



**THE STATES assembled on Tuesday,
1st September 1998 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 –

Michael Adam Wavell, Deputy of St. Saviour– out of the Island
Terence Augustine Le Sueur, Deputy of St. Helier– out of the Island
Derek Ryder Maltwood, Deputy of St. Mary– out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Tourism (General Provisions) (Amendment No. 6) (Jersey) Order 1998. R & O 9279.

Places of Refreshment (Registration) (Fees) (Jersey) Order 1998. R & O 9280.

Petty Debts Court (Amendment No. 2) (Jersey) Rules 1998. R & O 9281.

Probate (General) (Jersey) Rules 1998. R & O 9282.

Battle of Britain Air Display (Jersey) Order 1998. R & O 9283.

Road Traffic (Speed Limits) (Amendment No. 2) (Jersey) Order 1998. R & O 9284.

Matters presented

The following matters were presented to the States –

Provision of school milk: funding (P.128/98): report – P.186/98.

Presented by the Finance and Economics Committee.

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

Overseas Aid: report for 1997.

Presented by the Overseas Aid Committee.

The following matters were presented to the States on 25th August 1998 –

States of Jersey Law 1966, as amended – delegation of functions: requests for use of trading funds – R.C.38/98.

Presented by the Finance and Economics Committee.

States of Jersey Law 1966, as amended – delegation of functions: regulation of undertakings and development – R.C.39/98.

Presented by the Finance and Economics Committee.

States of Jersey Law 1966, as amended – delegation of functions: public finances administration – R.C.40/98.

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 Acts of the Finance and Economics Committee, dated 3rd and 24th August 1998, 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 Planning and Environment Committee, the entering into of a Deed of Arrangement with Miss Mary Fitzsimons, the owner of 30-32 Seaton Place, St. Helier, in order to allow the owner of the property known as the Opera House, Gloucester Street, St. Helier to have drainage and access rights across 30-32 Seaton Place, with terms and conditions as set out in Act No. 1, dated 28th May 1998, of the Planning and Environment Committee, including that the Committee and/or the Jersey Arts Trust would be responsible for all reasonable legal costs in relation to this transaction;
- (b) as recommended by the Planning and Environment Committee, the entering into of a Deed of Arrangement with Miss Mary Fitzsimons, the owner of 30-32 Seaton Place, St. Helier, in order to remove the covenants relating to the Opera House, Gloucester Street, St. Helier, by the beneficiary of the covenants (Miss Fitzsimons), which covenants included the requirement not to alter either the front external facade or the character and dimensions of the foyer and auditorium, on the basis that Miss Fitzsimons was not requesting any financial inducement to agree to the removal of the restrictive covenants, but requested that her reasonable legal fees were paid by the Committee;
- (c) as recommended by the Public Services Committee, the renewal of the lease to Mr. Joseph Andrew Smith of an area of land measuring approximately five metres by four metres adjacent to the old slipway at West Park, St. Helier, for the erection of a collapsible storage unit in which to store quadcycles operated by Mr. Smith, for a period of three years from 1st April 1998, at a commencing annual rental of £275.00 subject to annual increase in line with the Jersey Retail Prices Index, on the basis that the lessee would be responsible for all rates and outgoings which might be levied on the premises, and with each party being responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Health and Social Services Committee, the lease from Mr. Michael Wintour of La Mascotte, La Grande Route de la Côte, St. Clement, on an internal repairing basis, for a period of three years from 18th April 1998 at an annual rent of £16,500 payable monthly in advance, subject to annual review on 18th April 1999 and 2000 in line with the Jersey Retail Prices Index as at those dates, with the lessee to have the option to renew the lease for a further one year period, and with each party being responsible for its own legal costs arising from the transaction;
- (e) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with the Jersey Friends of A.R.M.S. Committee in order to make the necessary amendments to the original 99-year contract lease between the public of the Island and the Jersey Friends of A.R.M.S., which was passed before the Royal Court on 3rd April 1987 in order to recognise the rights of the Children's Resources Centre to have access and egress over the land known as La Corderie, Rope Walk, St. Helier under the said lease, on the basis that the Children's resources Centre would pay for the reasonable legal costs incurred by the Jersey Friends of A.R.M.S. arising from this transaction;

