

**THE STATES assembled on Tuesday,
16th November 1999 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-

Senator John Stephen Rothwell - out of the Island
Senator Stuart Syvret - out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely-

Hospital Charges (Long-Stay Patients) (Amendment) (Jersey) Order 1999. R & O 9464.

Companies (Fees) (Amendment No. 3) (Jersey) Order 1999. R & O 9465.

Matter presented

The following matter was presented to the States-

Regulation of Undertakings and Development: quarterly manpower report as at 30th June 1999 - R.C.41/99.
Presented by the Finance and Economics Committee.

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

Matters lodged

The following matters were lodged "au Greffe" -

Budget 2000: amendment - P.184/99.
Presented by the Sport, Leisure and Recreation Committee.

Buildings of local interest: removal from register - P.185/99.
Presented by the Deputy of St. John and referred to the Planning and Environment Committee.

Draft Education (Jersey) Law 1999 (Appointed Day) Act 199 - P.186/99.
Presented by the Education Committee.

Draft Establishment Committee (Change of Name) (Jersey) Act 199 - P.187/99.
Presented by the Establishment Committee.

**Draft Community Provisions (Ban on supply to Indonesia of equipment for internal repression or terrorism)
(Jersey) Regulations 199 - P.188/99.**
Presented by the Policy and Resources Committee.

Draft Community Provisions (Prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia) (No. 2) (Jersey) Regulations 199 - P.189/99.
Presented by the Policy and Resources Committee.

Arrangement of public business for the present meeting

THE STATES rejected a proposition of Senator Pierre François Horsfall that consideration of the proposition of the Policy and Resources Committee on population policy (P.175/99 lodged "au Greffe" on 26th October 1999) be deferred from the present meeting to a later date.

Members present voted as follows -

"Pour" (23)

Senators

Horsfall, Stein, Norman, Walker.

Connétable

St. John.

Deputies

Le Sueur(H), Coutanche(L), St. Mary, Le Geyt(S), Trinity, Pullin(S), Duhamel(S), Routier(H), Grouville, St. Martin, St. John, Blampied(H), Crowcroft(H), Vibert(B), Dubras(L), St. Ouen, G. Baudains(C), Le Claire(H).

"Contre" (25)

Senators

Shenton, Le Maistre, Quérée, Bailhache, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), S. Baudains(H), Johns(H), Layzell(B), Breckon(S), Huet(H), Le Main(H) Rabet(H), St. Peter.

Arrangement of public business for the next meeting on 30th November and 1st December 1999

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 30th November and 1st December 1999 -

Budget 2000.
Lodged: 9th November 1999.
Finance and Economics Committee.

Budget 2000: amendment - P.184/99.
Lodged: 16th November 1999.
Sport, Leisure and Recreation Committee.

Draft Public Finances (Administration) (Amendment No. 9)(Jersey) Law 199 - P.165/99.
Lodged: 26th October 1999.
Finance and Economics Committee.

Licensing (Jersey) Law 1974, as amended: 7th category (entertainment) licences - P.151/99.
Lodged: 12th October 1999.
Tourism Committee.

Draft Hire Cars (No. 9) (Jersey) Regulations 199 - P.170/99.
Lodged: 26th October 1999.
Defence Committee.

Draft Public Service Vehicles (Fees) (Amendment No. 10) (Jersey) Regulations 199 - P.171/99.
Lodged: 26th October 1999.
Defence Committee.

Establishment of a Home Affairs Committee - P.174/99.
Lodged: 26th October 1999.
Policy and Resources Committee.

Establishment of a Home Affairs Committee (P.174/99): amendment - P.182/99.
Lodged: 9th November 1999.
Prison Board.

Establishment of a Home Affairs Committee (P.174/99): comments - P.174/99 Com.
Presented: 2nd November 1999.
Establishment Committee.

