

Price : £1.50

THE STATES assembled on Tuesday,
17th June 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 -

Senator Richard Joseph Shenton - out of the
Island.

Prayers

Tribute to the late Mrs. Susan Roworth -
employee of the States Greffe

The Bailiff paid tribute to Mrs. Susan Roworth,
recently deceased employee of the States Greffe,
who had dispensed refreshments in the Members
Room during meetings of the States.

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

Mr. M. Gould, Occupation escapee, final resting
place - letter of thanks

The Bailiff informed the Assembly that he had
received the following letter from Mr. Peter D.
Hassall -

``Dear Sir Philip,

I wish to thank you, members of the States of Jersey and the people of Jersey for your understanding and generosity, which permitted Maurice Gould to be brought to his final resting place in the Howard Davis Park, Jersey.

The Howard Davis Park is a fitting place for Maurice, as it was outside its gates, early on Sunday, 3rd May 1942, that Dennis Audrain, Maurice Gould and I assembled, and made the fateful decision to go ahead with the escape - the rest is now part of Jersey's history.

Thank you for your kind words to my fellow Night and Fog survivors on 3rd May. They have asked me to thank everyone who made possible Maurice Gould's return, as they are very much aware of my fifty-year Crusade, which could not have been achieved without the compassion and help of many people on the Island of Jersey.

Respectfully,

Peter D. Hassall."

Australian Parliamentarian's visit - welcome

The Bailiff welcomed to the States Mr. Barry Traynor M.P., member of the Parliament of the State of Victoria, Australia.

Adjournment

The Bailiff informed the Assembly that as some members wished to attend the funeral of the late Mr. Peter Lambert, former Chief Executive of Health and Social Services Committee, the States would adjourn at 11.45 a.m. and reconvene at 2.30 p.m.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Royal Court (Remuneration of Commissioners) (Jersey) Order 1997. R & O 9089.
2. Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 1997.

R & O 9090.

3. Battle of Flowers (Jersey) Order
1997. R & O 9091.
4. Gorey Fête (Jersey) Order 1997.
R & O 9092.

Tourism Committee - resignation

THE STATES noted the resignation of Deputy Michael Adam Wavell of St. Saviour from the Tourism Committee.

Matters presented

The following matters were presented to the States -

1. Department of Driver and Vehicle Standards: report for 1996.
Presented by the Defence Committee.
2. Medical Officer of Health:
annual report for 1996.
Presented by the Health and Social Services Committee.

Matter noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 9th June 1997, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Health and Social Services Committee had accepted the lowest tender in respect of Phase 1 of the Sandybrook Residential Home Care Centre contract, namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the sum of £3,257,137 in a contract period of 75 weeks.

Matters lodged

The following matters were lodged "au Greffe" -

1. Draft Advocates and Solicitors (Jersey) Law 1997 (Appointed Day) Act 199 - P.84/97.
Presented by the Legislation

Committee.

2. Draft Departments of the Judiciary and the Legislature (Amendment No. 3) (Jersey) Law 1997 (Appointed Day) Act 199 - P.85/97. Presented by the Legislation Committee.
3. Stopford Road/Wellington Road gyratory road scheme: purchase of land - P.86/97. Presented by the Public Services Committee.
4. Fire Service Headquarters: relocation - P.87/97. Presented by the Defence Committee.
5. St. Helier Waterfront Plan: west of Albert Pier - housing - P.88/97. Presented by the Planning and Environment Committee.
6. Orillande, La Rue du Mont Capel, St. Ouen: development in Green Zone - P.89/97. Presented by the Planning and Environment Committee.

Orillande, La Rue du Mont Capel, St. Ouen: development in Green Zone - P.59/97. Withdrawn.

THE STATES acceded to the request of the President of the Planning and Environment Committee that the proposition regarding Orillande, La Rue du Mont Capel, St. Ouen: development in Green Zone (P.59/96 - lodged ``au Greffe" on 16th April 1996) be withdrawn, the Committee having lodged a revised proposition at the present meeting (P.89/97).

Sutton House, The Parade, St. Helier: lease of office accommodation. P.83/97

THE STATES acceded to the request of the President of the Finance and Economics Committee that consideration of the proposition regarding the lease of office accommodation in Sutton House (lodged ``au Greffe" on 3rd June 1997) be taken immediately after the draft The Lloyds TSB (Jersey) Law 199 at the present meeting.

Arrangement of public business for the next meeting on 8th July 1997

THE STATES confirmed that the following matters lodged ``au Greffe" would be considered at the next meeting on 8th July 1997 -

Draft Advocates and Solicitors (Jersey) Law 1997 (Appointed Day) Act 199 - P.84/97.
Lodged: 17th June 1997.
Legislation Committee.

