



**THE STATES assembled on Tuesday,  
13th April 1999 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache**

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All members were present with the exception of –

Senator Jean Amy Le Maistre – out of the Island  
Kenneth Priaulx Vibert, Connétable of St. Ouen– out of the Island  
Stanley John Le Cornu, Connétable of St. Clement– ill  
Michael Adam Wavell, Deputy of St. Saviour– out of the Island  
Terence Augustine Le Sueur, Deputy of St. Helier– out of the Island  
Alastair John Layzell, Deputy of St. Brelade– out of the Island  
Mrs. Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island.

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Prayers

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**Welcome to newly-elected Deputy of St. Helier**

The President, on behalf of the members of the States, welcomed the newly-elected Deputy of St. Helier, Mr. Paul Vincent Francis Le Claire.

**Tribute to the late Admiral Sir William Pillar, G.B.E., K.C.B., former Lieutenant Governor**

The President paid tribute to the late Admiral Sir William Pillar, G.B.E., K.C.B., former Lieutenant Governor of Jersey.

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

**Subordinate legislation tabled**

The following enactments were laid before the States, namely –

**Inquests and Post-Mortem Examinations (Amendment No. 2) (Jersey) Rules 1999. R & O 9372.**

**Bankruptcy (Désastre) (Amendment No. 3) (Jersey) Rules 1999. R & O 9373.**

**Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 1999. R & O 9374.**

**Road Racing (Karts) (Jersey) Order 1999. R & O 9375.**

**Misuse of Drugs (Designation) (Amendment No. 3) (Jersey) Order 1999. R & O 9376.**

**Misuse of Drugs (Modification) (Jersey) Order 1999. R & O 9377.**

**Misuse of Drugs (General Provisions) (Amendment No. 5) (Jersey) Order 1999. R & O 9378.**

**Matrimonial Causes (Amendment No. 6) (Jersey) Rules 1999. R & O 9379.**

**Royal Court (Amendment No. 13) Rules 1999. R & O 9380.**

**Road Traffic (Saint Peter) (Amendment No. 4) (Jersey) Order 1999. R & O 9382.**

### **House Committee – appointment of members**

THE STATES appointed the Connétable of St. Peter and the Deputy of St. Ouen as members of the House Committee.

### **Matters presented**

The following matters were presented to the States –

**States of Jersey Law 1966, as amended: delegation of functions – Jersey Transport Authority – R.C.14/99.**  
Presented by the Jersey Transport Authority.

**Manpower report for the period 1st July 1998 to 31st December 1998 – R.C.15/99.**  
Presented by the Establishment Committee.

**Field 921, Rue à Georges, St. Mary: residential development within the Agricultural Priority Zone (P.17/99) – report – P.17/99 Rpt.**  
Planning and Environment Committee.

The following matters were presented to the States on 30th March 1999 –

**Planning for Homes – R.C.10/99.**  
Presented by the Planning and Environment Committee.

**Commission Amicale: Report for the period ending 31st December 1998 – R.C.11/99.**  
Presented by the Jersey Delegation to the Commission Amicale.

**States Rental Waiting List – R.C.12/99.**  
Presented by the Housing Committee.

**Dwelling Houses Loan Fund: accounts for 1998 – R.C.13/99.**  
Presented by the Housing 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 29th March 1999, 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 Tourism Committee, the renewal of the lease to Mr. Peter Kubeck and Mrs. Margaret Kubeck, née Waage, of the Old Station Café, Millbrook, St. Lawrence, for a period of three years from 25th December 1997 at an annual rent of £5,836 to be reviewed annually in line with the Jersey Retail Prices Index, with each party to be responsible for its own legal costs arising from this transaction;

