



**THE STATES assembled on Tuesday,
1st December 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of –

Senator Vernon Amy Tomes – ill
Francis Herbert Amy, Connétable of Grouville – ill
Alastair John Layzell, Deputy of St. Brelade– out of the Island.

Prayers

Tribute to the late Mr. E.J. Le Brocq, former Connétable of St. Peter

The Bailiff paid tribute to the late Mr. Edward John Le Brocq, a former Connétable of St. Peter.

THE STATES observed one minute's silence as a mark of respect.

Tribute to the late Mr. W.G. Mahoney, former Deputy of St. Helier

The Bailiff paid tribute to the late Mr. William George Mahoney, a former Chief Officer of the States of Jersey Fire Service and Deputy of St. Helier.

THE STATES observed one minute's silence as a mark of respect.

Tribute to Lady Le Masurier

The Bailiff paid tribute to the late Lady Le Masurier, widow of the late Sir Robert Le Masurier, a former Bailiff of Jersey.

THE STATES observed one minute's silence as a mark of respect.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Merchant Shipping (Small Ships Register) (Amendment No. 2) (Jersey) Order 1998. R & O 9318.

Pilotage (Dues and Fees) (Amendment No. 10) (Jersey) Order 1998. R & O 9319.

Banking Business (General Provisions) (Amendment No. 3) (Jersey) Order 1998. R & O 9320.

Building Bye-Laws (Amendment No. 2) (Jersey) 1998. R & O 9321.

Island Planning (Fees) (Amendment No. 2) (Jersey) Order 1998. R & O 9322.

Island Planning (Designation of Sites of Special Interest) (No. 6) (Jersey) Order 1998. R & O 9323.

Public Services Committee – resignation of President

THE STATES accepted the resignation of Senator Vernon Amy Tomes as President of the Public Services Committee.

Public Services Committee – vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1996, the Bailiff gave notice that there was a vacancy in the office of President of the Public Services Committee.

Housing Committee – resignation of Committee

THE STATES accepted the resignation of Senator Corrie Stein, President of the Housing Committee, together with the members of the Committee.

Housing Committee – vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1996, the Bailiff gave notice that there was a vacancy in the office of President of the Housing Committee.

Committee of Inquiry to investigate costs of building projects in Jersey – vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1996, the Bailiff gave notice that there was a vacancy in the office of President of the Committee of Inquiry to investigate costs of building projects in Jersey.

Senator Nigel Lewis Quérée, having declared an interest in the matter, withdrew from the Chamber prior to the nomination of a President.

Committee of Inquiry to investigate costs of building projects in Jersey – appointment of President

THE STATES, on the proposition of Deputy Michael Edward Vibert of St. Brelade, appointed Senator Wendy Kinnard as President of the Committee of Inquiry to investigate costs of building projects in Jersey.

Matters presented

The following matters were presented to the States on 24th November 1998 –

States members' income support and expense allowance: indexation (P.235/98) – comments – P.239/98.
Presented by the Finance and Economics Committee.

Capital programme 1999: report – P.240/98.
Presented by the Policy and Resources Committee.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Parish Rate (Administration) (Amendment No. 8) (Jersey) Law 199 – P.256/98.
Presented by the Legislation Committee.

Security of tenure law – report of the Working Party – P.257/98.
Presented by the Housing Committee.

Committees of the States: reorganisation – Industry Committee – P.258/98.
Presented by the Policy and Resources Committee.

Housing modifications for disabled people – P.259/98.
Presented by the Housing Committee.

The following matters were lodged “au Greffe” on 24th November 1998 –

Draft Agriculture (Loans) (Amendment No. 10) (Jersey) Regulations 199 (P.136/98): amendment– P.241/98.
Presented by the Agriculture and Fisheries Committee.

Draft Proceeds of Crime (Jersey) Law 199 (P.218/98): amendments – P.242/98.
Presented by the Finance and Economics Committee.

Draft Ansbacher (Jersey) Limited (Jersey) Law 199 (P.236/98): amendments – P.243/98.
Presented by Deputy D.R. Maltwood of St. Mary.