Draft Defence Committee (Change of Name) (Jersey) Act 199 - P.183/99.
Lodged: 9th November 1999.
Defence Committee.

Draft Community Provisions (Ban on supply to Indonesia of equipment for internal repression or terrorism) (Jersey) Regulations 199 - P.188/99.
Lodged: 16th November 1999.
Policy and Resources Committee.

Draft Community Provisions (Prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia) (No. 2) (Jersey) Regulations 199 - P.189/99.
Lodged: 16th November 1999.
Policy and Resources Committee.

Fort Regent redevelopment - P.35/98

THE STATES granted leave to the President of the Sport, Leisure and Recreation Committee to withdraw the proposition on Fort Regent redevelopment, (P.35/98 lodged "au Greffe" on 3rd March 1998) the Committee having lodged a revised report and proposition at the last meeting (P.181/99).

The Island's coastal defences - question and answer (Tape No. 551)

Deputy Paul Vincent Francis Le Claire of St. Helier, asked the Connétable of St. John, President of the Public Services Committee, the following question -

"Would the President advise members if the Committee has received estimates of the cost of maintaining the Island's coastal defences for the next 20 years and, if so, would the President give details of these estimates to the Assembly?"

The President of the Public Services Committee replied as follows -

"Estimates of future costs as far ahead as 20 years are not available. The state of the Island's sea defences can be affected very rapidly by extreme weather conditions which cannot be foreseen.

Annual revenue expenditure on sea defence maintenance is currently in the order of £450,000 a year and capital expenditure at St. Ouen is approximately £100,000 a year. Additionally sea defence strengthening work to the bases of seawalls is being carried out at St. Brelade and other areas at a total cost of approximately £300,000.

The sea defences at St. Ouen have been identified as being at serious risk and various options for remediation are currently being considered in conjunction with the Planning and Environment Committee. Until a final scheme is established it is not known when the work will be undertaken but it is expected that work will be necessary in the next few years. It could be that costs associated with this work will be of the order of £10 million, which has been advised to the Policy and Resources Committee in our capital requests.”

Eurocontrol agreement - question and answer (Tape No. 551)

Deputy Paul Vincent Francis Le Claire of St. Helier, asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

“Would the President advise members on the current situation regarding negotiations concerning the Eurocontrol Agreement with France and of the likely changes within the next three years?”

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

“The Memorandum of Understanding was denounced by the French Government in December 1997. Since that time, negotiations for a new Memorandum have been conducted between the British and French Governments with Jersey in attendance. It seems that the French have been dragging their heels ever since they gave notice of termination.

In order to try and achieve an equitable solution, the Airport Director and I, together with Senator Horsfall, went to the Home Office on 6th September 1999. We put to Lord Bassam of Brighton the Minister of State at the Home Office with responsibility for the Islands and Mr. Chris Mullin M.P., the Aviation Minister, the Jersey case for being treated exactly the same as the 27 Member States of Eurocontrol.

Lord Bassam and Mr. Mullin both said that they would ask the French Government to extend the present Memorandum of Understanding for another year so that meaningful discussions could take place. To date, this has not been achieved, but there is a meeting in Brussels on 17th and 18th November 1999. It is hoped that, as promised, Lord Bassam will be able to give us some news during his visit on 25th and 26th November 1999.

I do not wish to speculate on the possible outcome ahead of the forthcoming meeting and visit by Lord Bassam, but I will advise the Assembly of the French position at the appropriate time.”

Discovery of dry rot in St. James Church - question and answer (Tape No. 551)

The Deputy of St. John asked Senator Nigel Lewis Quéré, President of the Planning and Environment Committee, the following question -

“Would the President advise members -

- (a) if St. James Church was surveyed before being purchased?
- (b) if the answer to (a) is in the affirmative, do the States have any redress against the surveyor now that dry rot has been discovered?
- (c) why has this discovery only recently been made public, given that builders have been on site for approximately two years?”