- (b) as recommended by the Education Committee, the lease to the Jersey Electricity Company Limited of electricity sub-station No. 603 situated at the Jersey College for Girls, Mont Millais, St. Helie (within the Joint Art, Design and Technology Block – as shown on Drawing No. 16J24 Revision A) for a period of 99 years at an annual rent of £1, payable in full upon signing the relevant contracts, and the granting of standard wayleave rights free of charge to the Company (in accordance with Plan No. 24K dated 19th February 1998), with each party to be responsible for its own legal costs arising from this transaction;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. John Baxter Marett, of Mont St. Michel, New St. John's Road, St. Helier, for a period of three years from 1st April 1998, at a commencing annual rent of £12,648 payable quarterly in advance, to be reviewed in line with the Jersey Retail Prices Index as at 1st April each year, with all other terms and conditions to remain as contained in the existing lease, except for the inclusion of a break clause whereby the lessee would have the right, at any time, to terminate the lease on giving the lessor at least three months notice in writing to this effect, with the Committee to be responsible for both parties legal costs arising from this transaction;
- (d) as recommended by the Tourism Committee, the lease to Mr. Peter Gibbins and Mrs. Ann Huelin, née Gibbins, of the property known as Le Braye Café and land, Le Braye Slip, St. Brelade, for a period of three years deemed to have commenced from 25th December 1997, at an annual rent of £14,050 in the first year, to be reviewed annually in line with the Jersey Retail Prices Index, with each party to be responsible for its own legal costs arising from this transaction;
- (e) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Monica Billot Cotillard, née Le Quesne, of l'Hermitage Farm Flat, Les Varines, St. Saviour, for a period of three years from 23rd April 1998, at an annual rent of £8,840 (representing a rate of £170 a week) payable quarterly in advance, on the basis that the rent would be reviewed annually on 22nd April each year in line with the Jersey Retail Prices Index, with all other terms and conditions to remain as contained in the existing lease and with the Committee to be responsible for both parties' legal costs arising from this transaction;
- (f) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Roy Huelin Vibert, of 7 Baycroft Close, St. Clement, for a period of two years from 1st July 1998 at a revised annual rent of £11,412 payable quarterly in advance, subject to the annual rent for 1999 being reviewed in line with the Jersey Retail Prices Index as at 1st July 1999, on the basis that all other terms and conditions would remain as contained in the existing lease, and with the Committee to be responsible for both parties' legal costs arising from this transaction;
- (g) as recommended by the Health and Social Services Committee the lease from Mr. Peter John Le Feuvre of Les Bourgeons, Les Petits Rues, St. Lawrence (comprising Field No. 656A St. Lawrence– measuring three vergées and covered by 48,000 square feet of polythene tunnels; Field No. 656, St. Lawrence– agricultural land measuring four vergées; an agricultural shed measuring approximately 750 square feet; a freezer unit, water reservoir and associated farm equipment), for a period of three years from 1st January 1999, at a starting annual rent of £3,500, which would increase annually in line with the Jersey Retail Prices Index, on the basis that the premises would be used in conjunction with the Occupational Health Therapy Scheme, with the lessee being responsible for the repair and maintenance of the demised premises, as well as being responsible for the landlord's reasonable legal costs arising from this transaction and on the basis that as the Committee had been in occupation of the abovementioned areas of land since 1st June 1998 in order to establish the pilot Occupational Health Therapy scheme, a pro-rata rent for that period of occupation would also be due to Mr. Le Feuvre.

## Matters lodged

The following matters were lodged “au Greffe” –

**Draft Radio Equipment (Jersey) Law 1997 (Appointed Day) Act 199 – P.41/99.**  
Presented by the Telecommunications Board.

**Draft Act to establish a Scheme to make child care more available for low income families – P.42/99.**  
Presented by the Employment and Social Security Committee.

**Green Street/Francis Street: conditions of purchase – P.43/99.**  
Presented by the Public Services Committee.

**Jersey Heritage Trust: new constitution – P.44/99.**  
Presented by the Finance and Economics Committee.

**Planning and Environment Committee: vote of no confidence – P.45/99.**  
Presented by Senator R.J. Shenton.

**Jersey Table Tennis Association: grant of a loan – P.46/99.**  
Presented by the Finance and Economics Committee.

**Public access to official information: code of practice. (P.38/99) – amendments – P.47/99.**  
Presented Senator S. Syvret.

**Draft Education (Jersey) Law 199 (P.30/99): amendments – P.48/99.**  
Presented by Deputy I.S. Nicholls of Grouville.

The following matters were lodged on 30th March 1999 –

**Draft Customs and Excise (Jersey) Law 199 . (P.21/99): amendments– P.39/99.**  
Presented by the Finance and Economics Committee.

