



THE STATES assembled on Tuesday,
23rd October, 1984 at 10.15 a.m.
under the Presidency of the Bailiff,
Sir Frank Ereaut.

His Excellency the Lieutenant Governor, General Sir Peter
Whiteley, G.C.B., O.B.E., was present.

All members were present with the exception of –

Senator Ralph Vibert – out of the Island.

Senator John Le Marquand – out of the Island.

Senator John Clark Averty – out of the Island.

Senator John Philip de Carteret – ill.

Jean Amy Le Maistre, Deputy of St. Helier – out of the Island.

Helen Baker, Deputy of St. Martin – out of the Island.

John Philip Farley, Deputy of St. Helier – out of the Island.

Corrie Stein, Deputy of Grouville – out of the Island.

Mervyn Renouf Billot, Deputy of St. Saviour – out of the
Island.

Carlyle John Le Hérissier Hinault, Deputy of St. John – out of
the Island.

Prayers.

**Wessex Medical School Trust – Princess Anne Maternity
Hospital – welcome to representatives.**

The Bailiff welcomed to the House Lord Congleton, Director
of the fund-raising Committee of the Wessex Medical School

Trust, and Lady Congleton, Lt. Col. John Haywood, the Trust Director, and Mrs. Haywood, Professor Jack Howell, Chairman of Southampton and South West Hampshire district health authority responsible for the Special Baby Care Unit at the Princess Anne Maternity Hospital and Mr. Tony Shaw, District Administrator. The visitors were in the Island to receive donations made by the States to the abovementioned organisations.

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. Road Racing (Motor Vehicle Rally) (Jersey) Order, 1984. R & O 7327.
2. Road Traffic (Saint Helier) (Amendment No. 7) (Jersey) Order, 1984. R & O 7328.
3. Road Traffic (Saint Peter) (Amendment No. 4) (Jersey) Order, 1984. R & O 7329.

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 17th October, 1984 showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Housing Committee, with the support of the Island Development Committee, the purchase from Mr. Leonard Eric Samson of 22/24 Aquila Road, St. Helier, required in connexion with Phase III of the Journeaux Court Development, for the sum of £50,000 and the payment by the Committee of all legal fees;
- (b) as recommended by the Tourism Committee, the renewal of the lease to Mrs. Carolyn Jane Le Main, née Le Tourneur, and Mrs. Shirley Edith Marjorie Le Tourneur, née Morris, of First Tower Kiosk, St. Helier, for a period of three years from 24th December, 1984, at an annual rent of £1,200;

- (c) as recommended by the Public Works Committee, the purchase from Burrard Street Holdings Limited of 825 square feet of land between the existing pavement line and the new property boundary at Burrard Street, St. Helier, required in connexion with a road improvement line, for a consideration of £3,300, representing a rate of £4 a square foot, with the Committee being responsible for all accommodation works and the preparation of a contract;

- (d) as recommended by the Public Works Committee, the purchase from Cathcart Properties Limited of 68 square feet of land at 16 Union Street, St. Helier, required in connexion with the road improvement line approved for Union Street/Burrard Street, for a consideration of £272, representing £4 a square foot, and with the Committee being responsible for –
 - (i) the payment of compensation for loss of trading space, valued by Jones, Lang, Wooton at £3,978;

 - (ii) payment of the valuation fee of £25;

 - (iii) payment in respect of the reconstruction works at 16 Union Street in accordance with the Committee's requirements of £3,625;

 - (iv) payment of the Architect's fee for re-planning the shop front £50.40;making a total consideration of £7,950.40;

- (e) as recommended by the Public Works Committee, the purchase from B.V.J. Limited, owners of the party wall to the west of 16 Union Street, St. Helier, of 2 square feet of land and required in connexion with the road improvement line approved for Union Street/Burrard Street, for a consideration of £8 with the Committee being responsible for the payment of all legal fees.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **Royal British Legion, Jersey Branch Headquarters: financial assistance towards rebuilding. P.145/84.**

Presented by the Defence Committee. The States decided to take this subject into consideration on 6th November, 1984.

2. **Public Employees Contributory Retirement Scheme: admittance of the Jersey Heritage Trust. P.146/84.**

Presented by the Establishment Committee. The States decided to take this subject into consideration on 6th November, 1984.