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

“(a) The former church was surveyed by Brian A. Morton & Partners (Civil & Structural Engineers) jointly for Reverend David Wastie (for the predecessor in title) and Save Jersey’s Heritage, in August 1990. Their report was provided to the Island Development Committee.

In 1992 that Committee commissioned Gilmore Hankey Kirke Limited, Architects, to report on the condition of the former church and make recommendations *‘to render the external envelope watertight’*.

On 14th July 1992 the Island Development Committee presented to the States a report and proposition (P.105/92) to acquire the former St. James Church, School, Vicarage and grounds for a total price of £1,050,000. The church was included at a site value of £360,000.

(b) The professional advice of the Property Services Department is that both surveyors’ reports provided an adequate level of sound information about the condition of the building. In the report accompanying P.105/92 the States were informed by the Island Development Committee that -

‘No maintenance has been undertaken in recent years and a survey carried out in February 1992 has identified repairs at an estimated cost of £90,000 in order to return the building to a wind and water tight state and prevent deterioration. Unless the

works are carried out in the near future there is a real possibility that the ceiling will collapse’.

The Gilmore report of 1992 also reported that dry rot fungal growth was present and gave warnings that the rot might be much more advanced than was visible.

There is, therefore, no question of redress against the surveyors.

- (c) Between 1993 and 1997 a number of repair contracts were placed by the Department of Property Services for ‘holding works’ which were carried out under external professional supervision including specialist timber treatment works. These were successfully completed prior to the building being handed over in September 1998 to the Jersey Arts Trust which then placed its building contract for the conversion of the former church to arts use.

The full extent of the decay in the vaulted ceiling support timbers and their loss of strength only became apparent during the conversion contract because the areas around the column heads were previously inaccessible. Since discovery of this problem the Department of Property Services has been appointed by the Jersey Arts Trust as project manager on a no fee basis and MDA (Jersey) Limited as client representative.

It is understood that the project is required to follow the usual States P.70/90 procedures and, whilst both Property Services and the Treasury were made aware of the problem when it was discovered, it has been left to the Jersey Arts Trust, as administrator of the conversion project, to publicise the information.”

Terms of Employment Officers: appointment

THE STATES, adopting a proposition of the Employment and Social Security Committee, and in accordance with Regulation 6(1) of the Terms of Employment (Jersey) Regulations 1998, appointed for a period of three years commencing on 30th November 1999 -

- (a) Advocate Julian Clive Gollop as Terms of Employment Officer;
- (b) Advocate Simon Jonathan Young as Deputy Terms of Employment Officer.

Draft Firearms (Jersey) Law 199 - P.96/99 Amendments - P.140/99, Second amendments - P.146/99 Third amendments - P.147/99

THE STATES commenced consideration of the Draft Firearms (Jersey) Law 199 and adopted the preamble-

Members present voted as follows -

“Pour” (34)

Senators

Shenton, Horsfall, Stein, Bailhache, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), St. Mary, S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Johns(H), Routier(H), Layzell(B), Breckon(S), Huet(H), St. Martin, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Le Claire(H).

“Contre” (12)

Senators

Le Maistre, Norman.

Connétables

St. Peter, Grouville, St. Helier, St. Ouen, St. Saviour, St. Clement.

Deputies

Coutanche(L), Duhamel(S), St. John, G. Baudains(C).

Articles 1 and 2 were adopted, the States having accepted an amendment of the Deputy of St. Martin that, in the definition of the expression “prohibited ammunition” in paragraph (1) of Article 1 for the words “, (e) or (h)” there should be substituted the words “or (g)”

THE STATES commenced consideration of Article 3 and accepted an amendment of the Deputy of St. Martin that in paragraph (4) for the words “Subject to paragraph (5), a” there should be substituted the word “A” and that paragraphs (5) and (6) should be deleted.