St. Lawrence School: approval of drawings– P.244/98.
Presented by the Education Committee.

Les Creux: transfer of administration of land – P.245/98.
Presented by the Sport, Leisure and Recreation Committee.

Manual Workers’ Joint Council – Employers’ Side membership – P.246/98.
Presented by the Establishment Committee.

Draft Amendment (No. 21) to the Tariff of Harbour and Light Dues– P.247/98.
Presented by the Harbours and Airport Committee.

Draft Harbours (Administration) (Amendment No. 4) (Jersey) Law 1998 (Appointed Day) Act 199 – P.248/98.
Presented by the Harbours and Airport Committee.

Draft Harbours (Amendment No. 28) (Jersey) Regulations 199 – P.249/98.
Presented by the Harbours and Airport Committee.

Draft Harbours (Amendment No. 29) (Jersey) Regulations 199 – P.250/98.
Presented by the Harbours and Airport Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 17) (Jersey) Regulations 199 – P.251/98.
Presented by the Harbours and Airport Committee.

Draft Pilotage (General Provisions) (Amendment No. 7) (Jersey) Regulations 199 – P.252/98.

Presented by the Harbours and Airport Committee.

Draft Agricultural Marketing (Amendment No. 6) (Jersey) Law 199 – P.253/98.
Presented by the Agriculture and Fisheries Committee.

Capital programme 2000 – 2002 – P.254/98.
Presented by the Policy and Resources Committee.

Oakfield Playing Field: construction of school – P.255/98.
Presented by the Planning and Environment Committee.

Arrangement of public business for the next meeting on 8th December 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 8th December 1998 –

Draft Agriculture (Loans) (Amendment No. 10) (Jersey) Regulations 199 – P.136/98.
Lodged: 16th June 1998.
Agriculture and Fisheries Committee.

Draft Agriculture (Loans) (Amendment No. 10) (Jersey) Regulations 199 (P.136/98): amendment-
P.241/98.
Lodged: 24th November 1998.
Agriculture and Fisheries Committee.

Haut de la Garenne, St. Martin: conversion and redevelopment– P.188/98.
Lodged: 8th September 1998.
Planning and Environment Committee.

Haut de la Garenne, St. Martin: redevelopment– P.180/97.
Lodged: 18th November 1997.
Senator L. Norman.

Les Creux Country Park, St. Brelade: millennium project– P.214/98.
Lodged: 20th October 1998 and referred to the Policy and Resources Committee.
Deputy M.E. Vibert of St. Brelade.

Draft Proceeds of Crime (Jersey) Law 199 – P.218/98.
Lodged: 3rd November 1998.
Finance and Economics Committee.

Draft Proceeds of Crime (Jersey) Law 199 (P.218/98): amendments– P.242/98.
Lodged: 24th November 1998.
Finance and Economics Committee.

Draft Family Allowances (Jersey) Regulations 199 – P.228/98.
Lodged: 17th November 1998.
Employment and Social Security Committee.

Draft Community Provisions (Freezing of Funds of the Federal Republic of Yugoslavia and Serbia)
(Jersey) Regulations 199 – P.229/98.
Lodged: 17th November 1998.
Finance and Economics Committee.

Draft Community Provisions (Prohibition on Investment in the Republic of Serbia) (Jersey) Regulations 199 – P.230/98.

Lodged: 17th November 1998.

Finance and Economics Committee.

Draft Public Markets (Administration) (Supplementary Provisions) (Jersey) Regulations 199 – P.231/98.

Lodged: 17th November 1998.

Public Services Committee.

Simla, Janvrin Road, St. Helier– P.234/98.

Lodged: 17th November 1998.

Planning and Environment Committee.

States members' income support and expense allowance: indexation – P.235/98.

Lodged: 17th November 1998.

Deputy M.F. Dubras of St. Lawrence.

States members' income support and expense allowance: indexation – comments – P.239/98.

Presented: 24th November 1998.

Finance and Economics Committee.

St. Lawrence School: approval of drawings– P.244/98.

