

THE STATES assembled on Tuesday,
8th October 1991 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.

All Members were present with the exception
of -

Senator Anne Baal - ill.
Senator Anthony Beresford Chinn - out
of the Island.
Leonard Picot, Connétable of Trinity -
out of the Island.
Richard Winter Le Sauteur, Connétable
of Grouville - out of the Island.
John Le Gallais, Deputy of St.
Saviour - out of the Island.
Robin Ernest Richard Rumboll, Deputy
of St. Helier - out of the Island.
Margaret Sylvia Rose Beadle, Deputy of
St. Brelade - out of the Island.
Thomas John Du Feu, Deputy of St.
Peter - out of the Island.
John Nicolle Le Fondré, Deputy of St.
Lawrence - ill.

Prayers

Mr. Nobuo Shinoda and group -
welcome

The Deputy Bailiff welcomed to the
House Mr. Nobuo Shinoda, Director of local
administration for the Bureau of General
Affairs from the Tokyo Metropolitan
Government, Japan, who was accompanied by a
number of colleagues.

Subordinate legislation tabled

The following enactments were laid
before the States, namely -

1. Pesticides (General Provisions)
(Jersey) Order 1991. R & O 8274
2. Pesticides (Maximum Residue Levels
in Food) (Jersey) Order 1991.
R & O 8275
3. Prison (Amendment No. 11) (Jersey)
Rules 1991. R & O 8276
4. Banking Business (General
Provisions) (Jersey) Order 1991.
R & O 8277
5. Nursing Homes (Registration)
(Fees) (Jersey) Order 1991.
R & O 8278
6. Old Person's Homes (Registration)
(Fees) (Jersey) Order 1991.
R & O 8279
7. Establishments for Massage or
Special Treatment (Licence Fees)
(Jersey) Order 1991. R & O 8280
8. Ancillary Dental Workers
(Registration) (Fees) (Jersey)
Order 1991. R & O 8281
9. Nursing Agencies (General
Provisions) (Amendment No. 7)
(Jersey) Order 1991. R & O 8282
10. Food and Drugs (Ice-Cream Stalls
Etc.) (Amendment No. 12) (Jersey)
Order 1991. R & O 8283
11. Health Insurance (Pharmaceutical
Benefit) (General Provisions)
(Amendment No. 36) (Jersey) Order
1991. R & O 8284
12. Social Security (Earnings Limit)
(Jersey) Order 1991. R & O 8285
13. Weights and Measures (Testing
Fees) (Jersey) Order 1991. R & O
8286

Department of Postal Administration:
report for 1990

The Committee for Postal Administration by Act dated 18th September 1991, presented to the States a report of the Department of Postal Administration for the year 1990.

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 30th September 1991, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Services Committee, the purchase of 1,760 square feet of land forming part of Nos. 1-13 Union Street and 36 New Street, St. Helier, required for road widening, from Solest Holdings Limited, for a consideration of #11,000, with the Committee being responsible for the payment of all legal fees;
- (b) as recommended by the Education Committee, the lease from the Trustees of St. James Church of St. James School, Le Breton Lane, St. Helier, for a period of three months from 21st August 1991, at a rent of #2,637.50;
- (c) as recommended by the Agriculture and Fisheries Committee, the lease of 1.10.0 vergées of land at Field No. 443 St. Catherine, St. Martin to the Jersey New Waterworks Company Limited, for a period of 21 years commencing on 1st September 1991, in order to construct an impounding pond and pumping station, at an annual rent of #1 with payments being commuted forward to the inception of the agreement;

(d) as recommended by the Housing Committee, the acquisition from Mr. John Clifford Farley of 140 square metres of land for a consideration of #1,400 and the sale to Mr. Farley of 124 square metres of land for a consideration of #1,240, both areas being on the boundary of Field 1367, St. Helier, with the Committee being responsible for the payment of legal fees.