THE STATES accepted an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement that in paragraph (10) for the words “The Committee may by Order” there should be substituted the words “The States may by Regulations”, that for the word “prescribed” there should be substituted the word “specified”, that in paragraph (11) for the words “An Order” there should be substituted the word “Regulations” and that for the words “the Order comes” there should be substituted the words “the Regulations come”.

Members present voted on Deputy Baudains’ amendment as follows -

“Pour” (19)**Senator**

Le Maistre.

Connétables

St. Mary, St. Helier, St. Martin, St. John, Trinity, St. Saviour.

Deputies

Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Breckon(S), St. Martin, St. John, Le Main(H), Crowcroft (H), St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (15)**Senators**

Shenton, Horsfall, Stein, Bailhache, Norman, Kinnard.

Connétables

St. Lawrence, St. Brelade.

Deputies

Wavell(S), H. Baudains(C), St. Mary, S. Baudains(H), Johns(H), Layzell(B), Huet(H).

THE STATES thereupon adopted Article 3 as amended.

Articles 4 and 5 were adopted, the States having adopted an amendment of the Deputy of St. Martin that in paragraph (5) of Article 5 for the words “paragraph (7)” there should be substituted the words “paragraph (5)”.

Articles 6 to 9 were adopted, the States having accepted an amendment of the Deputy of St. Martin that subparagraph (d) of paragraph (1) of Article 9 should be deleted.

Articles 10 to 13 were adopted.

THE STATES commenced consideration of Article 14 and accepted an amendment of the Deputy of St. Martin that in sub-paragraph (b) of paragraph (2) the words “is ordinarily resident in the Island and” should be deleted.

THE STATES accepted an amendment of the Deputy of St. Martin that the words “but who is at least seventeen years of age” in sub-paragraph (c) of paragraph (2) and the words “but who is at least fourteen years of age” in paragraph (5) should be deleted.

Members present voted on the amendments as follows -

“Pour” (26)

Senators

Le Maistre, Norman.

Connétables

St. Mary, Grouville, St. Helier, St. Martin, St. John, Trinity, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Le Sueur(H), Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Johns(H), St. Martin, St John, Rabet(H), Crowcroft(H), Vibert(B), Dubras(L), St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (11)

Senators

Stein, Bailhache, Kinnard.

Connétables

St. Lawrence, St. Brelade.

Deputies

Wavell(S), S. Baudains(H), Layzell(B), Breckon(S), Huet(H), Le Main(H).

THE STATES accepted an amendment of the Deputy of St. Martin that in sub-paragraph (c) of paragraph (2) the words “and is ordinarily resident in the Island” should be deleted.

THE STATES rejected an amendment of the Deputy of St. Martin that in sub-paragraph (c) of paragraph (2) the words “on an authorized open day and” should be deleted.

Members present voted as follows -

“Pour” (18)

Senators

Le Maistre, Norman.

Connétables

Grouville, St. Helier, St. John, Trinity, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Le Sueur(H), Trinity, St. Martin, St. John, Rabet(H), Crowcroft(H), Vibert(B)
G. Baudains(C), Le Claire(H).

“Contre” (18)

Senators

Stein, Bailhache, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade.

Deputies

Wavell(S), Coutanche(L), S. Baudains(H), Le Geyt(S), Pullin(S), Johns(H), Layzell(B), Breckon(S)
Huet(H), Le Main(H), Dubras(L), St. Ouen.

There being an equality of votes the Bailiff, in accordance with convention, exercised his casting vote against the amendment.

THE STATES accepted an amendment of the Defence Committee that in paragraph (8), for the words from “may notify” to the end of the paragraph there should be substituted the words “shall, where the person issued with the permit is a resident of the Island, notify the Connétable of the Parish in which that person resides”.

Adjournment

THE STATES then adjourned, having agreed to continue consideration of the Draft Firearms (Jersey) Law 199 the next day, Wednesday, 17th November 1999.

THE STATES rose at 6.06 p.m.

G.H.C. COPPOCK

Greffier of the States.