Lodged: 24th November 1998.

Education Committee.

Les Creux: transfer of administration of land – P.245/98.

Lodged: 24th November 1998.

Sport, Leisure and Recreation Committee.

Manual Workers' Joint Council – Employers' Side membership – P.246/98.

Lodged: 24th November 1998.

Establishment Committee.

Draft Amendment (No. 21) to the Tariff of Harbour and Light Dues– P.247/98.

Lodged: 24th November 1998.

Harbours and Airport Committee.

Draft Harbours (Administration) (Amendment No. 4) (Jersey) Law 1998 (Appointed Day) Act 199 – P.248/98.

Lodged: 24th November 1998.

Harbours and Airport Committee.

Draft Harbours (Amendment No. 28) (Jersey) Regulations 199 – P.249/98.

Lodged: 24th November 1998.

Harbours and Airport Committee.

Draft Harbours (Amendment No. 29) (Jersey) Regulations 199 – P.250/98.

Lodged: 24th November 1998.

Harbours and Airport Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 17) (Jersey) Regulations 199 – P.251/98.

Lodged: 24th November 1998.

Harbours and Airport Committee.

Draft Pilotage (General Provisions) (Amendment No. 7) (Jersey) Regulations 199 – P.252/98.
Lodged: 24th November 1998.
Harbours and Airport Committee.

Capital Projects – questions and answers (Tape No. 481)

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following question –

“Will the President provide members with a list of all those capital projects which have gone over budget during the period 1990 to the present day, and will he include in his answer the original estimated cost of each project, the actual final cost of each project or in those cases where this is not yet known, the most recent projection of the likely final cost?”

The President of the Finance and Economics Committee replied as follows –

“In order to obtain all the information requested by the Senator it will be necessary to contact all Committees to establish the latest estimated final cost of all on-going Capital projects. This will take time to co-ordinate and I will therefore bring back a full response to the Assembly at a future States meeting.”

Island Site, Weighbridge, St. Helier – statement

The President of the Planning and Environment Committee made a statement in the following terms –

“The Planning and Environment Committee decided on Thursday, 26th November 1998 to designate the Island Site a Site of Special Interest under the Island Planning Law (Jersey) 1964 as amended. This follows a Special Committee meeting on 4th November, held in public.

The Committee has had the benefit of advice from the Solicitor General, which was that, in deciding whether to make an SSI order, the Committee is neither entitled, nor obliged to take into account planning matters other than the specific interests that have been identified with reference to Article 9 of the Planning Law; in this case the architectural, historical and cultural interest of the buildings. To do otherwise could be construed as ultra vires, notwithstanding the fact that Committee members are bound to be aware of broader planning and other considerations.

In considering the question of designation, and in deliberating on the written representations received and the oral submissions from the Waterfront Enterprise Board, Jersey Bus and others, made at the meeting on 4th November, the Committee was bound, therefore, to set aside secondary issues such as those relating to the future development of the site, the cost and its use as a transportation centre.

The case for the designation of these buildings was made by Historic Buildings consultant Mr. P. Drury. His background research on the evolution of the site and the development of public abattoirs in Europe left the Committee in no doubt that these buildings would satisfy the criteria for designation. The case for designation was supported by –

Save Jersey’s Heritage – Advocate C.J. Scholefield and Sir Charles Brett

La Société Jersiaise – Mr. R. Anthony

National Trust for Jersey – by letter.

The Committee took particular note of the comments by Sir Charles Brett who 20 years ago was the author of a definitive work on the buildings of architectural and historic merit in St. Helier.

No part of Mr. P. Drury's appraisal and assessment of the significance of the buildings on architectural, historical or cultural grounds, was challenged.

The Chairman of the Waterfront Enterprise Board accepted that the whole site was of interest but argued that issues of the future use of the site and economics could not be discounted. He felt that some parts of the site were more important than others.

