



**THE STATES assembled on Tuesday,  
22nd April, 1986 at 10.15 a.m. under  
the Presidency of the Bailiff,  
Peter Leslie Crill, Esquire, C.B.E.**

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All members were present with the exception of –

Senator John Le Marquand – ill.

Senator Pierre François Horsfall – absent.

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Prayers

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**H.M. The Queen – 60th Birthday.**

The Bailiff informed the House that the following message had been sent to Her Majesty The Queen on her 60th Birthday –

“On the occasion of Your Majesty’s 60th Birthday it is with humble duty that I send you on behalf of the Bailiff, the Members of the States of Jersey and the people of Jersey our warmest congratulations and our continued expressions of loyalty and devotion. may we also express the hope that it will not be too long before Your Majesty and His Royal Highness revisit the Island.

William Pillar  
Lieutenant-Governor of Jersey.”

The following reply had been received –

“I thank you, the Bailiff, the Members of the States of Jersey and the people of Jersey most sincerely for your kind congratulations on my birthday.

Elizabeth R.”.

**Bishop of Southampton and Mrs. Cartwright – welcome.**

The Bailiff welcomed the Suffragan Bishop of Southampton the Right Reverend David Cartwright and Mrs. Cartwright to the Island.

**Liberation Day Thanksgiving Service.**

The Bailiff informed the States that a Service of Thanksgiving would be held on Liberation Day, 9th May, in the Royal Square at 10 a.m.

**Subordinate legislation tabled.**

The following enactments were laid before the States, namely –

1. **Post Office (Customs and Excise Provisions) (Amendment) (Jersey) Order, 1986. R & O 7493.**
2. **Motor Vehicles (Driving Licences) (Amendment No. 12) (Jersey) Order, 1986. R & O 7494.**

**Island Development Committee: statistical information for 1985. R.C.9.**

The Island Development Committee by Act dated 24th March, 1986, presented to the States statistical information for 1985.

THE STATES ordered that the said statistical information be printed and distributed.

**Industrial Relations Advisory Service: Report for 1985. R.C.10.**

The Industrial Relations Committee by Act dated 7th March, 1986, presented to the States a Report of the Industrial Relations Advisory Service for 1985.

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

**Prison Board: Report for 1985. R.C.11.**

The Prison Board by Act dated 24th March, 1986, presented to the States the Report of the Board for 1985.

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

**Annual Report and Accounts of the States for 1985.**

The Finance and Economics Committee by Act dated 1st April, 1986, and in pursuance of Article 21(3) of the Public Finances (Administration) (Jersey) Law, 1967, as amended, presented to the States the Annual Report and Accounts of the States for the financial year ended 31st December, 1985.

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

**Matters noted – land transactions.**

THE STATES noted Acts of the Finance and Economics Committee dated 7th and 14th April, 1986, 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 of five industrial units at La Folie, South Pier, St. Helier, on the basis of a three-year lease with effect from 1st March, 1986 at a rate of £2.50 per square foot as follows –

<u>Unit</u>	<u>Tenant</u>	<u>Area</u> sq.ft.	<u>Rent</u> £
One	Bernard Amy (1985) Limited	1,266	3,165
Two	Jersey Marine Electronics	1,156	2,890
Three	W.P. Keating (Marine Engineer)	898	2,245
Four	John Fox (Marine Engineer)	1,524	3,810
Five	T.B. Electronics Limited	878	2,195;

- (b) as recommended by the Public Works Committee, the ceding free of charge, by the undermentioned owners of the property Newhome, La Route de Beaumont, St. Peter, of 248 square feet of land required in connexion with the completion of a section of the public footpath at the corner of La Route de Beaumont and Rue de L'Eglise between the business premises of the Co-operative Society Limited and those of Stampers, across the front garden of Newhome, subject to the public of the Island being responsible for the accommodation works involved and the payment of all legal costs –

Mr. Edwin Arthur Le Marquand  
 Mrs. Linda Gillian Steer, née Le Marquand  
 Mr. Harold Philip Le Marquand  
 Mr. Malcolm Arthur Le Marquand  
 Mr. Ronald Harry William Le Marquand  
 Mrs. Gillian Linda Barbet, née Le Marquand;

- (c) as recommended by the Public Works Committee, the acquisition from O'Callaghan Estates Limited of 876 square feet of land forming part of the property Kirkstone, Bel Royal, St. Lawrence, required in connexion with the acquisition of the freehold of the land leased for the construction of the bus lay-by between Beaumont and Bel Royal, for the sum of £1,500 plus the payment of the legal costs;

(The Committee rescinded its Act No. 2(a) of 4th February, 1985, which was notified to the States on 12th March, 1985);

- (d) as recommended by the Public Works Committee, the acquisition from Mr. Malcolm Alexander Campbell MacNeill and Mrs. Mary MacNeill, née MacCormick of 1,808 square feet of land at Le Val Lodge, Route des Genets, St. Brelade, required for the formation of a bus lay-by on the south side of Route des Genets, for the sum of £1,012.48, plus the payment of the legal costs.