**Rent Control Tribunal: appointment of members – P.40/99.**  
Presented by the Housing Committee.

#### **Arrangement of public business for the present meeting**

THE STATES confirmed that the following matter lodged “au Greffe” would be considered at the present meeting –

Rent Control Tribunal: appointment of members – P.40/99.  
Lodged: 30th March 1999.  
*Housing Committee*

#### **Arrangement of public business for the next meeting on 27th April 1999**

THE STATES noted that in accordance with the provisions of Standing Order 18A(2) the proposition of no confidence in the Planning and Environment Committee (P.45/99) lodged “au Greffe” at the present meeting by Senator R.J. Shenton would be considered at the next meeting.

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 27th April 1999 –

Security of tenure law – report of the Working Party – P.257/98.  
Lodged: 1st December 1998.

*Housing Committee.*

Draft Education (Jersey) Law 199 – P.30/99.  
Lodged: 2nd March 1999.  
*Education Committee.*

Draft Radio Equipment (Jersey) Law 1997 (Appointed Day) Act 199 – P.41/99.  
Lodged: 13th April 1999.  
*Telecommunications Board.*

Draft Act to establish a Scheme to make child care more available for low income families – P.42/99.  
Lodged: 13th April 1999.  
*Employment and Social Security Committee.*

Green Street/Francis Street: conditions of purchase – P.43/99.  
Lodged: 13th April 1999.  
*Public Services Committee.*

Jersey Heritage Trust: new constitution – P.44/99.  
Lodged: 13th April 1999.  
*Finance and Economics Committee.*

Jersey Table Tennis Association: grant of a loan – P.46/99.  
Lodged: 13th April 1999.  
*Finance and Economics Committee.*

THE STATES acceded to the request of the Vice-President of the Employment and Social Security Committee that the draft Act to establish a scheme to make child care more available for low income families (P.42/99 lodged “au Greffe” at the present meeting) be considered as the first item of matters lodged “au Greffe” at the next meeting on 27th April 1999.

**Social Charter – P.81/94**

THE STATES acceded to the request of Senator R.J. Shenton that the proposition on a social charter (P.81/94) lodged “au Greffe” on 14th June 1994 be withdrawn.

**Draft Conservation of Wildlife (Jersey) Law 199 – P.223/98**

**Draft Conservation of Wildlife (Jersey) Law 199 (P.223/98): amendments – P.29/99**

THE STATES agreed to defer consideration of the draft Conservation of Wildlife (Jersey) Law 199 (P.223/98 lodged “au Greffe” on 2nd November 1998) to a later date. The amendments presented by the Deputy of Grouville were lodged “au Greffe” by the Deputy of Grouville.

**Gyratory system on the ring road – questions and answers (Tape No. 504)**

Deputy Robert Charles Duhamel of St. Saviour, asked Senator Jeremy Laurence Dorey, President, Public Services Committee, the following questions –

- “1. Would the President supply the following information about the new gyratory system on the ring road in St. Saviour–
  - (a) the expected completion date of the scheme?

- (b) the expected total cost of the scheme including land purchase?
- 2. Would the President inform members which roadside properties are likely to be affected by the gyratory system when completed, and how they are likely to be affected in terms of increased traffic flows, etc.?
- 3. Would the President explain what provision has been made in the new traffic layout for the movement of pedestrians and cyclists?"

The President of the Public Services Committee replied as follows –

- “1. (a) The scheme is on programme to be completed by September 2nd this year to be in place when the Jersey College for Girls is relocated to Mont Millais;
- (b) the estimated construction cost of the road including the link to Oxford Road and alterations to the corner of Wellington Hill with St. Saviour’s Road and all associated accommodation works is £730,000.

The cost of the land purchase is also significant, however it is difficult to put a precise figure to the cost that is directly attributable to the road scheme. Land has been purchased from several owners in the area for a number of purposes. To develop the land would require some road construction to provide access whether or not there was a gyratory scheme. It would not therefore be reasonable simply to apportion land purchase costs to the gyratory scheme.

In summary the cost of land acquisition is as follows –

£333,305 was paid to the Jersey Gas Company Limited to acquire the Kings Garden site. This is the only major land acquisition which can be attributed solely to the road scheme.

Approximately £600,000 was spent over a period of more than 20 years, acquiring land in the area which is now Westley Court (40 units of accommodation). The road passes through that area and provides access to the development.

The largest single cost was £4.5 million paid to C. Le Masurier Limited for 59,740 square feet of land. Whilst this land was acquired to enable the road scheme to proceed an area of 25,000 square feet will be available for development with direct access onto the new road once it is completed.