Matter noted - financial transaction

THE STATES noted an Act of the Finance and Economics Committee dated 30th September 1991, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

(a) the Housing Committee had accepted the lowest of three tenders, namely that submitted by A.C. Mauger and Son (Sunwin) Limited, in the revised sum of #1,697,987 in a contract period of 70 weeks for the refurbishment of Tower Maisonettes, First Tower, St. Helier;

(b) the Housing Committee had accepted the lowest of six tenders, namely that submitted by Thatcher Limited, in the sum of #587,000 in a contract period of 44 weeks, for the construction of nine one-bedroomed units at Le Verger, Parade Road, St. Helier.

Matters lodged

The following subjects were lodged
"au Greffe" -

1. Fields 255, 255A, and 256, St. Clement: purchase. P.152/91
Presented by the Housing Committee.
2. Jersey Association for Youth and Friendship: loan. P.153/91

Presented by the Finance
and Economics Committee.

3. Draft Family Allowances
(Application of Article 2 of the
Law) (Jersey) Regulations 199 .
P.154/91
Presented by the Social
Security Committee.

4. Draft Agriculture (Loans)
(Amendment No. 4) (Jersey)
Regulations 199 . P.155/91
Presented by the
Agriculture and Fisheries
Committee.

Arrangement of Public Business for
the next Sitting on 22nd October 1991.

THE STATES confirmed that the
following subjects lodged `au Greffe'
should be considered at the next Sitting on
22nd October 1991 -

Fields 255, 255A, and 256, St.
Clement: purchase. P.152/91
Housing Committee.

Jersey Association for Youth
and Friendship: loan. P.153/91
Finance and Economics
Committee.

Draft Family Allowances
(Application of Article 2 of the Law)
(Jersey) Regulations 199 . P.154/91
Social Security Committee.

Draft Agriculture (Loans)
(Amendment No. 4) (Jersey) Regulations
199 . P.155/91
Agriculture and Fisheries
Committee.

The Future of Secondary
Education. P.149/91
Lodged: 24th September 1991
Education Committee.

J Category housing consents.
Questions and answers

Senator Richard Joseph Shenton asked

Deputy Leonard Norman of St. Clement,
President of the Housing Committee the
following questions -

- ``1. Will the President kindly
inform the House of the number
of J category consents issued
from 1st January, 1991 to
date?
2. Will he also give the House the
details of the various classifications
of employment involved?
3. Is the President satisfied that
the posts concerned could not have
been filled by residentially
qualified persons?"

The President of the Housing Committee
replied as follows -

- ``1. The number of new (j) category
consents issued by the
Housing Committee from 1st
January to 30th September
1991, is 29. The Committee has
also granted some replacement
consents (that is when
occupants of current essential
employee posts were replaced)
and a number of consents which
simply related to existing
essential employees changing
address. I have assumed,
however, that it is to the
number of new consents that
the question refers.
2. The 29 new consents were to
employers in the following
sectors -

Finance and banking	9
Legal services	2
Construction	2
Medical	1
Light industry	1
Public sector	1
Agriculture	1
Catering	1
Short term States construction contracts	11

3. My Committee is entirely satisfied that each post for which a consent was granted could not have been satisfactorily filled by residentially qualified persons."

Vehicle exhaust emissions. Questions and answers

Senator Pierre François Horsfall asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee the following questions -

``In view of compulsory exhaust emission testing coming into force in the United Kingdom in November of this year together with other exhaust emission legislation generally being adopted in the E.E.C., will the President inform the House of what measures are being taken to ensure -

- (i) that the Public of Jersey will also be able to enjoy air less polluted by exhaust fumes?
- (ii) that Jersey registered vehicles will still be able to travel freely abroad?
- (iii) that Jersey does not become a dumping ground for cars that cannot meet the legal emission standards in other countries and particularly in the U.K. as from November of this year?"

The President of the Defence Committee replied as follows -

``We are indeed fortunate that our geographical situation is such that we have a constant sea breeze. Spot tests carried out by the States Analyst in the tunnel and tests carried out near the pay kiosks at car parks, indicated that car exhaust fumes dispersed quickly. As a result of the tests the States Analyst believes that the public are not at risk from traffic exhaust fumes. The possible reasons for our clean air is due to our relatively high wind speeds and lack

of built up areas.