The Chairman of the Waterfront Enterprise Board also accepted that it might be possible to retain the 1834 buildings in Les Ecuries du Port which the Board had proposed to demolish. Neither the Waterfront Enterprise Board's Managing Director Mr. J. Scally nor the Deputy of St. Mary, a director of the Board made submissions on architectural, historical or cultural issues. Mr. C. Lewis, the managing director of Jersey Bus, acknowledged that he had no expertise in this area. Mr. P. Walsh of the Jersey Chamber of Commerce did not question the merits of the buildings.

The Planning and Environment Committee wishes to publicly thank all those who made submissions to the Committee. Their contributions have been extremely helpful to the Committee and they will, ultimately, be helpful to the States. The Committee will be publishing a full report to the States in the form of an R.C.

Members should note that the Order speaks in terms of the designation of a number of SSIs within the Order. This is in order to comply with the requirements of the law because several distinct buildings are involved within the site and the architectural, historical and cultural interest vary from building to building.

Submissions about the financial viability of the Waterfront Enterprise Board's approach and Planning and Environment Committee's brief for development were inconclusive. Additionally, after the meeting of 4th November, the Public Services Committee submitted fresh information which challenged the Planning and Environment Committee's brief in relation to the bus station. It became clear that more work is needed to establish an objective statement of requirements for a transportation centre.

Until this work has been completed it will not be possible to satisfactorily resolve all the matters relating to the redevelopment of the Island Site.

The Planning and Environment Committee will be obliged to consider these important issues when it considers any application for alteration and extension of the buildings which are now designated as a Site of Special Interest. The Committee will need advice on the transport issue in order to deal with any application. We have requested the Public Services Committee to prepare the statement of requirements."

Resignation of Housing Committee – personal statement

Senator Corrie Stein made a statement in the following terms –

"The Housing Committee has resigned because it finds itself in an impossible position.

Deputy Duhamel disagrees with so many of the Committee's policies on so many occasions that the Committee feels that his membership is no longer conducive to good government. It is good to have different views, but once a Committee has formulated a policy the Committee members should support that policy.

All members of the Housing Committee asked Deputy Duhamel to resign some months ago, but he declined.

The only way for me is to resign and put myself forward again for re-election next week together with the other members of the Housing Committee who are fully supportive."

BUDGET 1999 and amendment – P.238/98

THE STATES commenced consideration of the Budget for the financial year commencing 1st January 1999, which in accordance with Article 16 of the Public Finances (Administration) (Jersey) Law 1967, as amended, has been presented to the Assembly on 17th November 1998, by the Finance and Economics Committee and comprised –

- (i) the estimate of the revenue income and of the expenditure of the committees of the States;
- (ii) the estimate of the transactions of the capital fund;
- (iii) the estimate of the transactions of the trading funds; and
- (iv) the Report of the Finance and Economics Committee thereon.

THE STATES, having considered the estimates of the revenue income and of the expenditure of the various committees, decided to allow the amounts of the said estimates as detailed in the undermentioned pages of the Budget as follows –

Policy and Resources Committee – Page 6

Finance and Economics Committee – Pages 8 and 9

Establishment Committee – Page 12

Planning and Environment Committee – Page 15

Health and Social Services Committee – Pages 18 and 19

Education Committee – Pages 21 and 22

Public Services Committee – Page 25

Agriculture and Fisheries Committee – Page 28

Tourism Committee – Page 31

Defence Committee – Page 35

Employment and Social Security Committee – Page 38

Housing Committee – Page 41

House Committee – Page 43

Legislation Committee – Page 43

Sport, Leisure and Recreation Committee – Page 45

Prison Board – Page 48

Etat Civil Committee – Pages 51 and 52

Overseas Aid Committee – Pages 51 and 52

Gambling Control Committee – Pages 51 and 52

Cottage Homes Committee – Pages 51 and 52

Broadcasting Committee – Pages 51 and 52

Harbours and Airport Committee – La Collette Reclamation Scheme – Pages 51 and 52

Special Committee to consider the relationship between Committees and the States – Pages 51 and 52

Adjournment

THE STATES then adjourned, having agreed that the outstanding matters in the Budget and other items of public business should stand over until Wednesday, 2nd December 1998.

THE STATES rose at 6.30 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.