In addition to the above a small area of land has been acquired from the Mimosa Hotel for £2,500, and two small areas are to be acquired from the Monterey Hotel and Maison Belleville at an anticipated cost of £79 and £264 respectively. The prime purpose of both these purchases is to improve safety, particularly for pedestrians.

- 2. Properties on St. Saviour’s Road between Stopford Road and the new junction (which will be about 50 yards north of Tunnel Street) will front onto a one way section of road instead of two way as at present.

At present the two way traffic flow on St. Saviour's Road in that section is approximately 1,100 vehicles per hour in the morning peak period and 900 during a typical daytime hour. The respective flows (one way southbound), predicted using the Public Services computer model and incorporating additional traffic generated in the area resulting from Jersey College for Girls moving to Mont Millais and larger public car park, are 1,300 and 700 respectively.

The new road will form a junction with Stopford Road about 100 yards from St. Saviour's Road. The eastern end of Stopford Road will be reversed to take traffic eastbound from the new road back onto St. Saviour's Road. Stopford Road is currently one way westbound with a peak hour traffic flow of 300 vehicles and a daytime typical hourly flow of 250 at the St. Saviour's Road end. Because of traffic from Janvrin Road the flow is higher towards David Place, with values being typically 515 and 330. The model predicts that the eastern section of Stopford Road will increase to 680 in the peak hour and 480 for the typical daytime hour. Towards David Place the model predicts increased flows of 550 and 460 vehicles per hour respectively. Again these predicted flows include additional traffic movements in the area resulting from new developments.

With the improved ring road capacity, roads such as Tunnel Street and Oxford Road should experience reductions in traffic flow although this will depend partly on traffic management to be discussed with the Parish of St. Helier as highway authority for such roads.

3. Large pedestrian islands are to be built on St. Saviour's Road to enable pedestrians to cross one lane of traffic at a time. The islands will be at the junctions with Stopford Road, Wellington Hill and the new road to the north of Tunnel Street. Wheel chair ramps and tactile paving for the visually impaired will be provided. These pedestrian islands (as installed, for instance, at the junction of St. Mark's Road and St. Saviour's Road), have proved to be successful and safe. Ducting will be installed on the new road to the south of Westley Court so that a signal-controlled pedestrian crossing can be installed if this proves desirable in the future.

No specific cycling facilities have been designed in the scheme, although the completion of the ring road improvements will enable more cycle-friendly routes to be created through the town centre. The possibilities for this are to be investigated in accordance with my Committee's sustainable transport policy. I recently attended an informal meeting of the Jersey Cycling Group, where I made it clear that we would welcome their constructive suggestions for cycle-friendly cross-town routes."

#### **Additional staff and the staffing implications of service reviews – questions and answers (Tape No. 504)**

Senator Stuart Syvret asked the Deputy of Trinity, President, Establishment Committee, the following questions –

- “1. (a) The President recently informed the Assembly that the States Personnel Department was aware of requests for an additional 233 staff. Will he provide the members with a department by department breakdown of these requests for additional staff, including in his answer a brief description of the function of each post?
- (b) Will the President inform members how many of these additional posts have been identified as a

result of the service review exercise and how many of the additional posts have been identified independently of the service review exercise?

- (c) Will the President inform members of how many of the additional posts requested would, in his opinion, qualify as 'front line' posts?
2. Will the President inform members whether the service review exercise, if all the recommendations were carried out, would lead to a net increase or net decrease in public sector employees?

The President of the Establishment Committee replied as follows –

- “1. (a) I would like to take this opportunity to make it very clear that the 233 additional posts are at this stage only an indication of the sort of numbers we may be asked to deal with over the next three years. At this point in time they are not, I repeat not, actual requests to create additional posts in the public sector. When, and if, a Committee decides that it wishes to progress a request for an increase in manpower this will be handled within the existing policy of the States. This policy requires that a clear business case is made for consideration by my Committee.

With reference to the 233 posts, in February of this year I requested information from all States Departments regarding their forecast increases in manpower for the period 1999, 2000 and 2001. I requested this information in order that my Committee would gain some understanding of the overall size of the problem that the States could be facing as a whole over the next three years.

This information was provided confidentially as the intention of the exercise was clearly not to identify, isolate or criticise any individual Committee or Department. The intention was to identify the overall size of the problem and to determine how and whether we are able, or willing, to adjust our approach to controlling manpower accordingly.

