

**THE STATES assembled on Thursday,  
3rd August 2000 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

All members were present with the exception of -

Senator Patricia Ann Bailhache - excused  
Senator Christopher Gerard Pellow Lakeman - out of the Island  
John Baudains Germain, Connétable of St. Martin - excused  
Carlyle John Le Herissier Hinault, Connétable of St. John - out of the Island  
Alastair John Layzell, Deputy of St. Brelade - out of the Island  
Imogen Stephanie Nicholls, Deputy of Grouville - out of the Island  
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island  
Philip John Rondel, Deputy of St. John - out of the Island  
Michael Edward Vibert, Deputy of St. Brelade - out of the Island

Prayers

**Retirement of H.E. The Lieutenant Governor - special meeting**

The Bailiff informed the Assembly that a special meeting would be held on Thursday, 12th October 2000 at 9.30 a.m. formally to say farewell to His Excellency The Lieutenant Governor, General Sir Michael Wilkes, KCB, CBE, who was retiring that day.

**Connétable of St. Ouen - re-election**

The Bailiff congratulated Mr. Kenneth Priaux Vibert on his re-election as Connétable of St. Ouen.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Trade Marks (Jersey) Order 2000. R & O 67/2000.**

**Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 14) (Jersey) Order 2000. R & O 68/2000.**

**Matters presented**

The following matters were presented to the States on 1st August 2000 -

**Projet de Loi (200-) (Amendement No. 8) réglant la procédure criminelle (P.89/2000): amendement (P.111/2000) - report - P.111/2000.**

Presented by the Legislation Committee. Rpt.

**Matters lodged**

The following matters were deemed to have been lodged "au Greffe" on 1st August 2000 -

**Draft Criminal Justice (Forfeiture Orders) (Jersey) Law 200 - P.135/2000.**  
Legislation Committee.

**Draft Homicide (Amendment) (Jersey) Law 200 - P.136/2000.**  
Legislation Committee.

**Resource Plan: date for consideration - statement**

Senator Pierre François Horsfall, President of the Policy and Resources Committee, made a statement in the following terms -

“I thought that it would be helpful if I explained to members before we go into recess, the arrangements that the Policy and Resources Committee hopes to make for debating the Resource Plan 2000 in the autumn session. Unfortunately, Standing Orders do not allow for these arrangements to be formalised until the States meeting on 12th September.

So that the Finance and Economics Committee may have sufficient time to prepare the Budget for 2001, it is essential that the Anti-inflation Strategy is considered by the States ahead of the Resource Plan. Accordingly, following discussion with the President, Finance and Economics Committee, the Policy and Resources Committee has agreed not to seek to debate the Resource Plan on 12th/13th September, as originally suggested, but instead to ask for the Plan to be debated on 26th September and, if necessary, 27th September.

If the Anti-inflation Strategy and the Resource Plan were to be the only items to be considered by the States at their 12th and 26th September meetings, one can see that a backlog of other items might develop. I suggest, therefore, that, as members had already pencilled in 13th September as a continuation day for the Resource Plan debate, that we keep this day set aside so as to conclude (if necessary) the debate on the Anti-inflation Strategy but also to allow for other necessary matters to be considered. A similar situation might then arise on 27th September, if the Resource Plan debate is concluded in sufficient time to allow other matters to be taken”.

**St. Helier Waterfront leisure complex lease: amendments to legal documentation (revisions) (P.132/2000)**

THE STATES rejected a proposition of Senator Stuart Syvret requesting them to refer to their Act dated 27th July 1999, in which they approved the lease by the public to CTP Ltd. of approximately eight vergées of land west of the Albert Pier, St. Helier (as shown on Drawings Nos. 1704/1 and 1704/2) for a period of 150 year at a nominal rent and in return for a capital premium of £620,000, and also approved the payment of a grant of £10.9 million to CTP Ltd. for the construction and management of a leisure complex; and to charge the Policy and Resources Committee to instruct the Waterfront Enterprise Board Limited to seek to re-open negotiations with a view to incorporating in the draft legal documentation associated with the transaction the following amendments -

- (a) in clause 1.1.52 of the Development Agreement after the word “means” delete the words “any or”;

Members present voted as follows on paragraph (a) -

**“Pour” (10)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

Grouville.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, G. Baudains(C), Martin(H).

**“Contre” (33)**

**Senators**

Horsfall, Stein, Qu  r  e, Norman, Walker, Le Sueur.