- (f) as recommended by the Health and Social Services Committee, the reassignment of the lease from the Harbours and Airport Committee to the Health and Social Services Committee in respect of the remaining period of the lease of Bamfield, La Route d'Ebenezer, La Croix, Trinity (due to terminate on 30th April 2000) with effect from 8th April 1998, at a commencing rent of £11,640, subject to increases in line with the Jersey Retail Prices Index on 1st May 1998 and 1999 respectively, on the basis that all other terms and conditions would remain as contained in the existing lease;
- (g) as recommended by the Sport, Leisure and Recreation Committee, the entering into of a Deed of Arrangement with Falcon Mews Limited in order to carry out additional work on the recently purchased property known as Heron Mews (formerly 63½ Val Plaisant, St. Helier), which adjoins Springfield Stadium, so as to develop a block of seven flats and a block of garages with a two-bedroom flat above, on the basis that various rights would be granted by the public and terms agreed which would also permit the Committee to redevelop its workshop premises in the future if so desired, with no charge to be made in granting the rights but with Falcon Mews Limited to be responsible for the payment of the public's reasonable legal costs arising from the transaction;
- (h) as recommended by the Public Services Committee, the acquisition from Mrs. Gwynneth Linda Sparke Huelin, née Davies, of 911 square feet of land at Le Ponterrin, St. Saviour, for a consideration of £911, plus £689 for the use of a working area adjacent to the site and the purchase of an existing pumping station and accommodation works for a consideration of £8,500 on the basis that the Committee would be granted a right of way along a new access track to be constructed and maintained by the Committee with the Committee being responsible for all reasonable legal costs involved in the transactions up to a maximum sum of £600.

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 3rd August 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Services Committee had accepted the lowest of four tenders, namely that submitted by Jayen (Jersey) Limited in the sum of £549,961.55 for the extension of foul sewers to serve the area to the south and west of Trinity School.

Matters lodged

The following matters were lodged "au Greffe" –

Draft Police (Complaints and Discipline) (Jersey) Law 199 (P.162/98): amendments– P.184/98.

Presented by Deputy F.J. Hill of St. Martin.

British-Irish Council P.185/98.

Presented by the Policy and Resources Committee.

The following matters were lodged "au Greffe" on 11th August –

Strategic and corporate management of the States (P.164/98): amendment – P.174/98.

Presented by Senator R.J. Shenton.

Draft Public Holidays and Bank Holidays (Jersey) Act 199 – P.175/98.

Presented by the Legislation Committee.

Draft Maintenance Orders (Enforcement) (Jersey) Law 199 – P.176/98.

Presented by the Legislation Committee.

Draft Probate (Jersey) Law 1998 (Appointed Day) Act 199 (P.158/98): amendment– P.177/98.

Presented by the Legislation Committee.

Draft Probate (General Provisions) (Jersey) Regulations 199 (P.159/98): amendment– P.178/98.
Presented by the Legislation Committee.

Residential registration scheme – P.179/98.
Presented by Deputy A. Breckon of St. Saviour.

The following matters were lodged “au Greffe” on 18th August –

Draft Licensing (Licence Fees) (Jersey) Regulations 199 – P.180/98.
Presented by the Tourism Committee.

Elizabeth Harbour, St. Helier: lease of accommodation to Channel Express (C.I.) Limited – P.181/98.
Presented by the Harbours and Airport Committee.

Draft Veterinary Surgeons (Jersey) Law 199 (P.153/98): amendments– P.182/98.
Presented by the Agriculture and Fisheries Committee.

Draft Dangerous Wild Animals (Jersey) Law 199 (P.154/98): amendments– P.183/98.
Presented by the Agriculture and Fisheries Committee.

Draft probate legislation – withdrawn.

THE STATES noted that the President of the Legislation Committee had withdrawn the following –

Draft Probate (Jersey) Law 1998 (Appointed Day) Act 199 – P.158/98.
Lodged: 14th July 1998.
Legislation Committee.