Given the above, I do not feel that I can reasonably identify those departments which have forecasted the requests.

- (b) It would at this stage be quite wrong to identify and, by implication, judge the information that has been provided as this consists of, at best, an indicative number of jobs and associated job titles. Committees were not asked to provide any justification, any business case, or indeed any other information supporting a request and certainly were not asked to what extent it was supported by a service review. As a result of this, the only valid information that I have is that which I have already provided, which is that Committees have indicated that over the next three years, 1999, 2000 and 2001 the forecast increase in manpower could lead to an additional 233 requests for posts in the public sector. I can add that we have now received indications of an additional 22 posts, giving a total forecast request of 255 posts for the three years in question.

It is for these reasons, I regret to say that I am not able to breakdown the total number of posts in the manner requested.

However, I repeat that this is not an actual request to agree and create these posts but an indication of what may happen unless we take action to prevent it.

- (c) As stated earlier, based on the information provided, it is difficult to judge whether a job is front line or not, essential or not, or otherwise. I would suggest, however, that a good majority of the forecast additional posts would be regarded as front line.

In my opinion, we should not at this stage be concerned with the detail which a breakdown of the 233 (now 255) jobs would provide. It is of greater importance that we concern ourselves at the strategic level of how we, as the government of the island, want to handle this possible level of growth in the public sector, whether it be front line staff or not.

For once, we are in a position of receiving information before the event and we should take advantage of this and act appropriately and at a strategic level. At this stage, the question is not one to be considered on a Committee by Committee, or Department by Department basis but one to be faced by the States as a whole strategically.

2. I am not in a position to answer the Senator's question. However, I would remind the Assembly that the Policy and Resources Committee, which is the Committee responsible for ensuring that the States decision that all Departments should be subject to an external service review is implemented, is currently undertaking a full analysis of the results of the service review programme to date. I am informed that the outcome of this analysis should be available to States Members by the end of June.

I am informed that the outcome of the service reviews is quite complex and calls for a full analysis to be fully appreciated. I would also wish to draw the attention of the Assembly to the fact that the service review exercise when it was initiated was not concerned with the finding of staff reductions as such. When the service review initiative was proposed by the Policy and Resources Committee on behalf of the Establishment Committee in the 1996 Strategic Review Action Plan and was adopted by the States, it was stated that its main purpose was to review the efficiency and effectiveness of States Departments. Indeed the States at that time rejected a proposition of the Policy and Resources Committee, again presented on behalf of the Establishment Committee, to set targets for a reduction in the number of public sector employees. The President of the Establishment Committee was asked at that time to give an assurance that in the service review exercise the consultants to be employed would not be directed to find staff savings. The terms of reference of the reviews have echoed this, each being concerned with ensuring that States Departments were operating "efficiently and effectively" and the quality of the service delivery has been seen as being equally, if not more, important as manpower savings."

**Forms of subsidy available to tourism related undertakings in the European Union – question and answer**  
(Tape No. 504)

Senator Stuart Syvret asked Senator John Stephen Rothwell, President, Tourism Committee, the following question –

"Would the President provide for the Assembly an explanation of all forms of subsidy available to tourism-related undertakings in the European Union?"

The President of the Tourism Committee replied as follows –

“The question requires considerable research and information-gathering which could not be obtained in time to provide an adequate response for today’s meeting. I should be in a position to give a comprehensive answer at the next meeting of the States.”

**Guidelines and rules for the recognition of groups and financial assistance to growers – question and answer** (Tape No. 504)

Senator Stuart Syvret asked Deputy Harry Hallewell Baudains of St. Clement, President, Agriculture and Fisheries Committee, the following question –

“Would the President provide for the Assembly the most recent draft of the guidelines and rules for the recognition of groups and financial assistance to growers, and would he provide an explanation of the reasons for each of these rules?”

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

“A draft document produced by the Agriculture and Fisheries Committee, and which incidentally has received the support of the Jersey Farmers’ Union, has been circulated to the marketing groups.

The purpose of this document is, jointly with the groups and the Jersey Farmers’ Union, to produce a set of guidelines for producer controlled groups that will give both growers and the Committee marketing structures that have the level of openness and transparency that is desired.

It would be totally inappropriate to circulate, what Senator Syvret is already aware is a draft, to members or indeed anyone else at this stage.”