#### **Matter noted – financial transaction.**

THE STATES noted an Act of the Finance and Economics Committee dated 17th February, 1986, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that the Housing Committee had accepted the lowest of three tenders, namely that submitted by Ernest Farley and Son Limited in the sum of £463,900.00 in a contract period of 48 weeks for the development of Halcyon House, Westhill, St. Helier, to provide States' rental accommodation.

#### **Matters lodged.**

The following subject was lodged "au Greffe" –

##### **Le Rondin Farm, Trinity: purchase. P.55/86.**

Presented by the Agriculture and Fisheries Committee.

The States decided to take this subject into consideration on 6th May, 1986.

The following subject was lodged on 15th April, 1986 –

##### **Draft Shell-Fish (Underwater Fishing) (Jersey) Regulations, 198 . P.54/86.**

Presented by the Agriculture and Fisheries Committee. The States decided to take this subject into consideration on 6th May, 1986.

**Draft Public Finances (Administration) (Amendment No. 2) (Jersey) Law, 198 . P.42/86.**

THE STATES acceded to the request of the President of the Finance and Economics Committee that the draft Public Finances (Administration) (Amendment No. 2) (Jersey) Law, 198 (lodged on 25th March, 1986) be withdrawn as a revised Bill was being prepared.

**Draft Queen's Valley Reservoir (Jersey) Law, 198 . P.36/86.**

THE STATES acceded to the request of the President of the Public Works Committee that the draft Queen's Valley Reservoir (Jersey) Law, 198 (lodged on 18th March, 1986 in Second Reading) be considered in Third Reading on 13th May, 1986.

**Property Speculation and Monopolies. P.13/86.**

THE STATES acceded to the request of Senator Richard Joseph Shenton that the Proposition regarding Property Speculation and Monopolies (lodged on 21st January, 1986) be considered on 6th May, 1986.

**Gorey Village Development: exchange of land. P.105/85.**

THE STATES acceded to the request of the President of the Island Development Committee that the Proposition regarding the exchange of land in the Gorey Village Development (lodged on 24th September, 1985) be considered on 6th May, 1986.

**Fuel Oil prices. Answers.**

Deputy John Le Gallais, President of the Resources Recovery Board, replied to questions asked in the House by Senator John Stephen Rothwell on 8th April, 1986, as follows –

“I have no evidence to show that the profit earned by the authorised distributors in the Island is unreasonable. I therefore stand by the opinion expressed in the Report on oil prices.

The Report which the Board presented to the States last year explained how a distributor's income is derived and I can do no better than quote from that Report. Before I do so, however, I would like to remind members who the distributors are –

1. Fuel Supplies (C.I.) Limited – a local company and a member of the Ocean Group of Companies in the United Kingdom who also have interests in coal distribution and shipping. Fuel Supplies market products supplied by Shell U.K. Limited.
2. Petroleum Distributors (Jersey Limited – a local company in the Norman Group and marketing oil supplied by Esso.
3. Channel Oil Marketing (Jersey) Limited – a local company owned by Bardon Hill Leicester, a company with quarry interests in the United Kingdom and also engaged in the distribution of oil supplied by British Petroleum.

The distributors are totally independent companies and are not subsidiaries of the oil suppliers whose products they market. Turning again to the Report, I would like to quote from paragraphs 6 and 7 – ‘The income of the authorised distributors is normally received on a pence per litre basis, these unit ‘costs’ having first to be agreed with the supplier. The supplier will have regard to the arrangements applying to his authorised distributors throughout the United Kingdom, and the reasonableness of the ‘costs’ of the local distributor will normally be assessed by reference to national standard costings related to distance travelled per tanker, tanker size, size of drop and volume of business. The ‘costs’ recovery will also allow for what the oil supplier agrees is a reasonable profit margin for the distributor and a reasonable provision for bad debts.

An authorised distributor may increase the 'reward' received from the arrangements agreed with his supplier if he can operate more efficiently (i.e. have costs below the level used in the calculation or increase sales without increased costs). The distributor is not in a position to increase profit by an independent upward adjustment to the product price net of rebate. An authorised distributor, in exercising the degree of flexibility he may have to determine the rebate offered to individual customers, will do so for the most part to secure volume.'

It can be seen, therefore, that the level of profit earned by a distributor is set by the supplier whose products he markets. The distributor's ability to influence that profit rests with his ability to run his operation efficiently and the volume of products he handles. While it is the distributor who determines the level of rebate allowed to a customer within limits set by the supplier, these adjustments are made in order to secure volume of sales and do not affect the profitability of a distributor's operation."