Draft Departments of the Judiciary and the Legislature (Amendment No. 3) (Jersey) Law 1997 (Appointed Day) Act 199 - P.85/97.
Lodged: 17th June 1997.
Legislation Committee.

Stopford Road/Wellington Road gyratory road scheme: purchase of land - P.86/97.
Lodged: 17th June 1997.
Public Services Committee.

Fire Service Headquarters: relocation - P.87/97.
Lodged: 17th June 1997.
Defence Committee.

Orillande, La Rue du Mont Capel, St. Ouen: development in Green Zone - P.89/97.
Lodged: 17th June 1997.
Planning and Environment Committee.

Jersey Royal potato crop - questions and answers (Tape No. 395)

Deputy Maxwell Robert de la Haye of St. Brelade. asked Deputy Jeremy Laurence Dorey of St. Helier, President of the Agriculture and Fisheries Committee, the following questions -

- ``1. Will the President inform the Assembly if he is satisfied that each of the three groups exporting the Jersey Royal potato crop has been marketed in the best possible interests of the growers and the Island?
2. Will the President inform the Assembly if it is the opinion of his Committee

that the quota system has been too restrictive by one group in particular during May 1997, therefore leaving many potatoes to be harvested at uneconomic prices and dumped at Crabbé?"

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

- ``1. Yes I am satisfied that through the offices of the Jersey Potato Council the three exporting groups have co-operated fully in marketing the Jersey Royal potato crop so as to achieve the best possible returns for growers. It is clearly in the Island's interest also, both financially and environmentally, that the crop should be effectively marketed.

2. The quotas are designed to ensure that the quantity of potatoes lifted equates with the demand. It would be pointless for any group to allow its growers to dig in excess of perceived demand.

The potatoes taken to Crabbé this year as in other years are generally green, blemished or oversized and, this year, they have not been dumped but composted."

La Motte Ford site in Grouville, proposed development - questions and answers (Tape No. 395)

Deputy Imogen Stephanie Nicholls of Grouville asked Senator Corrie Stein, President of the Housing Committee, the following questions -

- ``1. Using the model contained in the Housing Department's Policy guidelines No. 4 relating to Housing Associations (August 1995), would the President advise members whether there will be a cost to the taxpayer in developing 17 units of States housing on the La Motte Ford site in Grouville, this model to be prepared on the same format set out in the policy guidelines to support the response, with separate cost details to be provided for the costs already expended on the site

and, separately, the full estimated construction costs?

2. Given that this development will be category 'A' housing, would the President advise members of the expected level of rent rebate for the future tenants based on a model from a similar estate?"

The President of the Housing Committee replied as follows -

1. It has always been acknowledged that the development of this commercial site for social housing was going to be expensive. The Deputy, as a member of the Finance and Economics Committee, will know that all commercial sites are expensive to develop. This is true of other commercial sites that have been developed by the Housing Committee over the years.

In addition, the site's ground conditions and the planning requirements laid down by the Planning and Environment Committee to ensure that a careful balance is maintained between housing needs and those of the immediate environment will have an effect on the overall cost of the development.

I regret that I am not in a position to answer the Deputy's question in the detail she requires. My Department is currently in discussion with the Jersey Homes Trust, who will develop the site, together with the Project Architect and Quantity Surveyor to agree detailed construction costs.

The Deputy will be aware that it would not be prudent for the Committee to disclose estimates of construction costs at this stage, prior to the development going out to tender. However, I would be prepared to supply this information to the Deputy and other members of the States, in confidence, in due course.

Nevertheless, I am able to give the Deputy the costs that have been

expended on the development so far -

the site was rezoned for Category
'A' housing in the 1987 Island
Plan;

in 1992, the Housing Committee of
the day, with States' support,
purchased the La Motte Ford site
for the sum of £572,000, plus
£8,725 in professional and legal
fees;

in 1994, the States granted the
Housing Committee compulsory
purchase powers to acquire Tremont
House and Tremont Villa;

in 1996, the Housing Committee,
following detailed negotiations by
the Department of Property
Services, purchased Tremont House
in the sum of £169,000, plus
£1,605 in legal fees, and Tremont
Villa in the sum of £155,000, plus
£7,000 in professional and legal
fees.

The total cost to acquire the site
therefore was in the sum of £904,330.

Since its acquisition the site has
yielded £189,000 in rental from the
lease to La Motte Ford.

I can also confirm that approximately
£50,000 has been spent on architects
and associated design costs.

2. The expected level of rent rebate will
be completely dependent on the level of
tenants' income and will be similar to
that given to States' tenants living on
the Committee's latest developments."

