



THE STATES assembled on Tuesday,
23rd August, 1983 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

All members were present with the exception of –

Senator John Clark Averty – out of the Island.

Senator John William Ellis – out of the Island.

John Philip Pirouet, Connétable of St. Ouen – out of the
Island.

Leonard James Norman, Connétable of St. Saviour – out of the
Island.

Prayers.

**Tribute to the late Mr. D.W. Ryan – former member of the
House.**

The Bailiff paid tribute to the late Mr. Denis William Ryan, a
former Deputy of St. Helier, Connétable of St. Helier and a Jurat of
the Royal Court. The States observed one minute's silence as a
mark of respect.

**Tribute to the late Mr. A.M. Clarke – former member of the
House.**

The Bailiff paid tribute to the late Mr. Allen Manlius Clarke, a
former Deputy of St. Helier. The States observed one minute's
silence as a mark of respect.

Welcome to Deputy J. Roche of St. Saviour.

The Bailiff, on behalf of the Members of the States, welcomed
Deputy Jack Roche of St. Saviour on his return to the House after
his recovery from an accident.

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. Depositors and Investors (Prevention of Fraud) (List of Registered Persons) (Amendment No. 2) (Jersey) Order, 1983. R & O 7203.
2. Consumer Protection (Protective Helmets) (Amendment) (Jersey) Order, 1983. R & O 7204.
3. Public Finances (General) (Amendment No. 12) (Jersey) Rules, 1983. R & O 7205.
4. Road Traffic (Protective Helmets) (Jersey) Order, 1983. R & O 7206.
5. Road Traffic (Saint Ouen) (Amendment No. 5) (Jersey) Order, 1983. R & O 7207.
6. Road Traffic (Saint Helier (Amendment No. 3) (Jersey) Order, 1983. R & O 7208.
7. Road Traffic (Public Parking Places) (Amendment No. 16) (Jersey) Order, 1983. R & O 7209.
8. Battle of Flowers (Jersey) Order, 1983. R & O 7210.
9. Social Security (Earnings Limit) (Jersey) Order, 1983. R & O 7211.
10. Traffic Signs (Amendment No. 10) (Jersey) Order, 1983. R & O 7212.
11. Road Traffic (Saint Helier) (Amendment No. 4) (Jersey) Order, 1983. R & O 7213.
12. Road Traffic (Saint Saviour) (Amendment No. 9) (Jersey) Order, 1983. R & O 7214.
13. Road Traffic (Saint Brelade) (Amendment No. 6) (Jersey) Order, 1983. R & O 7215.

14. Civil Service Administration (General) (Jersey) Rules, 1949 (Amendment No. 6) (Jersey) Order, 1983. R & O 7216.
15. Civil Service Administration (Salaries) (Amendment No. 3) (Jersey) Order, 1983. R & O 7217.

Tourism Committee – appointment of Member.

THE STATES appointed Connétable Winter Chevalier de Gruchy of St. Martin as a member of the Tourism Committee.

Matters noted – land transactions.

THE STATES noted Acts of the Finance and Economics Committee dated 27th July and 10th August, 1983, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the leasing to the Royal National Lifeboat Institution of an area of land at St. Catherine's on which it would construct a new boathouse, as shown on Drawing No. 2106 SK5, for a period of nine years, with effect from 1st September, 1983, at a nominal annual rent of £1 to be paid in total in advance;
- (b) as recommended by the Island Development Committee the cession free of charge to the Parish of St. Helier of the area of land known as Dorset Lane shown on Plan No. 2687/116;
- (c) as recommended by the Public Health Committee, the cession free of charge to the Parish of St. Helier of approximately 177 square metres of land in Field 1548, Westmount, St. Helier, being part of Overdale Hospital and administered by the Committee, required for the provision of a bus lay-by, subject to the Parish meeting the construction costs of the lay-by;

- (d) as recommended by the Education Committee, the renewal of the lease from Mrs. Simone Louise Mathew, née Berton, of No. 4, Isipingo Villas, Beaumont, St. Peter, for a period of two years with effect from 1st June, 1983, at an annual rent of £2,614.20, with an option to renew for a further year, the property to continue to be used as teachers' accommodation;
- (e) as recommended by the Housing Committee, the sale to Trojan Property Holdings Limited of a small strip of land, measuring approximately 350 square feet at Maufant, as shown hatched red on Plan No. 1/S/19, together with a right of way through the estate roads of the Maufant Estate and the right to connect to the services therein, for a consideration of £3,000;
- (f) as recommended by the Harbours and Airport Committee, the leasing to Mr. John Frederick McLeod of the Fishing Tackle Shop at St. Catherine's Breakwater, St. Martin, for a period of three years from 1st October, 1983, at an annual rent of £525 representing a rate of £3.32 a square foot;
- (g) as recommended by the Education Committee, the lease from Mr. Brian Garner, of Flat No. 3, 87 Rouge Bouillon, St. Helier, for a period of one year with effect from 1st May, 1983, at an annual rent of £1,924, the property to be used as accommodation for Mr. J.R. McGhee, the full-time Youth Worker at Seaton Youth Centre;
- (h) as recommended by the Housing Committee, the sale to Mr. Renzo Martin of approximately 19.25 square metres of land shown coloured red on Plan No. 2693/5 situated between the property Fondufaux, Gorey Village and Gorey Village Development Phase II, for a consideration of £100, subject to Mr. Martin paying the Committee's legal costs;
- (i) as recommended by the Public Works Committee, the passing of a "Contrat de Bornement" between the Public Works Committee which administers

Fields 600/601, Route de Noirmont, St. Brelade, and Mr. C.D. Cole, the owner of "Hightrees", Route de Noirmont, St. Brelade, to redefine the boundary between that property and Fields 600/601.