### **Housing Law and Regulations. Questions and answers.**

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

- “1. Will the President confirm that the Housing Committee still applies Regulation 6 of the Housing Regulations?
2. If the answer is in the negative, will the President inform the House –
  - (a) how long the Regulation has not been applied;
  - (b) the reasons why the Regulation has not been applied;



- (c) whether the Committee obtained legal advice in the matter; and
  - (d) how the Committee now defines the phrase 'ordinarily resident'?
3. Does the Housing Committee or its officers seek and obtain access to the records of persons kept by the Social Security Committee and, if so, for what purpose?
  4. How many discretionary or hardship consents were given under the Housing Regulations in 1985?
  5. How many 'J' category essential employee consents were granted under the Housing Regulations in the same period?
  6. How many properties were purchased by employers to house their essential staff?
  7. Will the President tell the House how the Committee interprets and applies the following phrases which appear either in the Housing Law or Regulations –

'resident continuously'  
'born in the Island'  
'inhabitants of the Island'  
'the housing shortage'

and will the President confirm that the Committee applies such interpretations consistently?"

The President of the Housing Committee replied as follows –

- “1. No.
2. (a) The Committee has not applied Regulation 6 of the Regulations since about 1974.

- (b) The reason why Regulation 6 ceased to be applied is now obscure, but probably relates to a provision regarding 'ordinary residence' which was contained in Article 10(2) of the Housing (Jersey) Law, 1949, and which was repealed in 1974. That provision was wider than the restrictive definition of 'ordinary residence' which is contained in Regulation 6. Had the Committee continued to apply Regulation 6, a very small number of Jersey-born people may have had difficulty in establishing housing rights.
  - (c) I cannot say whether the Committee of the day sought legal advice, but my Committee has consulted with the Attorney General, and we will be giving instructions to the Law Draftsman to prepare amending legislation as a matter of urgency.
  - (d) The Committee has treated a person as 'ordinarily resident' in the Island if this is the place where, in the settled routine of his life, he regularly, normally or customarily lives. My Committee is advised that that approach is not in accordance with Regulation 6, hence the need for amending legislation.
3. Access to Social Security records can only be obtained with the written consent of the insured person. When information is obtained, it is as supportive evidence in relation to residence in the Island.
  4. Whilst we do have statistics at hand relating to consents under Regulation 1(1)(a) to (h), which therefore include consents under Regulation 1(1)(g) for 1985, I regret we do not have a specific record of those granted under Regulation 1(1)(g) (hardship cases) as such. However, since 1st January, 1986 the Department has been keeping full records of all such consents granted.

5. In 1985, the Housing Committee granted 231 consents under Regulation 1(1)(j) of the Housing Regulations. The Regulation states that the Housing Committee shall grant consent to an 'essentially employed' person where it is satisfied that the 'consent can, in the best interests of the community, be justified'.

This figure of 231 represents 5 per cent of the total number of consents granted in 1985. Further, I must emphasise that this figure will include transactions where existing essential employees were simply changing residence. Further, many (j) category consents are for limited periods only and hence other essential employees will have left the Island during 1985.

6. In 1985, 14 employers were given consents to purchase properties to house their essential staff. The figure represents 0.3 per cent of the total number of consents granted in that year. The main concern regarding essential employees seems to focus on the finance sector, and it is interesting to note that in the first three months of 1986, only one consent to purchase a property for essential staff has been granted to a company operating in this sector, and none to an individual employee.
7.
  - (a) 'Resident continuously' means an unbroken period of ordinary residence.
  - (b) 'Born in the Island' means a person physically born in the Island of Jersey.
  - (c) 'Inhabitants of the Island' means those people who qualify to lease or purchase dwelling accommodation in accordance with the provisions of the Regulations.
  - (d) 'The housing shortage' reflects the extent by which the need and demand by inhabitants of the Island to lease or purchase dwelling

accommodation exceeds the supply of dwellings available to purchase or lease.

I would confirm that the Committee consistently applies the above interpretations.”

