensure that, in future, first time buyers from the States are not permitted to make excessive capital gains through re-sale of the property within a few years of the original purchase.

- (b) In the last 10 years, all costs, including bridging finance charges, have been recovered through sales and no subsidies have been required to purchase or develop sites for first time buyer homes.

- (c) The Housing Committee no longer has a development programme for first time buyers, but the Planning and Environment Committee is proposing a

development for sale of about 65 dwellings at the Belle Vue site, St. Brelade. This development is due for completion in mid-1999.

In addition, up to 25 per cent of the dwellings to be provided on the Waterfront development may be made available to first time buyers.

(d) The pricing structure for the Belle Vue properties has yet to be agreed as development contracts will not be let until 1998, with completion scheduled for Autumn 1999.

(e) The Committee is currently reviewing all its policies and no decision has yet been made on whether there should be a change to the current States Loan limit of £90,000."

No. 3 White Houses, Noirmont Lane, Portelet, St. Brelade - (Tape No. 403)

Deputy Michael Edward Vibert of St. Brelade, asked a question of Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

"Would the President explain the circumstances surrounding the decision of the Planning and Environment Committee to allow the developer to exceed the height of a replacement building as shown on the original plans submitted and approved by his Committee, at No. 3, White Houses, Noirmont Lane, Portelet, St. Brelade?"

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

"The building to which Deputy Vibert refers was the subject of an application made in August 1996 to demolish No. 3 White Houses, Noirmont Lane, St. Brelade and replace it with a new dwelling.

The application consisted of a set of full working drawings and a section showing the relationship between the proposed dwelling, the dwelling to be demolished and an adjoining dwelling 'Clos de Cotil'. The

plans were advertised and made available for public inspection. Objections to earlier proposals from three nearby occupiers were taken into consideration when the Committee of the day granted permission on 22nd October 1996. Objectors were informed of the Committee's decision.

Building works commenced and it was brought to our attention that the foundations of the dwelling had been constructed in the wrong position. In February 1997, despite an appeal from the applicant, the Committee required that the dwelling be built in the approved position. The foundations were relocated to the approved position and building works continued.

However, in May 1997 it was brought to the attention of the Department that the building was higher than shown on the drawing which had demonstrated the relationship of the building to the adjoining dwelling. At this time roof construction was well under way.

The matter was investigated by the Department by means of a survey of the site and of the building compared to that shown on the approved working drawings.

The survey revealed that -

1. The building was correctly located.
2. The floor slab was at the correct level as shown on the drawings.
3. The height of the roof was correct as shown on the approved cross section drawing.
4. The section showing the relationship of the proposed dwelling to the neighbouring dwelling was incorrect.

The applicant who is also the intended occupier of the dwelling and had designed the dwelling and supervised the works, was asked to explain the anomaly.

He explained that his sectional drawing contained a drafting error and incorrectly showed the new building lower than it should have been in relation to the original house and adjoining properties. He

submitted that this error was a genuine mistake and had not been intended to deceive the Committee.

The matter was considered by the Applications Sub-Committee in early June 1997 and it decided that the roof should be constructed so as not to be higher than that shown on the sectional drawing. The adjoining property owners were advised of the Sub-Committee's decision.

The full Committee then received a letter from the owner's advocate explaining that if his clients were required to remove the roof as instructed and rebuild the roof lower in height they would sustain not only substantial financial loss but also a considerable loss in usable floor space as the roof contained living accommodation. It was further pointed out that the building had been constructed in accordance with the approved construction drawings. However, it was accepted that the drawing showing the relationship with the adjoining dwelling was inaccurate. The Committee was asked to consider the matter.

On 11th June 1997 the Committee considered the position by way of appeal. The former Committee had been misled by the inaccurate sectional drawing. However, it had to decide if the height of the roof as constructed would have a material impact on the amenities of adjoining properties to such a degree as to warrant the taking of enforcement action under the Planning Law. The Committee, having viewed photographs, concluded that there were not sufficient planning grounds for such a course of action and the applicant was allowed to complete the dwelling. The residents of neighbouring properties were informed accordingly.