**Conn  tables**

St. Mary, St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Le Main(H), St. Peter, Dubras(I St. Ouen, Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le H  rissier(S), Ozouf(H) Fox(H), Bridge(H).

- (b) at the end of clause 12 of the Development Agreement (**Actions, Claims and Proceedings**) insert the words "12.5 In the event that the Developer is unable to obtain full redress of the cost of remedying any failure on the part of the Building Contractor, the developer will reimburse any unrecovered difference to the Owner.";

Members present voted as follows on paragraph (b) -

**"Pour" (10)**

**Senators**

Le Maistre, Syvret, Le Claire.

**Conn  tables**

Grouville.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, G. Baudains(C), Scott Warren(S), Martin(H).

**"Contre" (33)**

**Senators**

Horsfall, Stein, Qu  r  e, Norman, Walker, Kinnard, Le Sueur.

**Conn  tables**

St. Mary, St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Le Main(H), St. Peter, Dubras(I St. Ouen, Dorey(H), Troy(B), Voisin(L), Farnham(S), Le H  rissier(S), Ozouf(H), Fox(H), Bridge(H).

- (c) in clause 1 of the Second Schedule to the Development Agreement (**Site Investigation Report**) after the word "decide" delete the words "but without having any liability to the Owner if it shall fail to do so.";

Members present voted as follows on paragraph (c) -

**"Pour" (11)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

Grouville.

**Deputies**

Duhamel(S), Breckon(S), G. Baudains(C), Scott Warren(S), Le Hérissier(S), Martin(H).

**“Contre” (32)**

**Senators**

Horsfall, Stein, Quérée, Norman, Walker, Le Sueur.

**Connétables**

St. Mary, St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), St. Martin, Le Main(H), St. Pet Dubras(L), St. Ouen, Dorey(H), Troy(B), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

- (d) after clause 5 of the Second Schedule to the Development Agreement (**Site Investigation Report**) insert the words “6. The Developer will be liable for any site defects which could have been reasonably predicted by Site Investigation Reports, or were identified by Site Investigation Reports.”;

Members present voted as follows on paragraph (d) -

**“Pour” (11)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

Grouville.

**Deputies**

Duhamel(S), Breckon(S), G. Baudains(C), Scott Warren(S), Le Hérissier(S), Martin(H).

**“Contre” (31)**

**Senators**

Horsfall, Stein, Norman, Walker, Le Sueur.

**Connétables**

St. Mary, St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), St. Martin, Le Main(H), St. Pet Dubras(L), St. Ouen, Dorey(H), Troy(B), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

- (e) in clause 3.5.2. of the Lease of the Whole Development Site (**Alterations and Rebuilding**) after the word “delayed” delete the words “**PROVIDED THAT** it is hereby agreed and declared that nothing in this Clause and in the Lease shall restrict or preclude in any way the right of the Lessee to redevelop the Land and erect any new building or new buildings on the Land at any time or times during the Term.”;

Members present voted as follows on paragraph (e) -

**“Pour” (13)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

Grouville.

**Deputies**

S. Baudains(H), Duhamel(S), Breckon(S), St. Martin, G. Baudains(C), Scott Warren(S), Le Hérissie (S), Martin(H).

**“Contre” (29)**

**Senators**

Horsfall, Stein, Norman, Walker, Le Sueur.

**Connétables**

St. Mary, St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, Trinity, Routier(H), Le Main(H), St. Peter, Dubras(L), St. Ouen, Dorey(I Troy(B), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

- (f) in the Lease of the Whole Development Site for the words “£1 per annum” substitute the words “£10,000 per annum and variable thereafter according to the Jersey Cost of Living Index”;

Members present voted as follows on paragraph (f) -

**“Pour” (11)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

Grouville.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, G. Baudains(C), Scott Warren(S), Martin(H).

**“Contre” (31)**

**Senators**

Horsfall, Stein, Norman, Walker, Le Sueur.

**Connétables**

St. Mary, St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Le Main(H), St. Peter, Dubras(I St. Ouen, Dorey(H), Troy(B), Voisin(L), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

- (g) in the Lease of the Whole Development Site delete clause 5.2.1 and re-number subsequent clauses accordingly;

Members present voted as follows on paragraph (g) -

**“Pour” (17)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

St. Mary, Grouville, St. Clement.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, St. Ouen, G. Baudains(C), Scott Warren(S), Le Hérisssier(S), Fox(H), Bridge(H), Martin(H).

