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**THE STATES assembled on Tuesday,
18th August, 1987 at 10.15 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.**

His Excellency The Lieutenant Governor,
Admiral Sir William Pillar, G.B.E., K.C.B.,
was present.

All members were present with the exception of –

Senator Peter Geoffrey Kevitt Manton – ill.

Robin Ernest Richard Rumboll, Deputy of St. Helier – out of the Island.

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

Dereck André Carter, Deputy of St. Helier – out of the Island.

Harry Hallelwell Baudains, Deputy of St. Clement – out of the Island.

Prayers

Mr. W. O'Brien, M.P. for North Normanton, West Yorkshire – welcome.

The Bailiff welcomed to the House Mr. W. O'Brien, Member of Parliament for North Normanton, West Yorkshire.

Subordinate legislation tabled.

The following enactments were laid before the States namely –

1. **Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 25) (Jersey) Order, 1987. R & O 7650.**
2. **Royal Court (Amendment No. 3) Rules, 1987. R & O 7651.**
3. **Social Security (Earnings Limit) (Jersey) Order, 1987. R & O 7652.**
4. **Battle of Flowers (Jersey) Order, 1987. R & O 7653.**
5. **Bicycle Marathon (Jersey) Order, 1987. R & O 7654.**
6. **Civil Service Administration (Salaries) (Amendment No. 7) (Jersey) Order, 1987. R & O 7655.**
7. **Cremation (Fees) (No. 2) (Amendment) (Jersey) Order, 1987. R & O 7656.**

Telecommunications Board Report 1986.

The Telecommunications Board by Act dated 17th July, 1987, presented to the States its Report for the year 1986.

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

Alcoholic drink: pricing. R.C.15.

The Finance and Economics Committee by Act dated 3rd August, 1987, presented to the States a report on the pricing of alcoholic drink.

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

Welfare Benefit: revised rates from 1st October, 1987. R.C.16.

The Finance and Economics Committee by Act dated 3rd August, 1987, presented to the States a Report setting out the revised rates of Welfare Benefit from 1st October, 1987.

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

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 3rd August, 1987, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Fort Regent Development Committee, the annulment of the lease to Anglomatics Limited of Cody's Cabin in the East Ditch at Fort Regent, which lease was due to expire in 1997, with effect from 1st July, 1987, for a consideration of £3,000 payable to the company;
- (b) as recommended by the Housing Committee, the grant of a servitude to Mr. Richard Charles George Brooks to enable him to connect all services to the new house east of his property, Clovercroft, Rue de Sergent, Maufant, St. Saviour, for a consideration of £1,000 with Mr. Brooks being responsible for the payment of all legal fees;
- (c) as recommended by the Housing Committee, the sale to the Parish of St. Helier of 2,120 square feet of land bordering Winchester Street and Vauxhall Street, St. Helier, for the purpose of footpath and road improvements, for a consideration of £10, with each party being responsible for the payment of its own legal fees;

- (d) as recommended by the Housing Committee, and in pursuance of an Act of the States dated 2nd June, 1987, the purchase from Mr. James Clarence Kezourec of the property Les Nicollettes, 2 Mont Millais, St. Helier, required for the purposes of developing the Old Orchid Nursery Site, for a consideration of £100,000 with the Committee's being responsible for the payment of all legal fees and the owner having six months' stay of possession rent-free after passing contract;
- (e) as recommended by the Public Works Committee, an agreement with the Jersey New Waterworks Company Limited to permit that Committee, free of charge, to plant and maintain on land owned by the Company situated in La Hougue Valley leading into the Val de la Mare Reservoir, measuring approximately 60 vergées, an Arboretum for the conservation and enhancement of the natural beauty of the land, for the benefit and enjoyment of the public resorting to the land and for the education of young persons in the care and appreciation of trees;
- (f) as recommended by the Public Works Committee, the annulment of the existing lease in the name of the Jersey Sea Rangers and the lease to the Sea Cadet Corps Jersey Unit No. 447 of the gun bunker situated at St. Aubin's Fort required for storage purposes, for a period of nine years, with effect from 1st June, 1987, at an annual nominal rent of five pence, with all payments commuted forward to the commencement of the agreement;
- (g) as recommended by the Island Development Committee, and in pursuance of an Act of the States dated 18th April, 1978 on the future development of St. Ouen's Bay (La Crabière Improvement Plan), and on the basis of the Committee's being responsible for the payment of all legal fees to –