3. **Bonding arrangements for Thrift Clubs on licensed premises. P.147/84.**

Presented by Deputy Graham Douglas Thorne of St. Brelade. The States decided to take this subject into consideration on 6th November, 1984.

4. **St. Ouen's Village – rezoning of land (P.133/84): amendment. P.149/84.**

Presented by Deputy David John de la Haye of St. Ouen.

5. **Compulsory wearing of seat belts: rescission of Act of States. P.148/84.**

Presented by Deputy Maurice Clement Buesnel of St. Helier.

Bonding arrangements for Thrift Clubs on licensed premises. P.143/84. Withdrawn. P.147/84 lodged.

THE STATES acceded to the request of Deputy Graham Douglas Thorne of St. Brelade that the Proposition regarding Bonding arrangements for Thrift Clubs on licensed premises (P.143/84 – lodged on 9th October, 1984), set down for debate at the present Sitting, be withdrawn as a revised Proposition (P.147/84) had been lodged “au Greffe”.

Self-catering premises: Tourism Committee policy and standards. P.144/84.

THE STATES acceded to the request of the President of the Tourism Committee that the Proposition regarding self-catering premises: Tourism Committee policy and standards (lodged on 16th October, 1984) be considered on 30th October, 1984.

Public 18-hole golf course, Les Landes, St. Ouen. P.139/84.

THE STATES acceded to the request of Deputy John Le Gallais of St. Saviour that consideration of the Proposition regarding a public 18-hole golf course at Les Landes, St. Ouen (lodged on 25th September, 1984) be deferred from 30th October, 1984 to a later date.

Public 9-hole golf course. P.121/84.

THE STATES rejected the request of Senator Jane Patricia Sandeman that the Proposition regarding a public 9-hole golf course (lodged on 4th September, 1984) be considered on 30th October, 1984.

St. Ouen's Village: rezoning of land. P.133/84.

THE STATES acceded to the request of the President of the Island Development Committee that the Proposition regarding the rezoning of land in St. Ouen's Village (lodged on 18th September, 1984) be considered on 6th November, 1984.

H.M. Attorney General – departmental resources. Question and answer.

Senator Jane Patricia Sandeman asked Mr. Vernon Amy Tomes, H.M. Attorney General, the following question –

“In view of the fact that a prosecution was abandoned recently because several years had elapsed since the time of the alleged offence of fraud, is the Attorney General satisfied that he has adequate resources available within

his department to ensure that a similar delay does not occur again?"

H.M. Attorney General replied as follows –

“The question is based upon an incorrect assumption, namely that the prosecution in question was abandoned only because ‘several years had elapsed since the time of the alleged offence of fraud’.

A press statement made at the time of my decision explained that the step had been taken principally on the ground that an essential witness for the Prosecution had, sadly, died. Without his testimony there was no realistic prospect of securing a conviction. The possible unreliability of evidence after a regrettable but unavoidable delay in completing the investigation, as well as other evidential difficulties, were subsidiary reasons for my decision.

As it happens, there was some delay in bringing this alleged offender to trial because police investigations were greatly hampered by the then acute shortage of manpower in the Commercial Fraud Branch of the States of Jersey Police. No inordinate part of that delay arose at my Chambers, and the factor of delay alone would not have changed my original decision to prosecute what I considered to be serious offences. The files in the matter, which were lengthy and complex, were forwarded to my Chambers in June of 1983. By September of that year committal proceedings had begun before the Police Court. It was in that same month that the key witness referred to died.

The question wrongly implies that inordinate delay in the case arose at my Chambers. As I have already stated, that is not the case. Despite that fact it may be useful to attempt to answer the question whether I am satisfied that delays in fraud matters will not arise in the future. I cannot be so satisfied.

Offences of fraud in the future may well be committed by specialists; that speciality may, for example, be in computer technique, international banking technique, stock exchange technique or international company

manipulation. Often a fraud is being worked over a course of years, with the offender having the opportunity and ability to disguise his activities and avoid detection. Upon eventual detection after years of secret activity, the gathering and analysis of evidence can be further hampered by questions of jurisdiction, extradition and international law.

Such matters, requiring the co-operation of professionals from outside my Chambers and outside the States of Jersey Police Commercial Branch cannot be resolved within weeks or even months, no matter how much one would wish that to be the case.

It is also true that fraud cases form only a small part of the responsibility of my Chambers and only a limited amount of time can be devoted to them.