Decision conferencing programme - question and
answer (Tape No. 395)

Deputy Philip John Rondel of St. John, asked
Senator Pierre François Horsfall, President of
the Policy and Resources Committee, the
following question -

``Given that a considerable amount of time
has been spent by Committees in carrying
out the decision conferencing procedure,

would the President inform members of the cost to the Island in salaries of all staff involved in this exercise, and quantify the cost to the Departments in loss of manpower time whilst this procedure has taken place, using the following four Departments to undertake the survey - Health and Social Services, Education, Public Services and Agriculture and Fisheries?"

The President of the Policy and Resources Committee replied as follows -

``The Chief Adviser to the States has requested the information from the Departments concerned. I am informed that due to the everyday commitments of Departments, and the considerable work involved in providing this information, it will take some time to collate. In this respect, the information will only be meaningful if it can be compared with the staff time and cost that would have been incurred to prioritise Department expenditure using an alternative equally effective method.

The information requested will be made available as soon as I receive it."

Tax relief on mortgages - questions and answers (Tape No. 395)

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

- ``1. Would the President inform the Assembly how many income tax paying companies are being allowed tax relief on mortgage interest payments in respect of property held abroad?
2. Would the President inform the Assembly of the total value of mortgage interest tax relief granted in respect of properties held abroad?"

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

- ``1. This information is not available. The Income Tax Department merely records on computer the net profit

of a company, not the constituent elements of the profit and loss account and the balance sheet.

2. For the reason given in reply to question 1, and for the additional reason that the tax return does not ask individuals to identify whether the mortgage interest is in respect of properties held in Jersey or overseas, this information is not available."

1(1)(k) residents - questions and answers (Tape No. 395)

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

1. In answer to a question on 20th May 1997, members were informed that a total of 183 1(1)(k) wealthy immigrants were resident in the Island as at 31st December 1994. Would the President inform the House how many of the 183 were resident in the Island in 1991?
2. What was the average amount of tax paid by these residents in 1991?"

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

1. 169.
2. This is impossible to establish with complete accuracy. It would be seriously misleading merely to quote the average tax paid by the individuals in their own right because many pay tax via investment companies, the identities of which could only fully be established by contacting those residents or their professional advisers. That would be an intrusion; the individuals concerned would anyway be under no obligation to supply the information, and the whole exercise would place an unacceptable demand on public sector resources."

Extension of a 1(1)(j) category consent -

questions and answers (Tape No. 395)

Senator Stuart Syvret asked Senator Corrie Stein, President of the Housing Committee, the following questions -

- ``1. In December 1992 an extension to a `(j)' category consent was granted in respect of a general manager of C.I. Newsagents, a subsidiary of The Guiton Group. In respect of this extension would the President inform the Assembly whether the advice of the Chief Adviser sought in respect of this application and, if so, what was that advice?
2. Would the President inform the Assembly of the reasons the then Housing Committee recorded for concluding that granting this renewal was `essential'?"

The President of the Housing Committee replied as follows -

- ``1. As is usual in such cases, the advice of the Chief Adviser was sought in respect of this particular application.

At the time of the initial application, which was not acceded to, his advice was not supportive.

Following an appeal by the company, the Chief Adviser's further advice was sought, such advice still not fully supporting the application.

- ``2. The Committee records show that the decision to grant this consent was based against a background of comments made in the States' debate on the Policy and Resources Committee's Strategy report in June 1992, when the Housing Committee had been asked to be more flexible when dealing with extensions of consents under Regulation 1(1)(j).

Having considered all the relevant information available to it, the Committee concluded that consent could

be granted as being in the best interests of the community in accordance with the terms of that particular Regulation."

Projects to celebrate the Millennium - question and answer (Tape No. 395)

Deputy Terence John Le Main of St. Helier asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

``As the year 2000 (i.e. the Millennium) is only 30 months away and the States have agreed to fund a significant project to celebrate the year 2000, would the President inform the Assembly -

- (a) how many projects have been submitted for consideration?
- (b) what are these proposals and the names of the proposers?
- (c) what funding is or will be available to fund a project to celebrate the Millennium?
- (d) how and when are these proposals coming to the States for consideration?
- (e) have the Committee decided to recommend a project to the States?"