- (i) the purchase from Mr. Stanley Victor Parkin of the south-west end of Plot No. 94, La Grande Route des Mielles, St. Ouen, measuring 12,580 square feet, for a nominal consideration of £1;
- (ii) the purchase from Mr. Trevor David Wynn and Mrs. Gail Lynda Wynn, née Murphy, of the existing access road to Les Patures, La Grande Route des Mielles, St. Ouen (known as Five Mile Avenue), measuring 1,805 square feet, for a nominal consideration of £1;
- (iii) the sale to Mr. Royston John Tredant of an area of land adjacent to Wur-Ain, La Grande Route des Mielles, St. Ouen, measuring 2,180 square feet, for a consideration of £872, representing a rate of 40p a square foot;
- (iv) the sale to Mr. Joseph Augustus Farmer and Mrs. Carol Jean Farmer, née Upton, of an area of land adjacent to No. 2, Five Mile Avenue, La Grande Route des Mielles, St. Ouen, measuring 1,823 square feet, for a consideration of £729.96, representing a rate of 40p a square foot;
- (v) the sale to Mrs. Brenda Mary Drew, née Steers, of an area of land adjacent to No. 3, Five Mile Avenue, La Grande Route des Mielles, St. Ouen, measuring 1,823 square feet, for a consideration of £729.96, representing a rate of 40p a square foot;
- (vi) the sale to Mr. Ian James Costard and Mrs. Jennifer Kay Costard, née Tucker, of an area of land adjacent to Driftwood, La Grande Route des Mielles, measuring 1,738 square feet, for a consideration of £695.76, representing a rate of 40p a square foot;

- (h) as recommended by the Education Committee, the extension of the lease of No. 6, Landscape Grove, Mont Cochon, St. Helier, for a further year with effect from 24th March, 1987, at a weekly rent of £67.30;
- (i) as recommended by the Harbours and Airport Committee –
 - (i) the renewal of the lease to Mr. Leonard Edward John Moon of Westview House, Mont à la Brune, St. Brelade, of areas of grazing land alongside the southern boundary of the Airport, known as Lettings Nos. L33A, L38, L40 and L56, for a further period of three years with effect from 24th June, 1987, at an annual rent of £463.75;
 - (ii) the renewal of the lease to Mr. Leonard Edward John Moon of Westview House, Mont à la Brune, St. Brelade, of a small parcel of agricultural land on Mont à la Brune, St. Brelade, known as Letting No. 20 and measuring 1 vergée 16 perch, for a further period of three years with effect from 24th June, 1987, at an annual rent of £40;
 - (iii) the lease to Mrs. Mary Cole of Zeelandia, Mont à la Brune, St. Brelade, of the eastern end of Field 175, adjacent to the property Zeelandia, designated Letting No. 31, and measuring 6 perch, for a period of three years with effect from 25th December, 1987, at an annual rent of £6;
 - (iv) the lease to Mr. David John Vibert of Davelynne 9 La Ville des Marettes, St. Ouen, of two fields situated on the north perimeter of the Airport, known as Lettings Nos. L11 and L15, and measuring 3 vergées 10 perch, for a period of three years with effect from 25th December, 1987, at an annual rent of £130;

- (v) the lease to Mr. David John Vibert of Davelynne, 9 La Ville des Marettes, St. Ouen, of two fields situated on the southern boundary and bordering L'Avenue de la Reine Elizabeth II, known as Letting Nos. L24 and L26, and measuring 3 vergées 30 perch, for a period of three years with effect from 25th December, 1987, at an annual rent of £128;

- (vi) the renewal of the lease to Mr. David John Huelin of Le Bouillon, Rue des Landes, St. Brelade, of a field situated west of the Airport Playing Fields, St. Brelade, known as Letting No. L41 and measuring 4 vergées 20 perch, for a period of three years with effect from 25th December, 1987, at an annual rent of £186;