**Lobster Pot Hotel and Restaurant – questions and answers** (Tape No. 504)

The Connétable of St. Helier, asked Senator Nigel Lewis Quérée, President, Planning and Environment Committee, the following questions –

- “1. Would the President confirm that the Committee has received an application for an extension to the Lobster Pot, L’Etacq, St. Ouen and that the Committee in 1992 rejected applications on two occasions to extend and improve the premises?
2. Would the President also confirm that in May 1994 the Committee intimated that planning permission would be granted if the owners of the Lobster Pot purchased and demolished L’Etacquerel Guest House and, if the answer is in the affirmative, would the President advise members the authority under which the Committee has the right to ask an applicant to purchase property which is not for sale in order to demolish it before granting planning permission and on how many occasions this condition has been attached to applications?
3. Would the President confirm whether in May 1994 the Committee formally rejected an application

for the extension and improvement to the Lobster Pot and the reasons for this decision?”

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

- “1. I can confirm that an application was submitted on 4th February 1999 for a single storey extension to provide restaurant and bar facilities at the Lobster Pot Hotel, L’Etacq, St. Ouen. The application is due to be considered by the Planning and Environment Committee on 21st April 1999.

As regards the previous application in November 1991 the then owner of the Lobster Pot enquired about the possibility of obtaining permission to significantly extend the hotel on the basis of an associated proposal to acquire and demolish the adjacent L’Etacquerel Guest House. This was a preliminary enquiry and not a formal application. The Island Development Committee indicated that it would not support the proposal on the grounds that the scale of the proposed extension would be contrary to the approved Island Plan policies for the Green Zone. In making its decision, the Committee advised that it saw merit in principle to the demolition of the existing L’Etacquerel Guest House, and the replacement of equivalent floorspace by an extension of the Lobster Pot Hotel, subject to satisfactory detailed plans. The Committee further advised that such a proposal would ultimately require reference to and approval by the States.

In August 1992, a formal application was submitted to construct a two-storey extension on the eastern side of the hotel to provide a swimming pool and bar with glazed link to the existing building. Although the owner submitted an accompanying letter stating that, as part of the proposal, he hoped to purchase the L’Etacquerel Guest House and turn it into a landscaped car park, this element was the subject of uncertainty. The application was rejected by the then Island Development Committee in October 1992 on the grounds that the proposal would involve an unacceptable extension of development on a sensitive site in the Green Zone, which would be contrary to Policy CO4 of the approved Island Plan. In making this decision, the Committee advised that it would be minded to support the proposal if it formed part of the wider scheme previously put forward by the owner to demolish the L’Etacquerel Guest House.

In January 1993 the Committee considered a further enquiry for a larger extension to the Lobster Pot, again based on the owners associated proposal to acquire and demolish the L’Etacquerel Guest House. The Committee indicated, without prejudice to the consideration of a formal application, that it would be minded to support the overall proposal, subject to the resolution of design and drainage issues, but that the proposal would need to be referred to the States for approval as an exception to the Green Zone policies.

2. and 3.

In response to the first part of the question (which also answers Question 3), in March 1994 the previous owner of the Lobster Pot submitted a further enquiry for the reconsideration of the larger scale extension plans, which had been submitted in January 1993, albeit this time without the proposed demolition of the L’Etacquerel Guest House which had then been sold to another party. The extension would have involved

an additional 9,700 square feet of floorspace, equivalent to a 77 per cent increase. This again was not a formal application.

The owner was advised by letter dated 19th April 1994 that the Island Development Committee had considered the matter but would not support the proposal. At that time the Committee did not intimate that permission would be granted if the owner purchased and demolished the L'Etacquerel Guest House. The decision letter of 19th April 1994 advised the owner that the previous proposal has been considered as a possibility because it included an associated proposal to demolish the L'Etacquerel Guest House but as that was no longer part of the application, the Committee would not support an extension of this scale to a property in a Green Zone.

It would be ultra vires the Island Planning Law if the Planning and Environment Committee, in dealing with any development application, required an applicant to acquire and demolish a building elsewhere as a condition. I am not aware of any occasion when the Planning and Environment Committee has sought to impose such a condition. Indeed the Committee has no legal power to impose such a condition.

The previous proposal to demolish the L'Etacquerel Guest House as a part of the plans for the Lobster Pot Hotel was not initiated by the Committee, but was put forward by the previous owner.”