The President of the Policy and Resources Committee replied as follows -

``The answer to the Deputy's question in the order presented is as follows -

- (a) an exercise undertaken by the Island's media produced many suggestions. From these, some 73 individual Millennium proposals were identified for consideration;
- (b) a list of the Millennium proposals is on members' desks. The Committee invited proposals from Island residents generally. Many replied through the use of a reply coupon published in the Jersey Evening Post or by the Channel Report vote line and the names of

the proposers were not recorded in all cases;

- (c) the Finance and Economics Committee when approached by the Policy and Resources Committee indicated that a maximum sum of £2 million could be set aside to fund a Millennium project or projects. If the Policy and Resources Committee wishes to recommend a greater level of expenditure, then this would need to be financed by reducing the capital programme for the appropriate year or years;
- (d) the Committee following the declared public preference for an Urban Park as a Millennium project has been actively investigating the possibilities. The reason for the delay in bringing proposals to the States has been the difficulties experienced in identifying a suitable site for a public park that satisfies public expectations, represents real value for money and is affordable within the funds that could be expected to be allocated by the Finance and Economics Committee;
- (e) the Committee is not yet in a position to recommend a project to the States with the exception of the bursaries it has agreed to provide to the Société Jersiaise for research fellowships and grants in Jersey history, and to Highlands College for social science research on aspects of Jersey society, at a combined estimated cost of £150,000. The Committee is still seeking to find a site for a public park in St. Helier which fulfils public expectations. The consultation exercise produced some support for the idea of a new park located on the waterfront. The outcome of the debate on the Planning and Environment Committee's rezoning proposals will dictate whether this option can be further explored."

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 1995, appointed

for a period of three years commencing on 1st July 1997 -

(a) Advocate John Gerald Patrick Wheeler as Terms of Employment Officer;

(b) Advocate Julian Clive Gollop as Deputy Terms of Employment Officer.

The Lloyds TSB (Jersey) Law 199 - P.77/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled The Lloyds TSB (Jersey) Law 199 .

Sutton House, The Parade, St. Helier: lease of office accommodation - P.83/97

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

(a) approved the leasing by the Finance and Economics Committee from Woods and Company Limited of the second and third floor office accommodation, comprising 16,314 square feet of floor space, and car parking at Sutton House, The Parade, St. Helier, to accommodate the Financial Services Department (the responsibilities of which will, in due course, in accordance with the States' decision of 24th October 1995, be assumed by a Financial Services Commission), for a period of 21 years from 25th June 1997 to 24th June 2018, with a tenant's option to break the lease at the end of the 15th year of the term upon giving the landlord prior notice in writing at any time in the 14th year of the term, at a stepped annual rental for the office accommodation of -

£163,140 for the first year (£10 a square foot)

£269,181 for the second year (£16.50 a square foot)

£350,751 for the third year (£21.50 a square foot)

with a three month rent free period from 25th June 1997, together with

£13,500 a year (£1,500 a space a year)
for the nine car parking spaces, with
three yearly rent reviews to open
market rental value, such rental to
remain the same or increase;

(b) approved the assignment of the lease to
the Financial Services Commission upon
its obtaining corporate status and
agreed that the Finance and Economics
Committee, on behalf of the States,
should act as guarantor of the lease
once assigned to the Financial Services
Commission;

(c) authorised the Attorney General and the
Greffier of the States to pass the
necessary contracts;

(d) authorised the Treasurer of the States
to pay the rent as it becomes due until
such time as the lease is assigned to
the Financial Services Commission.

Members present voted as follows -

``Pour" (44)

Senators

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

Connétables

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

Deputies

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

``Contre" (6)

Senator

Syvret.

Deputies

Le Geyt(S), Duhamel(S), Breckon(S), Le
Main(H), Rabet(H).

One member abstained from voting.

Loi (199) pour abroger la Loi (1902) au sujet
des ordres religieux étrangers - P.79/97

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council, adopted a Law
entitled the Loi (199) pour abroger la Loi
(1902) au sujet des ordres religieux étrangers.

Clarence Court, Clarence Road, St. Helier:
transfer of administration - P.80/97

THE STATES, adopting a proposition of the
Housing Committee, agreed to transferred the
administration of Clarence Court, Clarence Road,
St. Helier, from the Housing Committee to the
Planning and Environment Committee.

Merchant Shipping (Deck Officers) (Jersey)
Regulations 1997 - P.81/97

THE STATES, by virtue and in exercise of the
powers conferred upon them by the Order in
Council of the fourteenth day of April
1884, made Regulations entitled the Merchant
Shipping (Deck Officers) (Jersey) Regulations
1997.

Merchant Shipping (Marine Engineer Officers and
Marine Engine Operators) (Jersey) Regulations
1997 - P.82/97

THE STATES, by virtue and in exercise of the
powers conferred upon them by the Order in
Council of the fourteenth day of April
1884, made Regulations entitled the Merchant
Shipping (Marine Engineer Officers and Marine
Engine Operators) (Jersey) Regulations 1997.

THE STATES rose at 3.40 p.m.

G.H.C. COPPOCK

Greffier of the States.