Apart from the Solicitor General, I am assisted by three other professionals, that is to say an English solicitor and two Jersey Advocates. As matters now stand I am satisfied that the establishment of my Department is adequate but I am by no means sure that it will remain sufficient in the future.”

Provision of accommodation for those in need. Questions and answers.

Senator Richard Joseph Shenton asked Deputy Hendricus Adolphus Vandervliet of St. Lawrence, President of the Housing Committee, the following questions –

- “1. Would the President inform the House as to the amount of money unspent in the Housing Purchase, rehabilitation and building of dwellings?
2. Would the Committee consider purchasing sub-standard guest houses for conversion into units of accommodation for those in need?
3. If the answer to (1) shows insufficient funds, would the President consider asking the House for an extra £1,000,000 to be inscribed in his Budget Vote in order that priority may be given to the provision of this urgently needed accommodation?”

The President of the Housing Committee replied as follows –

- “1. All the sums voted to the Committee have been allocated to particular projects and most of these will be committed shortly. Money is only paid out on the passing of contracts or to builders in accordance with Certificates issued by the Architect involved.
2. My Committee has recently negotiated the purchase of a guest house for this very purpose but sub-standard guest houses needing a complete conversion take a considerable amount of time before they become available for occupation.

The Committee’s urgent need is to acquire two guest houses which, with little or no conversion, can be used almost immediately to provide temporary accommodation for homeless families. The Department has looked at a large number of guest houses during the last two months and has also negotiated the purchase of a hostel from one of the Banks.

3. We have already requested an additional £2,000,000 in our Budget for 1985 and it is to the great credit of the Finance and Economics Committee’s policies that, with the support of this House, they have always made available the finance required to build rental accommodation for those in need. It is the shortage of suitable sites for such development from which the Committee has suffered, and we do not yet have any land to develop in 1986. For the longer term, I am pleased that the Island Development Committee is now tackling the problem and I look forward to the outcome of the Island Plan Review.

If at any time we had sites available for the provision of rental accommodation with which we could not proceed due to the shortage of finance, I would not hesitate to appeal for additional funds.”

**Use of private dwelling accommodation as self-catering accommodation or for the accommodation of lodgers or guests.
Further answers.**

The President of the Housing Committee gave further replies to the questions asked in the House on 16th October, 1984 by Senator Pierre François Horsfall regarding self-catering accommodation as follows –

- “1. The answer to the first part of the question is ‘Yes’ – the Committee is aware that many people have taken the advice given in good faith and have made decisions and financial commitments on the basis of that advice.

The permutations of circumstances which can arise are such that the situation cannot simply be dealt with by way of an amnesty. The problem arises because the relevant condition of consent does not permit the Committee to exercise any discretion and the Committee cannot just condone breaches of that condition. It will be necessary for every person who is aggrieved by that condition to request the Committee to substitute for it a condition which does give the Committee a discretion to exercise. In considering applications to exercise that discretion, the Committee will consider each case on its individual merits but, as a matter of general policy, will not seek to prejudice those who have acted in good faith on the basis of advice given by the Committee or its agents. This means that where people have acted on such advice, the Committee will permit the continued use of the unit of accommodation as either lodgings or self-catering accommodation or for occupation by named elderly relatives. However, in the case of such elderly relatives, that concession shall cease when the dwelling is vacated by the relatives concerned and the property must then be let to local residents. In the case of lodgers, paying guests or self-catering accommodation, the conditions of consent will be subject to re-assessment upon the sale of the property or a change of tenancy. The foregoing policy will only apply where application is made to

the Committee before the 30th November this year, and application forms can be obtained from the Housing Department.

Any additional units of dwelling accommodation created after the 30th November this year, will be subject to the relevant condition of consent unless, prior to their creation, the Committee has agreed otherwise.

2. In answer to the second question the Committee could, with the co-operation of a third party, seek a declaratory judgement. However, any declaratory judgement would only relate to the particular circumstances which were put before the Court and would not necessarily apply in the other permutations of circumstances which will arise. In any event, the Committee does not disagree with the Attorney General's opinion and the problem arises more because of the lack of discretion in the Committee's condition of consent, than because of the definition of what constitutes a unit of private dwelling accommodation."

La Maison Maret, Trinity – lease of property and land.