Draft Probate (Jersey) Law 1998 (Appointed Day) Act 199 (P.158/98): amendment– P.177/98.
Lodged: 11th August 1998.
Legislation Committee.

Draft Probate (General Provisions) (Jersey) Regulations 199 – P.159/98.
Lodged; 14th July 1998.
Legislation Committee.

Draft Probate (General Provisions) (Jersey) Regulations 199 (P.159/98): amendment – P.178/98.
Lodged; 11th August 1998.
Legislation Committee.

Arrangement of public business for the next meeting on 8th September 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 8th September 1998 –

Draft Hospital Charges (Long-Stay Patients) (Jersey) Law 199 – P.116/98.
Lodged: 2nd June 1998.
Health and Social Services Committee.

Provision of School milk: funding – P.128/98. Revised.
Lodged: 2nd June 1998.
Senator J.S. Rothwell.

Provision of school milk: funding (P.128/98 Revised): report – P.186/98.
Finance and Economics Committee.

Training and development of public sector employees – P.132/98.

Lodged: 9th June 1998.
Establishment Committee.

Archirondel, St. Martin: transfer of administration of land – P.133/98.
Lodged: 9th June 1998 by Deputy P.J. Rondel of St. John.
Housing Committee.

Draft Criminal Justice (Standard Scale of Fines) (Amendment) (Jersey) Law 199 – P.160/98.
Lodged; 14th July 1998.
Legislation Committee.

Draft Parish Rate (Jersey) Law 199 – P.170/98.
Lodged: 28th July 1998.
Connétable of St. Clement.

St. Helier Waterfront area: acquisition of possible interest – P.172/98.
Lodged: 28th July 1998.
Policy and Resources Committee.

Kent Lodge, 21 Clarendon Road, St. Helier: sale – P.173/98.
Lodged: 28th July 1998 by Deputy S.M. Baudains of St. Helier.
Housing Committee.

Draft Public Holidays and Bank Holidays (Jersey) Act 199 – P.175/98.
Lodged: 11th August 1998.
Legislation Committee.

Draft Maintenance Orders (Enforcement) (Jersey) Law 199 – P.176/98.
Lodged: 11th August 1998.
Legislation Committee.

Security Alert – questions and answers (Tape No. 462)

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

- “1. On 11th August 1998 the airport was shut down for a security alert. Is the President satisfied that the public and passengers were kept informed of the situation as it unfolded?”
2. With the advent of the new baggage screening equipment, what percentage of luggage is security screened?”

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

- “1. Yes, public announcements were made by the Information Services staff, starting at 15.15 hrs. The announcement stated that the airport was closed due to a security alert. This message aired at 30 minutes intervals until around 17.00 hrs when it was increased to every 15 minutes. Th continued up until 18.45 hrs. At 19.00 hrs. the airfield reopened and an announcement was made to that effect.
2. For security reasons, I am not prepared to divulge the information. However, Jersey Airport conforms to the requirements laid out in the National Aviation Security Programme with regard to baggage security screening.”

Future of hotels and their use as lodging houses – (Tape No. 462)

Deputy Philip John Rondel of St. John asked Senator Corrie Stein, President of the Housing Committee, the following questions –

- “(a) which members attended the meeting?
- (b) whether the Committee intends to bring to the States for debate the provision of lodging houses by converting hotels?”

The President of the Housing Committee replied as follows –

- “(a) Although this meeting was not called by the Housing Committee I am quite happy to advise the Deputy of those States members who, according to the Minutes, attended that meeting –

Policy and Resources Committee

Senator F.H. Walker, Vice-President, Chairman
Senator L. Norman
Mrs. I.M. Le Feuvre, Connétable of St. Lawrence
Deputy D.L. Crespel
[Senator J.S. Rothwell]

Finance and Economics Committee

Deputy D.R. Maltwood, Vice-President
Mrs. E.C. Quénauld, Connétable of St. Brelade
Mr. C.J. Le H. Hinault, Connétable of St John
Deputy I.S. Nicholls
[Senator F.H. Walker]

Tourism Committee

Senator J.S. Rothwell, President
Deputy F.J. Hill, B.E.M.
Deputy G. Rabet
Deputy K.W. Syvret, M.B.E.