- (vii) the lease to Mr. John Dorey of St. Clare, Mont Cochon, of land situated on the southern boundary and bordering L'Avenue de la Reine Elizabeth II, known as Letting No. L23 and measuring 2 vergées 12 perch, for a period of three years with effect from 25th December, 1987, at an annual rent of £92;

- (viii) the renewal of the lease to Mr. Leslie George Rabet of Southview Farm, Val de la Mare, St. Peter of Field No. 277, Mont à la Brune, St. Peter, known as Letting No. L69 and measuring V0.32.8, for a period of three years with effect from 1st January, 1988, at an annual rent of £32.80;

- (ix) the renewal of the lease to Mr. Albert John Le Pennec of Greenbank, St. Peter, of Field

No. 207, situated on the northern boundary of the Airfield, known as Letting Nos. L7 and L8, and measuring 35 perch, for a period of three years with effect from 25th December, 1987, at an annual rent of £30;

- (j) as recommended by the Harbours and Airport Committee, the lease to Hi-Speed Freight Services Limited of accommodation in the Freight Terminal Building at the Airport, namely 310 square feet of office accommodation (designated B167) at an annual rent of £1,550, and 1,382 square feet of low level storage (designated B166) at an annual rent of £2,902.20, with effect from 1st August, 1987. On the basis that this accommodation would be added to the Company's existing lease by an addendum to expire with its current lease on 31st March, 1989;
- (k) as recommended by the Harbours and Airport Committee, the lease to Channel Islands Yacht Services Limited of industrial unit No. 5, La Folie, measuring 878 square feet, for the period 1st July, 1987 to 30th June, 1990, at an annual rent of £2,282.80;
- (l) as recommended by the Establishment Committee, the leasing from Mr. Keiran Durbano of the property Tilgate, La Route des Gênets, St. Brelade, for a period of two years, commencing 1st September, 1987, at an annual rent of £5,200, required for occupation by an ex-patriate employee appointed on a contract basis.

Matters noted – financial transactions.

THE STATES noted Acts of the Finance and Economics Committee dated 3rd August, 1987, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that –

- (a) the Prison Board had accepted the lowest of four tenders, namely that submitted by Charles Le Quesne (1956) Limited, in the sum of £358,080 in a contract period of 65 weeks for the construction of the Segregation Unit at H.M. Prison, La Moye;
- (b) the Education Committee had accepted the lowest of seven tenders, namely that submitted by B. & C. Construction Limited, in the sum of £108,618.27 for the construction of Pavilion II at Les Quennevais Sports Complex, St. Brelade;
- (c) the Committee for Postal Administration had accepted the lowest of four tenders, namely that submitted by Hacquoil and Cook Limited in the sum of £32,010 in a contract period of 14 weeks for the construction at the rear of Broad Street Post Office of the extra facilities for Private Boxes.

Matters lodged.

The following subject was lodged "au Greffe" –

Draft Education (Grants to Private Schools) (Amendment No. 3) (Jersey) Regulations, 198 . P.140/87.

Presented by the Education Committee.

The following subjects were lodged on 4th August, 1987 –

1. Draft Merchant Shipping (Deck Officers) (Jersey) Regulations, 198 . P.136/87.

Presented by the Harbours and Airport Committee.

2. Draft Merchant Shipping (Marine Engineer Officers and Marine Engine Operators) (Jersey) Regulations, 198 . P.137/87.

Presented by the Harbours and Airport Committee.

3. **Advisory Council for Sport, Leisure and Recreational Activity: amendment. P.138/87.**

Presented by the Education Committee.

THE STATES decided to take the abovementioned subjects into consideration at the present Sitting.

The following subject was lodged on 11th August, 1987 –

Control of Public Entertainment: Proposals of Committee of Inquiry. P.139/87.

Committee of Inquiry into controls on public entertainment.

Draft Merchant Shipping (Deck Officers) (Jersey) Regulations, 198 . P.103/87. Withdrawn.

THE STATES noted that the Harbours and Airport Committee had withdrawn the draft Merchant Shipping (Deck Officers) (Jersey) Regulations, 198 . (lodged on 16th July, 1987) having lodged revised draft Regulations at this Sitting – P.136/87.