**“Contre” (24)**

**Senators**

Horsfall, Stein, Norman, Walker, Le Sueur.

**Connétables**

St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Le Main(H), St. Peter, Dubras(I), Dorey(H), Troy(B), Farnham(S), Ozouf(H).

- (h) in the Lease of the Whole Development Site delete clause 5.2.3 and re-number subsequent clauses accordingly;

Members present voted as follows on paragraph (h) -

**“Pour” (15)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

St. Mary, Grouville, St. Clement.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, G. Baudains(C), Scott Warren(S), Le Hérisssier(S), Bridge(H), Martin(H).

**“Contre” (26)**

**Senators**

Horsfall, Stein, Norman, Walker, Le Sueur.

**Connétables**

St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Le Main(H), St. Peter, Dubras(I)  
St. Ouen, Dorey(H), Troy(B), Farnham(S), Ozouf(H), Fox(H).

- (i) in clause 5.10.2 of the Overage Agreement for the words “one month” substitute the words “six months”.

Members present voted as follows on paragraph (i) -

**“Pour” (12)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, G. Baudains(C), Troy(B), Scott Warren(S), Le Hérissier(S)  
Martin(H).

**“Contre” (29)**

**Senators**

Horsfall, Stein, Norman, Walker, Le Sueur.

**Connétables**

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

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Le Main, St. Peter, Dubras(I)  
St. Ouen, Dorey(H), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

**St. Helier Waterfront leisure complex lease: second amendments to legal documentation (P.133/2000)**

THE STATES rejected sub-paragraph (a) of a proposition of Senator Paul Vincent Francis Le Claire requesting them to refer to their Act dated 27th July 1999, in which they approved the lease by the public to CTP Ltd. of approximately eight vergées of land west of the Albert Pier, St. Helier (as shown on Drawings Nos. 1704/1 and 1704/2) for a period of 150 years at a nominal rent and in return for a capital premium of £620,000, and also approved the payment of a grant of £10.9 million to CTP Ltd., for the construction and management of a leisure complex, as amended by an Act of the States dated 4th July 2000; and to charge the Policy and Resources Committee to instruct the Waterfront Enterprise Board Limited to seek to re-open negotiations with a view to incorporating in the draft legal documentation the following amendments -

- (a) in clause 3.6.4.1 (b) X of the Lease of the Whole Development Site for the words in the formula “in the All Items index figure of the Retail Price Index published by the Department of Employment or any successor Ministry or Department”, substitute the words “in the Jersey Retail Price Index”;

Members present voted as follows -

**“Pour” (4)**

**Senators**

Syvret, Le Claire.

**Deputies**

Duhamel(S), Breckon(S).

**“Contre” (32)**

**Senators**

Horsfall, Stein, Quérée, Norman, Walker, Kinnard.

**Connétables**

St. Mary, St. Peter, Grouville, St. Helier, St. Saviour, St. Clement, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H) St. Martin, Le Main(H), Crowcroft(H) St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), I Hérisier(S), Ozouf(H), Bridge(H).

Senator Le Claire withdrew sub-paragraph (b) of the proposition.

**St. Helier Waterfront leisure complex lease: length of lease (P.134/2000)**

THE STATES rejected a proposition of Senator Stuart Syvret requesting them -

- (a) to rescind their decision of 27th July 1999, in which they approved the lease by the public to CTP Ltd. of approximately eight vergées of land west of the Albert Pier, St. Helier (as shown on Drawing Nos. 1704/1 and 1704/2) for a period of 150 years and to agree that the lease should be granted for a period of 99 years;
- (b) to charge the Policy and Resources Committee to instruct the Waterfront Enterprise Board Limited to seek to re-open negotiations with a view to incorporating in the draft legal documentation the above decision.

Members present voted as follows -

**“Pour” (12)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

Grouville.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, G. Baudains(C), Scott Warren(S), Le Hérisier(S), Martin(H).

**“Contre” (32)**

**Senators**

Horsfall, Stein, Quérée, Norman, Walker, Le Sueur.

**Connétables**

St. Mary, St. Peter, St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Routier(H), Le Main(H), Crowcroft(H), St. Pet



Dubras(L), St. Ouen, Dorey(H), Troy(B), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

THE STATES rose at 12.47 p.m.

**G.H.C. COPPOCK**

*Greffier of the States.*