Matter noted – financial transaction.

THE STATES noted an Act of the Finance and Economics Committee dated 10th August, 1983, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that the Agriculture and Fisheries Committee had accepted the lowest of three tenders, namely that submitted by Mark Amy Limited, in the sum of £36,165 in a contract period of 15 weeks for the construction of an Agricultural Shed at the Howard Davis Farm.

Matters lodged.

The following subjects were lodged "au Greffe" on –

2nd August, 1983

Committee of Inquiry into Parish Rates: appointment of Chairman. P.114/83.

Presented by Senator Jane Patricia Sandeman. The States decided to take this subject into consideration at the present Sitting.

Committee of Inquiry into Parish Rates: appointment of Chairman. P.115/83.

Presented by Senator John Le Marquand. The States decided to take this subject into consideration at the present Sitting.

9th August, 1983

Potential building sites. P.116/83.

Presented by Deputy Enid Clare Quenault of St. Brelade.

16th August, 1983

Draft Family Allowances (Amendment No. 2) (Jersey) Law, 198 . P.117/83.

Presented by the Social Security Committee.

Draft Attendance Allowances (Amendment No. 10) (Jersey) Regulations, 198 . P.118/83.

Presented by the Social Security Committee.

Draft Building Loans (Amendment No. 8) (Jersey) Law, 198 . P.119/83.

Presented by the Housing Committee.

Communicare: proposed extension. P.120/83.

Presented by the Education Committee.

Committee of Inquiry into Parish Rates: appointment of members. P.113/83.

THE STATES acceded to the request of Senator Richard Joseph Shenton that his Proposition concerning the appointment of members of the Committee of Inquiry into Parish Rates (lodged on 26th July, 1983 – P.113/83) be considered at the present Sitting.

Report on Petition regarding the sentencing of persons convicted in the Police Court. Question and answer.

Deputy Ronald Winter Blampied of St. Helier asked Deputy Edgar John Becquet of Trinity, President of the Legislation Committee, the following question –

“Will the President inform the States if he consulted the Defence Committee, the Police Court Magistrates or the Chief Officer of the States of Jersey Police Force before he presented the Legislation Committee’s report on the petition with regard to the sentencing of persons convicted in the Police Court?”

The President of the Legislation Committee replied as follows –

“It was at the Deputy’s specific request that the Petition and Proposition were referred to the Legislation Committee.

Had the wording of the Proposition been less specific, it is likely that the States would have referred to the Defence Committee the substance of the complaint and to the Legislation Committee the question whether the powers of the Magistrate were sufficient, having regard to the former Committee’s findings.

However, I discussed the matter on several occasions with the Attorney General. The Committee’s report was based on information provided by the Attorney General and it can be assumed that the information supplied by the Attorney General is the same as that which would have been given to the Defence Committee had that Committee been formally involved.

I myself am a Member of the Defence Committee, and both the President and Vice-President of Defence are also Members of my Committee. It follows, therefore, that a fair proportion of Defence Committee Members had the opportunity of discussion with the Legislation Committee, whose conclusions were unanimous.

I did not formally consult the Police Court Magistrates, although I had informal discussions with the Magistrate, who indicated to me that he considered his powers were sufficient.

Since the Attorney General’s report to the Committee was compiled from information and statistics recorded in the Annual Reports of the Chief Officer of Police, I did not consider it necessary to duplicate work by having further discussions with the Chief Officer.

Capital Transfer Tax. Statement.

The President of the Constitution Committee made a statement in the following terms –

“In October, 1977, I made a statement to the House about amendments which we had been able to negotiate to the Finance Act, 1975, of the United Kingdom which made less discriminatory those provisions of the Act which provided that anyone who emigrated to the Channel Islands would, for the purposes of Capital Transfer Tax, remain domiciled in the United Kingdom until his death. One of the reasons given in 1975 for the discrimination against the Channel Islands was that the Islands were within the Exchange Control Area.

Following the ending of exchange control, we commenced negotiations with the United Kingdom authorities in 1980 to try and amend the provisions of the 1975 Act so as to put the Channel Islands on the same basis as the rest of the world.

I am now happy to inform the House that we have received official notification that, following Royal Assent in July to the most recent United Kingdom Finance Act, the provisions of the 1975 Act which introduced the discriminatory ‘deemed domicile’ provisions ceased to have effect from 15th March, 1983, and therefore for the purposes of Capital Transfer Tax the Channel Islands are regarded in the same way as any other country.”