Draft Merchant Shipping (Marine Engineer Officers and Marine Engine Operators) (Jersey) Regulations, 198 . P.104/87. Withdrawn.

THE STATES noted that the Harbours and Airport Committee had withdrawn the draft Merchant Shipping (Marine Engineer Officers and Marine Engine Operators) (Jersey) Regulations, 198 (lodged on 16th June, 1987) having lodged revised draft Regulations at this Sitting – P.137/87.

States of Jersey Police Officers: further suspension. Questions and answers.

Senator Ralph Vibert asked Senator John William Ellis, President of the Defence Committee, the following questions –

- “1. Will the President kindly inform the House on what ground Chief Inspector [REDACTED] and Detective Sergeant [REDACTED], recently acquitted by the Assizes of charges in respect of which they had been suspended from duty for a long period, have again been suspended from duty?
2. Noting that the charges now made number 37 against Chief Inspector [REDACTED] and 12 against Detective Sergeant [REDACTED], that most of them relate to matters not concerned with the recent Assize case and that some of the charges relate to events which took place as long ago as 1981, can the President explain why charges were not brought at the relevant times, but are now brought after the conclusion of the unsuccessful prosecution?
3. In view of the serious doubts as to motivation to which the timing of these charges must give rise, is the Committee satisfied that the public purse should be required to furnish the additional cost of a further United Kingdom Police investigation of 49 separate charges, and is the expense covered by an existing vote of the States and allocation by the Committee?”

The President of the Defence Committee replied as follows –

- “1. To the best of my knowledge Chief Inspector [REDACTED] has been further suspended pending the investigation of 37 alleged disciplinary offences and Detective Sergeant [REDACTED] has also been further suspended pending the investigation of 12 alleged disciplinary offences. These are offences set out in the Discipline Code that forms the Schedule to the Police Force (General Provisions) (Jersey) Order, 1974.
2. I understand that no charges, Criminal or Disciplinary, have yet been made against the two officers concerned. They have merely been informed of the allegations made against them, as required by

Article 26 of the Police Force (General Provisions) (Jersey) Order, 1974.

3. Unhappily I have to agree that the timing of further investigations must give rise to public concern. It is inevitable that additional costs will be incurred should further investigations be carried out but the decision as to whether such further investigations should be made rests with the Chief Officer in consultation with the Attorney General, and not with the Defence Committee. The expense is not covered by an existing vote of the States and allocation by the Committee.

The duties and powers of the Committee as set out in Article 8 of the Police Force (Jersey) Law, 1974 are very limited and there is a conflict between the duty of the Committee to secure the maintenance of an adequate and efficient Force and Article 9(3) which provides that the Chief Officer shall be responsible to the Committee for, inter alia, the discipline of the Force. Under the provisions of the Police Force (General Provisions) (Jersey) Order, 1974, the Chief Officer is the disciplinary authority to determine any question whether an offence against discipline has been committed and the punishment of any member of the Force who is found to have committed any such offence.

My Committee is seeking advice from the Attorney General on these matters.”

Police enquiry. Questions and answers.

Deputy Graham Douglas Thorne of St. Brelade asked Senator John William Ellis, President of the Defence Committee, the following questions –

- “(a) Was the recent police inquiry initially undertaken because of matters relating to the former Deputy Chief Officer of Police, [REDACTED] and [REDACTED] [REDACTED]?”
- (b) Were the accusations against the police by these two people ever substantiated?
- (c) Did [REDACTED] or [REDACTED] feature in the “Day report”. If so, in what light?
- (d) If the first accusations were not substantiated why was the inquiry continued, and who was responsible for continuing with the inquiry?
- (e) How many police officers from an outside force were involved in the investigation?
- (f) Since the inquiry began on 29th August, 1985, what has the total cost been so far, i.e. air fares, hotels, wages or salaries (both of the investigating officers and the members of the States of Jersey Police who were suspended from duty) and any other expenditure?”