THE STATES, adopting a Proposition of the Agriculture and Fisheries Committee –

- (a) approved the lease from Mrs. Meriel Valentine Edwards, née Fraser, of –
 - (i) La Maison Maret, Trinity at a rent of £3,500 a year; and
 - (ii) agricultural land adjacent to that property measuring 28.v.20.18. at a rent of £45 a vergée, namely a total of £1,283.34, a year;

for a period of fifteen years with effect from 17th January, 1984, with a rent review on the basis of market value every three years;

- (b) authorised the Attorney General and the Greffier of the State to pass the necessary contract;
- (c) authorised the Treasurer of the States to pay the rent as it became due.

Agriculture and Fisheries Committee – redesignation of vote.

THE STATES, adopting a Proposition of the Agriculture and Fisheries Committee, approved the redesignation of the Capital Vote of Credit C.0709 granted to that Committee under the heading “Office Accommodation at Howard Davis Farm” as “Relocation of A.I. Centre” and approved the use of the balance remaining in Vote C.0709 to meet the cost of work necessary at La Maison Maret, Trinity, to establish the Artificial Insemination Centre on those premises.

Public Safety Zone: Compensation on sale of properties.

THE STATES rejected a Proposition of Deputy Michael Walter Bonn of St. Peter that the Island Development Committee be instructed to prepare legislation designed to –

- (a) compensate owners of properties situated in the Public Safety Zone for the loss of value of their properties at the time of sale;
- (b) provide that compensation should only be payable to any such owner who owned the property in question before 1st November, 1965;
- (c) provide that the amount of compensation payable should be the difference in value between the property concerned and a similar property in what would have been a similar zone as approved by the States before the introduction of the Public Safety Zone.

Members present voted as follows –

“Pour” (9)**Senators**

Shenton, Ellis.

Connétables

St. Peter.

Deputies

St. Ouen, Le Gallais(S), Filleul(H), St. Peter,
Thorne(B), Wavell(H).

“Contre” (32)**Senators**

Jeune, Binnington, Sandeman, Horsfall, Baal,
Rothwell.

Connétables

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

Deputies

Mourant(H), Quenault(B), Perkins(C), Roche(S),
Le Brocq(H), Le Quesne(S), Trinity, Vandervliet(L),
Le Main(H), Rumboll(H), Buesnel(H), St. Mary,
Beadle(B), Blampied(H), Norman(C).

Deputy John Nicolle Le Fondré of St. Lawrence declared an interest in the matter and withdrew from the Chamber prior to the debate.

Thrift Clubs – registration on licensed premises.

THE STATES rejected a Proposition of Deputy Maurice Clement Buesnel of St. Helier that the Gambling Control Committee be instructed to prepare the necessary amendments to

the Gambling (Gaming and Lotteries) (Jersey) Regulations, 1965, as amended, to make provision for the registration of thrift clubs on licensed premises, subject to the following conditions –

- (1) such registration to include details of the brewery concerned, the licensed premises, the manager or manageress of those premises, the officials and committee members and the Club's bankers;
- (2) the payment of an annual registration fee by each club;
- (3) clubs to be required to submit annual returns showing the gross profit made;
- (4) open membership of thrift clubs for a period of three months, i.e. the months of January, February and March in any year;

and to make provision for it to be lawful for the persons administering thrift clubs to receive permission to sell raffle tickets to non-members of such clubs on registered premises only, subject to the requirement that ten per cent of the gross annual profits of clubs are remitted to the Association of Jersey Charities.

Members present voted as follows –

“Pour” (1)

Deputy

Buesnel(H).

“Contre” (39)

Senators

Shenton, Jeune, Binnington, Sandeman, Horsfall, Ellis, Baal, Rothwell.

Connétables

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

Deputies

Mourant(H), Quenault(B), Perkins(C), Le Gallais(S),
Roche(S), Le Brocq(H), Trinity, Filleul(H),
Vandervliet(L), St. Peter, Le Main(H),
Le Fondré(L), Rumboll(H), St. Mary, Beadle(B),
Thorne(B), Wavell(H), Blampied(H), Norman(C).

Parish Rates: Report of Committee of Inquiry – Committee of the Whole House.

THE STATES, on the Proposition of Senator Reginald Robert Jeune, Chairman of the Committee of Inquiry into Parish Rates, resolved into a Committee of the Whole House in order to discuss the Report of the Committee on Parish Rates (P.47/84).

THE STATES rose at 4.45 p.m.

R.S. GRAY,

Deputy Greffier of the States.