### **Supplementary and Additional Votes of Credit.**

THE STATES considered an Act of the Finance and Economics Committee dated 14th April, 1986, presenting Acts of the undermentioned Committees and, acceding to the requests contained therein, granted to the said Committees Supplementary (S) and Additional (A) votes of credit out of the General Reserve as follows –

	S	A
	£	£
<b>Finance and Economics Committee</b>		
Bailiff's Chambers		
0302 Premises	600	
0305 Establishment	3,400	
Impôts Department		
0361 Staff	25,000	
0362 Premises	3,000	
0363 Supplies and Services	2,000	
Income Tax Department		
0371 Staff	34,500	
0372 Premises	2,500	
0373 Supplies and Services	15,000	
0375 Establishment	6,000	
0376 Legal Costs	<u>5,000</u>	
Total request	<u>97,000</u>	
<b>Defence Committee</b>		
Civil Emergency Office		
1053 Supplies and Services	<u>3,800</u>	

	S	A
	£	£
<b>Public Works Committee</b>		
Public Buildings		
2082 Premises	<u>28,000</u>	
<b>Education Committee</b>		
Pre-School Education		
2400 Pre-School Education	6,700	
Primary Schools – Non-Fee Paying		
2502 Non-teaching staff	16,500	
Technical and Vocational Education		
2702 Non-teaching staff	17,500	
Special Education		
2802 Non-teaching staff	4,300	
Child Welfare – Children’s Homes		
2913 Premises	12,000	
Cultural, Sports and Allied Grants		
3017 Grant for Industry Year 1986		10,000
Transport of School Children		
3060 Transport of school children	27,700	
Structural Maintenance		
3091 Major repairs	<u>205,000</u>	_____
Total request £299,700	<u>289,700</u>	<u>10,000</u>
<b>Public Health Committee</b>		
Grants		
3255 Alcohol Advice Centre	<u>4,000</u>	
Carried forward	4,000	

	S	A
	£	£
<b>Public Health Committee cont'd.</b>		
Brought forward	4,000	
General Hospital		
3401 Staff	40,000	
3403 Supplies and Services	9,000	
Maternity Hospital		
3421 Staff	71,000	
St. Saviour's Hospital		
3433 Supplies and Services	27,000	
Ambulance Service		
3461 Staff	14,000	
Transport		
3461A Staff	<u>4,000</u>	
Total request	<u>169,000</u>	
<b>Agriculture and Fisheries Committee</b>		
Subsidies and Grants		
4139 Financial assistance for the improvement of producer/co-operative marketing	15,500	
4140 Advertising market research and financial assistance for approved schemes to encourage co-operation among producers	21,000	
4147 Subsidy to offset harbour dues on imports	7,500	
Artificial Insemination and Semen Bank Scheme		
4155 Establishment	<u>1,300</u>	
Total request	<u>45,300</u>	

	S	A
	£	£
<b>Etat Civil Committee</b>		
4706 1986 Census expenses	<u>25,000</u>	
<b>Establishment Committee</b>		
5131 Ex-gratia payments to hospital chefs		<u>240,000</u>
<b>Fort Regent Development Committee</b>		
General Overheads		
5712 Premises	<u>15,000</u>	

## CAPITAL VOTES OF CREDIT

**Defence Committee**

C0133 Replacement Fire Appliance	<u>4,000</u>
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**Housing Committee**

C1103 Building, Purchase and Rehabilitation of dwellings – Journeaux Court Phase III	<u>26,000</u>
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The total requests granted for the April Supply Day amounted to £952,800.

The total of deferred Supply items amounted to £52,400.

**Housing Committee – Administration: premises. Deferred Supply. P.56/86.**

THE STATES deferred consideration of the request of the Housing Committee for a supplementary vote of credit in the sum of £6,400 for premises (5402).

The Proposition relative thereto was lodged “au Greffe” by Senator Terence John Le Main.

**Education Committee – Athletics Track at F.B. Fields. Deferred Supply. P.57/86.**

THE STATES deferred consideration of the request of the Education Committee for an additional capital vote of credit in the sum of £46,000 for the synthetic athletics track at the F.B. Fields (C0539).

The Proposition relative thereto was lodged “au Greffe” by Senator Terence John Le Main.

**Road Traffic (No. 30) (Jersey) Regulations, 1986. P.49/86.**

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December, 1851, and Article 49 of the Road Traffic (Jersey) Law, 1956, as amended, made Regulations entitled the Road Traffic (No. 30) (Jersey) Regulations, 1986.

**Motor Vehicles (International Circulation) (Amendment No. 8) (Jersey) Regulations, 1986. P.50/86.**

THE STATES, in pursuance of the Motor Vehicles (International Circulation) (Jersey) Law, 1953, made Regulations entitled the Motor Vehicles (International Circulation) (Amendment No. 8) (Jersey) Regulations, 1986.

**55 Garden Lane, St. Helier: sale. P.52/86.**

THE STATES commenced consideration of a Proposition of the Housing Committee regarding the sale of No. 55 Garden Lane, St. Helier (lodged on 8th April, 1986). After discussion the President of the Housing Committee accepted the reference back proposed by Senator John Stephen Rothwell.



THE STATES rose at 12.35 p.m.

**R.S. GRAY,**

*Deputy Greffier of the States.*