The President of the Defence Committee replied as follows –

- “(a) In July, 1985, a letter of complaint was received by the Chief Officer of Police from [REDACTED], former Deputy Chief Officer of Police, which embodied allegations concerning the conduct of Chief Inspector Quinn and certain dealings that he had allegedly had with [REDACTED]. I understand that, upon receipt of the complaint, discussion took place between the Chief Officer and the then Attorney General, following which the Chief Constable of Avon and Somerset was formally requested by the Attorney General to provide a senior officer to carry out an investigation into the allegations. At the conclusion of the investigation, on 1st October, 1985, Chief Inspector [REDACTED] was suspended from duty.

- (b) The prosecution of alleged criminal offences, if prima facie evidence exists, is not the responsibility of my Committee but that of the Attorney General. I understand that insofar as the original complaint was concerned the present Attorney General decided not to prosecute Chief Inspector [REDACTED]. I further understand that some of the disciplinary complaints now pending against Chief Inspector [REDACTED] arise from the investigation. I am unable to say whether or not they will be substantiated.
- (c) It was decided by the Defence Committee of the day, and of which I was a Member, that the details of the investigation carried out by Superintendent Day of the Hampshire Constabulary for the Chief Officer of Police, would not be made public and the present Committee sees no reason to change that decision.
- (d) As I have already said the first inquiry was concluded on 1st October, 1985, upon which date Chief Inspector [REDACTED] was suspended. Of course, at that time the investigating officers' report, for submission to the Attorney General, had not been written. On 7th October, 1985, the Chief Officer received a letter, dated 3rd October, 1985 from [REDACTED] who was at that time detained in La Moye Prison, making complaints against Chief Inspector [REDACTED] and Detective Sergeant [REDACTED]. The Chief Officer passed that letter to Superintendent Thompson who, I understand, had discussions with the then Solicitor General, and subsequently the investigating officers were appointed to take charge of an additional investigation.
- (e) I am informed by the Chief Officer that three officers were involved throughout and that a fourth officer was involved during the initial stages of the investigation.

- (f) The total costs incurred by officers from the Avon and Somerset Constabulary for the period 29th August, 1985, up to and including 31st March, 1987, amounted to £55,225.91.

Details of these costs are annexed to this Answer and have been circulated to members. In summary they are –

	£
Accommodation and subsistence	21,126.95
Travel	16,278.14
Overtime	11,222.05
Sundry expenses	1,688.94
Forsensic science laboratory costs	<u>1,841.34</u>
 Total United Kingdom costs	 <u>52,157.42</u>
 Local costs	 <u>3,068.49</u>

These costs, which have been supplied to me by the Chief Officer, make no provision for reimbursing to the Avon and Somerset Constabulary the cost of the salaries of the investigating officers whilst they were engaged on the local investigation. I am causing enquiries to be made about this because I do not believe that this House would wish any part of the cost of the investigation to be a burden upon the United Kingdom taxpayer.

I am informed that no accounts have as yet been received covering the period from April up to and including the trial. However, I undertake, as soon as final costs are known, to make a statement to the House.

The total cost of the salaries of the suspended officers, to 31st August, 1987, to cover salary, social security and pension contributions amounts to £103,582. Details have been circulated to Members. These include £10,416 in

respect of Police Constable [REDACTED] who was not charged with any offences.

Additionally, the Royal Court awarded taxed costs to all three police officers who were acquitted by the Assize jury. No claims have yet been received and I understand that they may not be the responsibility of the Defence Committee but that of the Finance and Economics Committee. Nevertheless, I believe that they are likely to be substantial. Additionally, the Attorney General was assisted by English Counsel but his costs, I believe, will be met by the Law Officers' Department and thus by the Finance and Economics Committee and not by my Committee. Nevertheless, it is my intention, if possible, to provide this House with a total cost figure in due course."

Documents referred to in recent Court proceedings. Personal Statement.

Senator John William Ellis, President of the Defence Committee, made a personal statement in the following terms –

"I am pleased to have this opportunity of making a statement to the House regarding the papers referred to in the recent Assize trial of Chief Inspector [REDACTED] as having been sent by me to the Chief Inspector.

[REDACTED] was suspended from duty on 1st October, 1985, following the completion of the investigation into a complaint made in July, 1985 by [REDACTED], former Deputy Chief Officer, on behalf of [REDACTED].