1. We recognise that the only effective measures to ensure vehicles meet set emission standards is to incorporate an emission test as part of an annual testing scheme similar to that of the United Kingdom M.O.T. Also to ensure that all new imported vehicles prior to registration comply with EEC or similar standards i.e., a form of Type Approval Regulation.

The Defence Committee is looking towards annual testing after the necessary legislation i.e., the Construction and Use of vehicles is amended and after the introduction of a form of Type Approval Scheme.

More and more local garages are purchasing diagnostic equipment, as in many cases, engine adjustments which affect exhaust emission on the new breed of motor car can only be carried out when connected to specialist equipment.

2. There is no indication in the short term, that Jersey registered vehicles will not be able to travel freely abroad as visitors. There are still several EEC States that have not yet introduced annual testing schemes as required by the Committee. However, in the longer term, when harmonisation has been reached between States on testing and standards, Jersey vehicles could be affected as they might be seen to have an unfair advantage. Currently, under the succession of Road Traffic and Transport Conventions, (Paris 1926, Geneva 1956, Vienna 1965) visiting vehicles are allowed to circulate freely on a temporary basis. Should a Jersey driver become resident in an EEC State a vehicle then would be subjected to whatever examination is required in that Country.

3. Until 1993-94 when our vehicle registration system changes to include a V55 type registration form, i.e., a form that requires the vehicle Type Approval number and therefore for the vehicle to conform with Type Approval Regulations, there is no guarantee that new vehicles circulating in the Island will conform to the new United Kingdom/E.E.C. standards.

In general terms things will get better. All new petrol engine cars sold in the European Community from January 1993 will be equipped with catalytic converters which require unleaded fuel. Current motor cars are said to produce less than 50 per cent atmospheric pollution than pre 1970 cars.

The September figure indicates that the sale of unleaded petrol in the Island amounted to 38.4 per cent."

Caravans on the West of Albert underpass development site. Question and answer

Senator Richard Joseph Shenton asked the Connétable of St. John, President of the Island Development Committee the following question -

``Will the President inform the House how permission has been given for workers employed on the underpass contract to be housed in caravans on site, when the use of moveable dwellings and caravans in this way is usually prohibited in Jersey?"

The President of the Island Development Committee replied as follows -

``On 4th December 1990, the Public Services Department contacted the Department of Planning and Building Control and sought a formal opinion of the Island Development Committee on the erection of temporary living accommodation on the reclamation site. This request was received prior to the

issue of tender documents in order that potential contractors could assess their accommodation needs before submitting tenders.

My Committee considered the request on 31st January 1991 and agreed to the general principle, subject to the northern and western boundaries being screened. This requirement would need to be included in the formal tender documents. My Committee's agreement to accommodating the contractors' workforce in this way was so that these workers would not put pressure on the existing housing stock and tourism bedspaces and that they would be more likely to return to the mainland at the end of the contract. The Committee was mindful that similar arrangements had been made in the past for Shephard Hill when constructing the Elizabeth Harbour and Fish Quay, and Dean and Dyball who constructed the surface water sewer on the reclamation site last year.

The Senator is correct when he states that the use of movable dwellings and caravans are usually prohibited in Jersey. However, my Committee considers all applications on their merits and where a strong, clear case can be made, it is prepared to grant temporary permission. Other examples where exceptions are made include accommodation for show people at the Battle of Flowers Fair, and the use of caravans by local owners at designated campsites during the summer."

Jersey Transport Authority:
composition. P.143/91

THE STATES rejected a proposition of
Senator Richard Joseph Shenton -

- (1) To amend their Acts dated 10th June, 1980, and 5th May, 1987, regarding the constitution of the Jersey Transport Authority, and to agree that the Authority should comprise -

Chairman, a Member of the States
to be appointed by the States

One representative of the
following Committees -

Finance and Economics
Agriculture and Fisheries
Tourism

Three Members of the States
appointed by the States on the
recommendation of the Chairman

(2) To rescind their Act dated 15th
January 1991 appointing Members of the
Authority.