### **Kosovo refugee crisis – statement**

Senator Patricia Ann Bailhache, President, Overseas Aid Committee, made a statement in the following terms –

“Members are now aware that £250,000 was sent to the Disasters Emergency Committee (DEC) on 7th April 1999. This was a quick and welcome response by the Finance and Economics Committee.

The DEC is made up of 15 aid agencies which meet the strict criteria of the DEC. 12 of these agencies are working with the Kosovo refugees –

British Red Cross, CAFOD, Christian Aid, CARE, Children's Aid Direct, Concern Worldwide, Help the Aged, MERLIN, Oxfam, Save the Children, Tear Fund and World Vision.

UNICEF cannot belong to the DEC as it is a UN agency, though it receives no funds from the UN. Terms and conditions to be a member of the DEC state that agencies must be non-governmental organisations.

These agencies are active and involved and know what is required to meet the needs. Jersey's contributions channelled in this way, will be used to the best effect.

The Overseas Aid Committee has given grants for the Kosovo refugees to the following agencies –

5th February	£25,000	Christian Aid
8th April	£28,160	UNICEF
8th April	£30,000	Oxfam

Members of the Finance and Economics and Overseas Aid Committees will be meeting today to consider several ideas for further assistance. The horrendous situation which has arisen will take many months or

even years to resolve and bring the large numbers of people back to near normal life. It will be important to ensure that the areas where Jersey has previously undertaken projects in Albania are supported.

The Bailiff's Jersey-Kosovo Appeal plainly states that the moneys raised will go directly to those agencies working on the ground. In order to achieve this it has been agreed that the money will be channelled to the DEC and UNICEF, as and when money becomes available.

I have over the last week been in contact with the British Ambassador to Albania, Mr. Stephen Nash, and two Albanians both known to the many Islanders who have been to Albania on community work projects. Their advice and assistance has been invaluable both to the Committee and to those people who are eager to set off with lorries to transport clothing and food to refugee camps. They also advised how important it was to ensure that the aid agencies are supported financially, as they are doing an excellent job in the most atrocious conditions. Mr. Nash asked for his thanks to be conveyed to the people of Jersey.

Members may also like to know that I am receiving field reports most days from different aid agencies, many with the most horrendous stories. I will, if advisable, make another statement in two weeks time to the Assembly. Members will be aware that Albania is the poorest country in Europe and is now having to give shelter to well over 300,000 people. The Overseas Aid Committee will continue to monitor the situation and keep members advised.

Further funding **will** be required to assist with basic needs, i.e. shelter, medicines, water, sanitation and food.

The people of Jersey are showing their quick response to this appeal, and it is heartening to hear of the collections and events being held, as well as the personal and corporate donations.”

#### **d'Hautrée School, St. Saviour: temporary law courts– approval of drawings**

THE STATES, adopting a proposition of the Public Services Committee –

- (a) approved drawings Nos. 3000/5 and 3000/6, showing the provision of temporary law courts at d'Hautrée School, St. Saviour;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

#### **Draft Customs and Excise (Jersey) Law 199 – P.21/99**

#### **Draft Customs and Excise (Jersey) Law 199 (P.21/99): amendments– P.39/99**

THE STATES, commenced consideration of the draft Customs and Excise (Jersey) Law 199 – and adopted the Preamble.

Articles 1 to 32 were adopted.

Article 33 was adopted, the States having accepted an amendment of the Finance and Economics Committee that for the Article there should be substituted the following amended Article –

“ARTICLE 33

**Improper importation of goods**

(1) If any goods are imported contrary to any prohibition or restriction for the time being in force under or by virtue of any enactment, the goods shall be liable to forfeiture and the importer and any agent of his concerned in the importation shall be guilty of an offence.

(2) Any person who –

- (a) imports or causes to be imported any goods concealed in a container holding goods of a different description; or
- (b) directly or indirectly imports or causes to be imported or entered any goods found not to correspond with the entry required to be made in respect of those goods in accordance with Article 25, whether before or after delivery.

shall be guilty of an offence.

(3) A person guilty of an offence under this Article shall be liable to a fine not exceeding three times the value of the goods in respect of which the offence was committed or level 4 on the standard scale, whichever is the greater.”

Articles 34 to 47 were adopted.