In or about March, 1986, I met Chief Inspector [REDACTED], whom I have known for 25 years, walking in the pedestrian precinct, and spoke with him briefly. I turned the conversation to the subject of the constant effort that I had made to work for good relations between the Honorary Police and the States Police. I remarked that if the co-operation of every member of both branches of the Police

Force was as good as the co-operation he had shown, then both branches of the Force would be the better for it.

On 29th April, 1986, the Chief Officer wrote to me complaining of remarks about the Chief Officer allegedly made by the Connétable of St. John to Inspector [REDACTED] at the Airport when the Connétable was awaiting the arrival of his wife from England. The letter enclosed a report by Inspector [REDACTED].

I sent both the letter and the report to the Connétable and he sent me a reply. In thinking about the matter I remembered my conversation with Mr. [REDACTED] and I sent him a copy of the correspondence and report, and I included a note saying words to the effect that this sort of thing was not in the best interests of good co-operation and that it was a pity that the conversation did not go in one ear and out the other.

I must tell the House that on a number of occasions I have turned a deaf ear to comments from both branches of the Force about the other. I have worked extremely hard to get good relations between the two branches of the Force and I would say that today they are very good.

I must emphasise that these papers were sent to Chief Inspector [REDACTED] only because of my conversation with him and before he was charged with any offence. He was recently found not guilty at the Assize trial.

When Chief Inspector [REDACTED]'s house was searched by the police, amongst the papers taken away were the papers which I had sent him.

I was surprised when the matter was raised in the trial because I had sent the papers purely out of my conversation with Chief Inspector [REDACTED] and, as I said, before he was charged with any offences.

With hindsight, I should have informed the Attorney General, when he asked the Defence Committee members if anybody had sent these papers to ██████████, that I had done so. An explanation at that stage would have been helpful, but I was so amazed that it could be thought that these papers had any bearing on the case that I was taken aback and said nothing. If I had thought they had any bearing, they would never have been sent. And, as I have said, they were sent before Chief Inspector ██████████ was charged. Nevertheless, I feel that I must apologise to the Attorney General for not dealing with the matter when he approached the Committee.

I was interviewed by the investigating officers and, in the course of my statement, I told them that I had known ██████████ for about 25 years. I feel that, as I had made a statement, it would not be right for me to chair any appeal from the police officers which might arise from a disciplinary hearing. I informed my Vice-President and later the Committee.

The House might not be aware that my Committee has had no contact with the investigating officers. My Committee has had little idea of the progress of the investigations and, at one stage, because I was being asked by many Members of the States and the public what was going on, due to the long delay in the investigation, I met the Attorney General and expressed my disquiet over the delays. The outcome was that the Attorney General kindly wrote in strong terms to the Chief Constable of Avon and Somerset and things moved from then on.

Because under the Police Force (Jersey) Law, 1974, the Defence Committee's powers with regard to the running of the States of Jersey Police are strictly limited, I would suggest that two things are now needed –

- (1) The Law of 1974 should be amended to give the Defence Committee wider powers and, in particular, control over the Chief Officer;

- (2) the idea of a Police Complaints Authority, which would be an independent body, on the lines of the Home Office P.C.A., to deal with complaints against senior Police Officers, should be examined and, if found suitable for Jersey, such an Authority should be set up.

My Committee is proceeding on these lines.”

Defence Contribution. Statement.

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

“On 24th February, the States authorised the Defence Committee to enter into detailed discussions regarding the implementation of their decision that the Island’s voluntary contribution towards the defence expenditure of the United Kingdom should be the establishment in the Island of a Territorial Army unit.

The Committee has almost completed those discussions and will shortly be reporting back fully to the Assembly with its conclusions. It has become very clear, however, that if a Territorial Army unit is to be set up, then the preferred option of the Ministry of Defence is that it should be a Royal Engineer Field Squadron.

I am very pleased, therefore, to inform the House that the Royal Engineers Mobile Display Team has, at very short notice, accepted an invitation to come to the Island so that all members, and the public of Jersey, can learn at first-hand the many different and exciting opportunities which are available to men and women interested in joining a Territorial Army Jersey Field Squadron of the Royal Engineers. The Team will be in the Royal Square from 22nd – 27th August.