Housing Committee

Senator C. Stein, President
Deputy T.J. Le Main
Deputy H.H. Baudains
Deputy H.G. Coutanche

Planning and Environment Committee

Senator N.L. Quérée, President
Deputy R.C. Duhamel
Deputy E.M. Pullin
Deputy R.C. Hacquoil

- (b) The simple answer to the questions is ‘no’. The Housing Committee is responsible for the administration of the Lodging Houses (Registration) (Jersey) Law 1962, and Regulations. The Committee does not, and cannot, treat applicants seeking to register premises currently in the tourism industry any differently from those with other existing commercial use.

I am happy to advise the Deputy that my Committee will, within the next few weeks, be publishing a report and proposition accompanying its strategy report to the year 2003 which will set out my Committee's aims over that period on all aspects of housing, and will enable members to debate the various areas for which my Committee has responsibility."

Strategic and corporate management of the States – P.164/98 and P.174/98

THE STATES commenced consideration of a proposition of the Policy and Resources Committee regarding the Strategic and corporate management of the States.

THE STATES rejected an amendment of Senator Richard Joseph Shenton that for paragraph 1 of the proposition there should be substituted the following paragraph –

“to agree that there should be appointed a Chief Executive Officer to the States of Jersey on a five year contract to replace the Chief Adviser to the States on the latter's retirement;”

Members present voted on the amendment as follows –

“Pour” (7)

Senators

Shenton, Stein, Bailhache.

Connétable

St. Clement.

Deputies

Breckon(S), St. John, Crowcroft(H).

“Contre” (41)

Senators

Horsfall, Rothwell, Le Maistre, Quérée, Syvret, Tomes, Norman, Walker, Kinnard.

Connétables

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

Deputies

H. Baudains(C), Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Dore
(H), Layzell(B), Grouville, Huet(H), St. Martin, Le Main(H), Blampied(H), Rabet(H), Vibert(B),
de la Haye(B), Le Cornu(C), St. Peter, Dubras(L), S. Ouen.

Paragraph 1 was adopted.

Members present voted on paragraph 1 as follows –

“Pour” (37)

Senators

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

Connétables

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

Deputies

H. Baudains(C), Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Dorey
(H), Layzell(B), Huet(H), Le Main(H), Blampied(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cor
(C), St. Peter, Dubras(L), St. Ouen.

“Contre” (10)

Senators

Shenton, Bailhache, Syvret, Kinnard.

Connétable

St. Clement.

Deputies

S. Baudains(H), Breckon(S), Grouville, St. Martin, St. John.

Paragraph 2 was adopted.

THE STATES, adopting the proposition –

1. referred to their Act dated 24th January 1989, regarding the establishment and the responsibilities of the Policy and Resources Committee, and their Act dated 11th September 1996, which, inter alia, confirmed these responsibilities and –
 - (a) requested the Finance and Economics and Establishment Committees to provide the necessary financial and manpower resources, as set out in paragraphs 14-22 of the report dated 9th July 1998 of the Policy and Resources Committee, to enable that Committee to discharge its responsibilities more effectively;
 - (b) agreed that on the retirement of the present office holder, there should be no further appointment of a Chief Adviser to the States.
2. approved in principle the appointment of an independent body to undertake a review of all aspects of the machinery of Government in Jersey and to request the Policy and Resources Committee to present to the States for approval the terms of reference, and the name of the Chairman and members of that body.

Adjournment

THE STATES adjourned, having agreed to defer consideration of the proposition of the Policy and Resources Committee regarding the reorganisation of the Committees of the States (P.151/98 (Revised) – lodged “au Greffe” on 30th June 1998) until 8th September 1998 when it would be taken as the first item of matters lodged “au Greffe” listed under Public Business.

THE STATES rose at 4.40 p.m.

G.H.C. COPPOCK

Greffier of the States.