La Folie Inn, South Pier, St. Helier.

THE STATES, adopting a Proposition of the Harbours and Airport Committee –

- (a) approved the lease of La Folie Inn, South Pier, St. Helier, to Mr. Ernest Albert Langford for a further period of nine years, with effect from 24th June, 1983, subject to review at the third and sixth years of the lease, for a guaranteed sum of £6,000 a year plus 7 per cent of the gross turnover in excess of £130,000;
- (b) authorised the Greffier of the States to sign the necessary agreement;
- (c) authorised the Treasurer of the States to receive the said monies as they became due.

St. James' School buildings, St. Helier.

THE STATES, adopting a Proposition of the Education Committee –

- (a) approved the lease from the Trustees of St. James' Church of the premises of the former St. James' Primary School for a period of two years commencing 1st August, 1983, at an annual rent of £4,750, for use as an annexe to Highlands College of Further Education;
- (b) authorised the Greffier of the States to sign the necessary agreement;
- (c) authorised the Treasurer of the States to pay the rent as it became due.

Agricultural land – rezoning.

THE STATES, adopting a Proposition of Senator Richard Joseph Shenton, instructed the Island Development Committee not to rezone any further agricultural land until a report had been brought to the House showing the number of derelict glasshouse sites scattered around the Island and the reasons for their refusal for development.

Importation of semen of pigs and other domestic animals other than cattle.

THE STATES, adopting a Proposition of the Agriculture and Fisheries Committee, agreed that the Artificial Insemination of Domestic Animals (Jersey) Law, 1952 be amended so as to enable importations of semen of pigs, sheep, goats, horses, cats, dogs, domestic fowls, turkeys, geese and ducks to be made under licence granted by the Agriculture and Fisheries Committee.

Health Insurance (Medical Benefit) (Amendment No. 22) (Jersey) Regulations, 1983.

THE STATES, in pursuance of Articles 18 and 46 of the Health Insurance (Jersey) Law, 1967, as amended, made Regulations entitled the Health Insurance (Medical Benefit) (Amendment No. 22) (Jersey) Regulations, 1983.

Road Traffic (No. 26) (Jersey) Regulations, 1983.

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December, 1851 and by Article 49 of the Road Traffic (Jersey) Law, 1956, as amended, made Regulations entitled the Road Traffic (No. 26) (Jersey) Regulations, 1983.

Committee of Inquiry into Parish Rates: appointment of members. P.113/83.

THE STATES rejected a Proposition of Senator Richard Joseph Shenton that the following be appointed as Members of the Committee of Inquiry into Parish Rates, namely –

Senator Anne Baal

Senator John Philip de Carteret

Deputy Michael Walter Bonn of St. Peter

Deputy Leonard Norman of St. Clement

Deputy Carlyle John Le Hérissier Hinault of St. John.

Members present voted as follows –

“Pour” (4)**Senator**

Shenton

Deputies

Le Main(H), Beadle(B), Thorne(B).

“Contre” (44)**Senators**

Vibert, Le Marquand, Jeune, Binnington, Sandeman,
de Carteret, Horsfall, Baal, Rothwell.

Connétables

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

Deputies

Mourant(H), St. Ouen, Morel(S), Le Maistre(H),
 Quenault(B), Perkins(C), Le Gallais(S), Roche(S),
 Le Brocq(H), Trinity, St. Martin, Filleul(H),
 Vandervliet(L), St. Peter, Farley(H), Le Fondré(L),
 Rumboll(H), Buesnel(H), Grouville, St. Mary,
 Wavell(H), Blampied(H), Billot(S), Norman(C), St. John.

Deputy Sir Martin Le Quesne of St. Saviour abstained from voting.

Committee of Inquiry into Parish Rates: appointment of Chairman. P.114/83 and P.115/83.

THE STATES commenced consideration of the Proposition of Senator Jane Patricia Sandeman that Deputy Sir Martin Le Quesne of St. Saviour be appointed Chairman of the Committee of Inquiry into Parish Rates. Senator John Le Marquand then proposed that Senator Reginald Robert Jeune be appointed Chairman and, having proceeded to a ballot, the States appointed Senator Jeune.

The result of the ballot was as follows –

Senator Jeune	35 votes
Deputy Sir Martin Le Quesne	12 votes
1 abstention.	

Committee of Inquiry into Parish Rates: appointment of members.

Senator Jeune, Chairman of the Committee of Inquiry into Parish Rates, proposed the following as members of the Committee, namely –

<u>Deputies</u>	Philip George Mourant of St. Helier
	Michael Walter Bonn of St. Peter
	John Nicolle Le Fondré of St. Lawrence
	Robin Ernest Richard Rumboll of St. Helier

THE STATES then adjourned to allow further nominations to be made.

THE STATES reassembled and, as no further candidates were nominated, adopted the Proposition of Senator Jeune that the abovementioned members be appointed to the Committee of Inquiry.

THE STATES rose at 1.15 p.m.

R.S. GRAY,

Deputy Greffier of the States.