In conclusion, I would make the following points -

In the course of construction of both large and small projects my Committee is often asked to consider revisions to approved plans for a variety of reasons. In each case it asks itself the question 'if these revised plans had been submitted prior to construction would permission have been refused or granted?' A decision is then

taken on the merits of the case, as of course it must be.

The resources are not available to undertake detailed surveys to confirm the accuracy of all submitted drawings. Where the Committee believes it has been misled wilfully and can prove it then a permission can be rendered null and void. We did not believe that to be so in this case.

Finally, at every stage during this development the Department kept neighbours fully informed of the changing circumstances and Committee decisions. I recognise that the neighbours would have placed great reliance on the drawing that purported to show the true relationship of the proposal to adjoining dwellings and can understand how they must feel misled.

However, my Committee had to make a decision on the merits of the case placed before them and it concluded that on planning grounds it would be unreasonable to require the rebuilding of the roof to a lower level notwithstanding the fact that the impact of the development on those neighbours is greater than the submitted drawings led them, and the Committee, to believe."

Personal statement by Senator N.L. Qu  r  e

Senator Nigel Lewis Qu  r  e made a statement in the following terms -

  To serve as a member of the States, I am indeed very fortunate to have the support of both my family and the colleagues with whom I work at Norman Limited; the latter is as a result of a commitment I made, at the outset, to continue to work full time.

In the last month, however, my commitment has come under considerable pressure as a result of the resignation of the other member of my department. Until a suitable candidate is recruited and trained, I must spend more of my time at work.

It is necessary, therefore, for me to

reduce my States' workload, concentrating on my role as President of the Planning and Environment Committee. I therefore ask the States to accept my resignation from the Telecommunications Board and the Special Committee on Freedom of Information.

I would like to take this opportunity to record my sincere thanks to all the staff at Jersey Telecoms. Everyone contributes so much to the organisation, there is a real team spirit, and I feel privileged to have been one of the team over the last four years.

Similarly, I would like to thank those people who have worked with me on the Special Committee, particularly our Committee Clerk (and I hope that she will soon be up and about again).

I would also like to thank the members of the Board and the Special Committee and I offer my continued support to them, albeit from the sidelines."

Telecommunications Board - vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1966, the Bailiff gave notice that there was a vacancy in the office of President of the Telecommunications Board.

Special Committee on Freedom of Information - vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1966, the Bailiff gave notice that there was a vacancy in the office of President of the Special Committee on Freedom of Information.

Haute Vallée, Mont-à-l'Abbé, St. Helier - swimming pool and drama studio extensions: approval of drawings

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 9246.14/SK01, 02, 03 and 04, 12 and 13 and 9246/A/L/1960-1963, 1840 and 1841, showing the proposed swimming pool and

drama studio extensions at Haute Vallée
School, Mont-à-l-Abbé, St. Helier;

(b) authorised the Greffier of the States
to sign the said drawings on behalf of
the States.

Convention on Social Security between the
Government of the United Kingdom and the
Government of the Republic of Ireland

THE STATES, adopting a proposition of the
Employment and Social Security Committee,
requested the Bailiff to inform the Secretary of
State that it was the wish of the Assembly that
the Convention on Social Security between the
Government of the United Kingdom and the
Government of the Republic of Ireland should
apply to Jersey.

Jersey Dental Scheme: further amendment -
P.91/97

THE STATES, adopting a proposition of the
Employment and Social Security Committee,
amended their Act dated the 18th day of June
1991 establishing a Scheme to subsidise certain
dental care which was itself amended by a
further Act of the States of the 11th day of
November 1992, with effect from the 1st day of
January 1998.

Members present voted as follows -

``Pour" (36)

Senators

Horsfall, Rothwell, Quérée, Bailhache,
Tomes, Walker, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade, St.
Saviour, St. Martin, St. John.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H),
Coutanche(L), Le Geyt(S), Trinity,
Pullin(S), Johns(H), Routier(H), Dorey(H),
Layzell(B), Breckon(S), Grouville, Huet(H),

St. Martin, St. John, Le Main(H), Rabet(H),
Vibert(B), Le Cornu(C), St. Peter,
Dubras(L), St. Ouen.