The House will be interested to learn that from 1905 the Royal Militia Island of Jersey included in its organisation a company of engineers.”

British ships registered in Jersey. Statement.

The President of the Finance and Economics Committee made a statement in the following terms –

“I am glad of this opportunity to rectify certain misconceptions which appeared to be in the minds of Members of this House when I answered questions on Tuesday, 28th July, 1987, regarding British Ships registered in Jersey.

A ship is not deemed to be a British Ship unless it is owned wholly by a British subject or body corporate established under and subject to the laws of some part of Her Majesty’s dominions and having its principal place of business in one of those dominions. This definition is a resumé of Section 1 of the Merchant Shipping Act, 1894, which was approved by Parliament at Westminster and registered in the Royal Court of Jersey on 12th January, 1895.

Members will appreciate that at that time all the officers required to carry out duties under the Act were either officials in Whitehall or were stationed in Jersey and employed by H.M. Government. Among those officials was ‘the chief officer of customs’, an employee of H.M. Customs and Excise, who was designated registrar. In November, 1972, with the imminent recall of that official and the knowledge that the Home Office did not propose to replace him, the Finance and Economics Committee ‘agreed that the duties attaching to this post should in future be carried out by the local Impôts Department’.

Shipowners wishing to register their vessels at Jersey request permission, through the agency of the Impôts

Department, for the use of name of vessel to be sought from the Registrar General of Shipping and Seamen at Cardiff to whom all information regarding registration is also sent, the Department of Transport having to be satisfied as to the marking of name, port, number and draught, and any change of name.

It is quite clear that such ships are not 'Jersey Ships' but British Ships which happen to be registered at the Port of Jersey, with the right to fly the Red Ensign and entitled to any benefits, privileges, advantages or protection usually enjoyed by British Ships. It is also quite clear, in my view, that the transfer of the duties of registrar from the chief officer of H.M. Customs in Jersey to the Chief Agent of the Impôts, authorised by Act of the Finance Committee, dated 29th November, 1972, could have had no effect on the interpretation of United Kingdom legislation, and therefore the responsibility under the Act for maintaining standards on British Ships still rests, as it did in 1894, with H.M. Government.

In March 1984, the Department of Transport produced a Consultative Document on proposals for legislation on ship registration and other matters among which was a proposal to establish a computerised Central Registry which would –

- (i) be a 'British Islands' registry;
- (ii) be carried out centrally in the United Kingdom;
- (iii) only need a small marine administration as all surveying and certification would be carried out by the United Kingdom but with ships retaining an identification with the Island as 'home port';

- (iv) allow shipowners to choose Jersey as a 'home port' only if (in the case of corporate ownership) the owning company was established in the Island (that is, being both registered and having its principal place of business in the Island);

- (v) provide for the Island's Government to enforce the arrangements under its laws.

Meetings were held in Spring, 1984, between representatives of Jersey, Guernsey and the Department of Transport with Jersey provisionally accepting the proposals subject to clarification of paragraph (v); the draft was to be laid before Parliament but, because of the lack of Parliamentary time in October of that year, was postponed and has since so remained.

However, information was received recently that the Secretary of State for Trade and Industry was now providing for a revised draft Merchant Shipping Bill, which would include provisions for a new registry, to be laid before Parliament as soon as possible after the Summer Recess. I have asked my Vice-President, Senator B.T. Binnington, in his capacity as President of the Harbours and Airport Committee, to arrange for the Harbourmaster and the Agent of the Impôts to keep our two Committees apprised of the progress of the Bill and to liaise with the Law Draftsman in the preparation of any consequential legislation.

As a result of problems which arose in late 1985, regarding sub-standard ships which were being forced off the register in the Cayman Islands, the Department of Transport put forward suggestions whereby the Harbours and Airport Committee would ask this House to enact legislation to allow the Committee to direct the Registrar of British Ships in Jersey to refuse registration of certain vessels. This was passed by the States on 9th December, 1986 and the Law Draftsman is presently preparing a draft Order."

Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 1987. P.130/87.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 1987.

Motor Traffic (Third-Party Insurance) (Amendment No. 6) (Jersey) Law, 1987. P.132/87.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Motor Traffic (Third-Party Insurance) (Amendment No. 6) (Jersey) Law, 1987.

Advisory Council for Sport, Leisure and Recreational Activity. P.133/87.

THE STATES commenced consideration of a Proposition of the Policy Advisory Committee regarding an Advisory Council for Sport, Leisure and Recreational Activity (lodged on 21st July, 1987). Paragraph (1) was adopted. Having rejected an amendment of the Education Committee that for sub-paragraphs (a) and (b) of paragraph (2) there should be substituted the following –

- “(a) a Chairman who would be a member of the Education Committee and would be the spokesman for the Council in the States;
- (b) a Vice-Chairman who would not be a member of the States, to be elected by the members of the Council.”

Members present voted on the amendment.

“Pour” (15)

Senators

Jeune, Rothwell, Brooke.

Connétables

Grouville, St. Martin, St. Lawrence, St. Mary, St. Brelade.

Deputies

Mourant(H), Le Maistre(H), Trinity, Farley(H), Le Fondré(L),
Wavell(H), St. Martin.

“Contre” (25)

Senators

Vibert, Binnington, Horsfall, Ellis, Baal, Le Main.

Connétables

St. Peter, St. Helier, St. Clement, St. Ouen, Trinity.

Deputies

Morel(S), Le Gallais(S), Roche(S), Le Brocq(H), Le Quesne(S),
Filleul(H), Vandervliet(L), St. Mary, Beadle(B), Thorne(B),
Blampied(H), Billot(S), Norman(C), St. Peter.

THE STATES adopted sub-paragraphs (a) and (b) of paragraph (2). Senator John Stephen Rothwell withdrew his proposed amendment to sub-paragraph (c) of paragraph (2) and the States adopted an amendment of the Policy Advisory Committee that for sub-paragraph (c) of paragraph (2) there should be substituted the following sub-paragraph –

“(c) one person nominated by the Fort Regent Development Committee;

one person nominated by the Commonwealth Games Association of Jersey;

five persons nominated by the Jersey Sports Council;
four persons nominated by the Education Committee;
all nominations to be for a three year period.”

Paragraph (3) was adopted.

THE STATES thereupon –

- (1) approved the formation of an Advisory Council for Sport, Leisure and Recreation Activity, which would seek to encourage sports and recreational facilities of every kind;
- (2) agreed that the constitution of the Advisory Council should be as follows –
 - (a) a Chairman, who would not be a Member of the States, to be appointed by the States on the nomination of the Education Committee;
 - (b) a Vice-Chairman who would be a member of the Education Committee, and would be the spokesman for the Council in the States;
 - (c) one person nominated by the Fort Regent Development Committee;

one person nominated by the Commonwealth Games Association of Jersey;

five persons nominated by the Jersey Sports Council;

four persons nominated by the Education Committee;

all nominations to be for a three-year period;

- (3) approved, in principle, the transfer of the vote of credit at present included in the Education Committee's annual revenue expenditure, to the Council from which it would give financial assistance at its own discretion.

Adjournment.

THE STATES then adjourned, having agreed that the following outstanding items of Public Business should stand over until the next Meeting –

Public Employees' Pension Increases: calculation. P.124/87.

Lodged: 30th June, 1987.

Establishment Committee.

Draft Public Employees (Contributory Retirement Scheme) (Transitional Provisions) (Jersey) Regulations, 198 . P.127/87.

Lodged: 30th June, 1987.

Establishment Committee.

Draft Merchant Shipping (Deck Officers) (Jersey) Regulations, 198 . P.136/87.

Lodged: 4th August, 1987.

Harbours and Airport Committee.

Draft Merchant Shipping (Marine Engineer Officers and Marine Engine Operators) (Jersey) Regulations, 198 . P.137/87.

Lodged: 4th August, 1987.

Harbours and Airport Committee.

THE STATES rose at 6.30 p.m.

R.S. GRAY,

Deputy Greffier of the States.