Article 48 was adopted, the States having accepted an amendment of the Finance and Economics Committee that for the Article there should be substituted the following amended Article –

“ARTICLE 48

**Power of arrest**

Any person who has committed, or whom there are reasonable grounds to suspect of having committed, any offence under this Law may be arrested by an officer.”

Articles 49 to 73 were adopted.

Article 74 was adopted the States having accepted an amendment of the Finance and Economics Committee that after the word “appoint” there should be inserted the words “and different days may be appointed for different provisions or different purposes of this Law”.

Schedules 1 to 4 were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Customs and Excise (Jersey) Law 199 .

## **Jersey Green Room Club: grant of a loan – P.37/99**

THE STATES, adopting a proposition of the Finance and Economics Committee –

- (a) authorised the granting of a loan to the Jersey Green Room Club for the purpose of assisting in the purchase of No. 14 Val Plaisant, St. Helier (presently known as Haycock Brothers Limited);
- (b) approved a loan of £150,000 with interest at five per cent per annum, repayable in equal annual instalments over a period not exceeding 20 years from the first year following that on which the Club resumes its productions at the refurbished Opera House in Gloucester Street, St. Helier; with the interest rate of the loan to be subject to quinquennial reviews;
- (c) agreed that interest on the loan should be waived until one year after the Club had been able to recommence productions at the refurbished Opera House;
- (d) agreed that the loan was to be registered against the property, which was to be kept in good order.

## **Draft Statutory Nuisances (Jersey) Law 199 – P.40/98**

### **Draft Statutory Nuisances (Jersey) Law 199 (P.40/98): Amendments– P.36/99**

THE STATES, commenced consideration of the draft Statutory Nuisances (Jersey) Law 199- and adopted the Preamble. Members present voted as follows –

#### **“Pour” (34)**

##### **Senators**

Shenton, Rothwell, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard, Dorey.

##### **Connétables**

St. Lawrence, St. Mary, St. Brelade, St. Peter, St. Helier, St. Martin.

##### **Deputies**

H. Baudains(C), Coutanche(L), St. Mary, S. Baudains(H), Le Geyt(S), Pullin(S), Johns(H), Duhamel(S), Routier(H), Breckon(S), Grouville, St. Martin, Le Main(H), Rabet(H), Vibert(B), de la Haye(F), St. Peter, St. Ouen, Le Claire(H).

#### **“Contre” (6)**

##### **Senators**

Norman.

##### **Connétables**

Grouville, Trinity, St. Saviour.

##### **Deputies**

St. John, G. Baudains(C).

Article 1 was adopted, the States having accepted an amendment of the Health and Social Services Committee that in paragraph (2) for the word “includes” there should be substituted the word “include”.

Article 2 was adopted, the States having accepted an amendment of the Health and Social Services Committee

that for the words “such processes” in sub-paragraph (c) of paragraph (1) there should be substituted the word “processes conducted on such premises”.

Article 3 was adopted.

THE STATES commenced consideration of Articles 4 to 6. After discussion the States agreed to defer further consideration of the draft Law to enable the Health and Social Services Committee to reconsider various issues raised by members.

### **Draft Criminal Procedure (Prescription of Offences) (Jersey) Law 199 – P/34/99**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Procedure (Prescription of Offences) (Jersey) Law 199 .

### **Rent Control Tribunal: appointment of members – P.40/99**

THE STATES, adopting a proposition of the Housing Committee, and in pursuance of paragraph (1) of Article of the Dwelling Houses (Rent Control) (Jersey) Law 1946, as amended, appointed the following persons to act as Chairman and Members of the Rent Control Tribunal for a further period of twelve months ending on 12th April 2000, namely –

Mr. Terence Lavery – Chairman  
Mrs. Jill Meredith Clapham  
Mr. Ronald Peter Welling  
Mr. Anthony Browne.

Members present voted as follows –

#### **“Pour” (27)**

##### **Senators**

Stein, Syvret, Norman, Kinnard, Dorey.

##### **Connétables**

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

##### **Deputies**

Coutanche(L), St. Mary, S. Baudains(H), Pullin(S), Duhamel(S), Routier(H), Breckon(S), Grouville St. Martin, St. John, Le Main(H), Vibert(B), de la Haye(B), St. Peter, St. Ouen, G. Baudains(C).

#### **“Contre” (1)**

##### **Deputies**

Johns(H).

THE STATES rose at 5.43 p.m.

**C.M. NEWCOMBE**

*Deputy Greffier of the States.*