Members present voted as follows -

``Pour" (15)

Senators

Shenton, Carter, Stein, Quérée

Connétables

St. Clement, St. Lawrence, St. Mary

Deputies

Buesnel(H), Le Sueur(H), Bailhache(H),
Baudains(H), Grouville, St. Martin, Le
Geyt(S), Syvret(H).

``Contre" (28)

Senators

Jeune, Binnington, Horsfall, Rothwell,
Le Main, Le Maistre

Connétables

St. John, St. Peter, St. Ouen, St.
Saviour, St. Brelade, St. Martin

Deputies

Roche(S), Trinity, Wavell(S),
Blampied(H), Norman(C), St. John,
Baudains(C), St. Ouen, Coutanche(L),
Huelin(B), Jordan(B), St. Mary,
Rabet(H), Clarke-Halifax(S),
Walker(H), Crespel(H).

Lodging houses and staff
accommodation standard's - code of
practice. P.144/91

THE STATES, adopting a proposition of the Public Health Committee approved the code of practice on lodging houses and staff accommodation standards promoted by the Public Health Committee relating to space and sanitary amenities, as set out in the Committee's report dated 7th August 1991.

Homesdale Guest House, New St.
John's Road, St. Helier: lease. P.145/91

THE STATES, adopting a proposition of the Public Health Committee -

(a) approved the lease from Mrs. Maria Milagros Beddoe, née Quitana, of the Homesdale Guest House, New St. John's Road, St. Helier, for a period of five years and six months from 1st November 1991 at an initial annual rent of #26,000, subject to biennial reviews in line with the Jersey Cost of Living Index;

(b) authorised the Greffier of the States to sign the necessary agreements.

Opera House, St. Helier: loan.
P.147/91

THE STATES, having accepted an amendment of Senator Pierre François Horsfall that after the words "per cent a year" there should be added the words "with the Finance and Economics Committee reviewing the rate of interest charged after the first five years of the loan, the loan to be" and that the words "from the date of issue" should be deleted adopted a proposition of the Finance and Economics Committee and approved a loan of £1.1 million to Creative Leisure Limited, the owners of the Opera House, St. Helier at 5 per cent a year, with the Finance and Economics Committee reviewing the rate of interest charged after the first five years of the loan, the loan to be repayable after a period of 10 years.

Finance (Designation of Trading Committees) (Jersey) Act 1991. P.148/91

THE STATES, in pursuance of Article 25A of the Public Finances (Administration) (Jersey) Law 1967, as amended, and on the recommendation of the Finance and Economics Committee, made an Act entitled the Finance (Designation of Trading Committees) (Jersey) Act 1991.

Judicial Fees (Amendment) (Jersey) Regulations, 1991. P.150/91

THE STATES, in pursuance of Article 12 of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, as amended, made Regulations entitled the Judicial Fees (Amendment) (Jersey) Regulations 1991.

Jersey Heritage Trust: appointment of Chairman. P.151/91

THE STATES, adopting a proposition of the Public Services Committee referred to their Act of 31st July 1990 and appointed Mr. Donald George Filleul as Chairman of the Jersey Heritage Trust.

Belle Vue Pleasure Park and Fields 91 and 91A, St. Brelade, rezoning - rescission. P.140/91

THE STATES, having accepted an amendment of Senator Richard Joseph Shenton that after the words "to rescind" there should be added the words "paragraph (d) of", commenced consideration of the proposition of Senator Shenton to rescind paragraph (d) of the Act of the States dated 21st July 1990 regarding the rezoning and purchase of land at Belle Vue Pleasure Park and Fields 91 and 91A, St. Brelade.

After discussion, the States agreed to defer further consideration of the proposition until Tuesday, 22nd October 1991.

THE STATES rose at 3.35 p.m.

R.S. GRAY

Greffier of the States.