``Contre" (5)

Senators

Shenton, Stein, Syvret.

Deputies

S. Baudains(H), Duhamel(S).

Social Security (Amendment No. 13) (Jersey) Law
199 - P.96/97

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council, adopted a Law
entitled the Social Security (Amendment No. 13)
(Jersey) Law 199 .

Social Security (No. 3) (Jersey) Regulations
1997 - P.97/97

THE STATES, in pursuance of Articles 50 and 51
of the Social Security (Jersey) Law 1974, made
Regulations entitled the Social Security (No. 3)
(Jersey) Regulations 1997.

Gambling (Licensing Provisions) (Amendment
No. 10) (Jersey) Regulations 1997 - P.104/97

THE STATES, in pursuance of Article 3 of the
Gambling (Jersey) Law 1964, as amended, made
Regulations the entitled the Gambling (Licensing
Provisions) (Amendment No. 10) (Jersey)
Regulations 1997.

Gambling (Betting) (Amendment No. 10) (Jersey)
Regulations 1997 - P.105/97

THE STATES, in pursuance of Article 3 of the
Gambling (Jersey) Law 1964, as amended, made
Regulations entitled the Gambling (Betting)
(Amendment No. 10) (Jersey) Regulations 1997.

Gambling (Gaming and Lotteries) (Amendment
No. 11) (Jersey) Regulations 1997 - P.106/97

THE STATES, in pursuance of Article 3 of the
Gambling (Jersey) Law 1964, as amended, made

Regulations entitled the Gambling (Gaming and Lotteries) (Amendment No. 11) (Jersey) Regulations 1997.

Airport: lease of land for extension to hangar - P.111/97

THE STATES commenced consideration of a proposition of the Harbours and Airport Committee regarding the lease of land for the extension to a hangar and rejected a proposition of Deputy Robin Charles Hacquoil of St. Peter that the proposition be referred back to the Committee.

Members voted on the proposed reference back as follows -

``Pour" (2)

Senator

Le Maistre.

Deputy

St. Peter.

``Contre" (45)

Senators

Horsfall, Quérée, Bailhache, Tomes, Norman, Walker, Kinnard.

Connétables

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

Deputies

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

THE STATES, after further discussion, adopted

the proposition and -

- (a) approved the lease to Aviation Beauport (Hangar Services) Limited of an area of land at Jersey Airport measuring in total approximately 23,000 square feet to enable the said company to construct an extension to the existing hangar of approximately 8,000 square feet, and associated additional apron and car park of approximately 15,000 square feet, the exact area of land to be agreed between the Committee and the company, for a period of 40 years from 1st November 1997 at an annual rent commencing at approximately £1,000 for the first year and thereafter, at an increasing rate in accordance with the formula set out in the report dated 4th July 1997, of the Harbours and Airport Committee;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public;
- (c) authorised the Treasurer of the States to receive the rent as it becomes due.

Protection of Children (Amendment) (Jersey) Law 199 - P.112/97

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

Broadway Restaurant, 24 Esplanade/42 Commercial Street, St. Helier: lease - P.114/97

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) approved the leasing by the public to McAra Limited of the premises known as Broadway Restaurant, 24 Esplanade/42 Commercial Street, St. Helier, for a period of five years commencing 24th June 1997 at an annual rental of £45,000 with the public having the option to terminate the lease on giving not less than 12 months' notice to the lessee and with a rent review to open

market value at 24th June 1999;

(b) authorised the Greffier of the States
to sign the lease;

(c) authorised the Treasurer of the States
to receive the rent as it becomes due.

Computer Misuse (Amendment) (Jersey) Law 199 -
P.115/97

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

Road Traffic (No. 46) (Jersey) Regulations
1997 - P.116/97

THE STATES, in pursuance of the powers conferred
on them by the Order in Council of the twenty-
sixth day of December 1851 and Article 49 of the
Road Traffic (Jersey) Law 1956, as amended,
made Regulations entitled the Road Traffic
(No. 46) (Jersey) Regulations 1997.

THE STATES rose at 3.07 p.m.

G.H.C. COPPOCK

Greffier of the States.