



THE STATES assembled on Tuesday,
16th March, 1982 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

All members were present with the exception of –

William John Morvan, Connétable of St. Lawrence – out of
the Island.

Prayers.

Subordinate legislation tabled.

The following enactments were laid before the States,
namely –

1. Post Office (General Provisions) (Amendment No. 14) (Jersey) Order, 1982. R & O.7022.
2. Post Office (Foreign Post Provisions) (Amendment No. 5) (Jersey) Order, 1982. R & O.7023.
3. Post Office (Foreign Parcel Post Provisions) (Amendment No. 4) (Jersey) Order, 1982. R & O.7024.
4. Matrimonial Causes (Amendment No. 3) (Jersey) Rules, 1982. R & O.7025.
5. Royal Court Rules, 1982. R & O.7026.
6. Road and Sand Racing (Jersey) Order, 1982. R & O.7027.
7. Motor Cars (Driving Instruction) (Jersey) Order, 1982. R & O.7028.
8. Road Traffic (Saint Brelade) (Amendment No. 3) (Jersey) Order, 1982. R & O.7029.

9. Poisons (General Provisions) (Amendment No. 4)
(Jersey) Order, 1982. R & O.7030.

Agricultural Loans Report for 1981. R.C.6/82.

The Agriculture and Fisheries Committee by Act dated 24th February, 1982 presented to the States a Report on the Agricultural Loans and Guarantees Fund for the year ending 31st December, 1981 and comments on the operation during 1981 of the Agriculture (Loans and Guarantees) (Jersey) Law, 1974 and the Agriculture (Loans) (Jersey) Regulations, 1974.

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

Channel Islands Public Lotteries 1981. R.C.7/82.

The Gambling Control Committee by Act dated 2nd March, 1982, presented to the States its Report on the Channel Islands Public Lotteries during 1981.

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

Manpower Report. R.C.8/82.

The Establishment Committee by Act dated 3rd March, 1982, presented to the States a Report on Manpower.

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

Dwelling Houses Loan Fund Statement 1981. R.C.9/82.

The Housing Committee by Act dated 12th March, 1982, presented to the States a Statement showing the financial position of the Dwelling Houses Loan Fund as at 31st December, 1981.

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

Social Security Report and Accounts 1981.

The Social Security Committee by Act dated 13th January, 1982 presented to the States its Report and Statement of Accounts for the year ended 30th September, 1981.

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

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 10th March, 1982 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 to Mr. Albert John Le Pennec of Land Letting No. 7 situated at the Airport in the area known as Les Asures, St. Peter, measuring approximately 30 perch, with effect from 1st March, 1982, for a term of 12 months certain (but not more than a term of 9 years), thereafter subject to six months' notice on either side, at an annual rent of £15, representing an annual rate of £20 a vergée;
- (b) as recommended by the Public Works Committee, the ceding to the Public free of charge by Hotel L'Horizon (Properties) Ltd., of an area of land measuring 2,600 square feet, required for the provision of a footpath and bus layby along the extent of the Hotel L'Horizon site at Château des Roches, St. Brelade, where the Hotel was undertaking redevelopment involving the provision of car parking facilities, subject to certain accommodation works being carried out by the Committee, involving the building of a 1 metre high granite wall along part of the boundary, and to the Committee paying the cost of the legal fees;

- (c) as recommended by the Public Works Committee, the leasing to the Scout Association Jersey (Inc.) of the Grève de Lecq Martello Tower, for a period of nine years with effect from 1st December, 1981, at a nominal rent of £20 for the period of the lease, to be paid in one sum in advance.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **St. Martin’s Arsenal: Approval of plans. P.36/82.**
Presented by the Housing Committee.
2. **Payment of expenses to States’ Members: proposed increase. P.37/82.**
Presented by Deputy Terence John Le Main of St. Helier.
3. **Rent Control Tribunal: appointment. P.38/82.**
Presented by the Housing Committee. The States decided to take this subject into consideration on 30th March, 1982.
4. **Storage of felled elm timber. P.39/82.**
Presented by Deputy Sir Martin Le Quesne of St. Helier.

The following subjects were lodged “au Greffe” on 9th March, 1982 –

1. **Social Security: Reciprocal Agreement with Cyprus. P.30/82.**
Presented by the Social Security Committee.
2. **Dutch Elm Disease (Jersey) Order, 1974: Proposed Revocation. P.31/82.**
Presented by Deputy Hendricus Adolphus Vandervliet of St. Lawrence.
3. **Development of Field 1007 – Mr. D.R. Manning. P.32/82.**
Presented by Deputy Richard Francis O’Connor of St. Clement.

4. **Draft Family Allowances (Jersey) Regulations, 198 . P.33/82.**

Presented by the Social Security Committee. The States decided to take this subject into consideration on 30th March, 1982.

5. **Membership of Parish Assemblies. P.34/82.**

Presented by Deputy Terence John Le Main of St. Helier and referred to the Legislation Committee.

Economic Policy Report. P.35/82.

The Policy Advisory Committee by Act dated 2nd March, 1982, presented to the States the Economic Policy Report.

THE STATES decided to discuss the Report in a Committee of the Whole House on 30th March, 1982.

Development of Field 1007 – Mr. D.R. Manning. P.73/81.

Withdrawn.

THE STATES noted that Senator John Philip de Carteret had withdrawn his Proposition regarding the development of Field 1007 – Mr. D.R. Manning (P.73/81 – lodged on 16th June, 1981), Deputy Richard Francis O'Connor having lodged a revised Proposition on 9th March, 1982. (P.32/82.)

Parish Relief: transfer of responsibility for payment. P.23/82.

THE STATES acceded to the request of Deputy Richard Francis O'Connor of St. Clement that the Proposition relating to Parish Relief: transfer of responsibility for payment (P.23/82 – lodged on 2nd March, 1982) be considered on 27th April, 1982.

61 Bath Street, St. Helier. Withdrawn.

THE STATES noted that the President of the Public Works Committee had withdrawn the Proposition regarding the purchase of 61 Bath Street, St. Helier (P.19/82 – lodged on 16th February, 1982).

Appointment of a lawyer at Police Headquarters. Answer.

The President of the Defence Committee replied to a question asked in the House on 2nd March, 1982 regarding the appointment of a lawyer at Police Headquarters as follows –

“1. A qualified lawyer is not presently employed at Police Headquarters. The suggestion that the Defence Committee should give serious consideration to the appointment of a qualified lawyer to work within Police Headquarters, wholly on Police matters, was made by Her Majesty’s Attorney General in a memorandum dated 25th April, 1978, relating to delay over the proposed new Firearms legislation. Her Majesty’s Inspectors of Constabulary, R.N. Buxton, in 1978 and J.W. Crane in 1979 in their Reports on Inspections of the States of Jersey Police, commented on the considerable advantage both to the Force and to the Law Officers that would be obtained by appointing a Legal Adviser to assist the States Police.

The Defence Committee, in September, 1978, agreed that such an appointment would be of advantage not only to the States and Honorary Police, but also to the Law Officers and having decided to pursue the suggestion, in November, 1978, informed the Establishment Committee that it considered highly desirable that the post of Legal Assistant to the States of Jersey Police should be created. Subsequently discussions were held between the Personnel and Management Services Department, the Attorney General and the Chief Police Officer, but the matter was left in abeyance until the Defence Committee, in 1980, agreed that it would wish to give further consideration to the matter which culminated in June 1981, with a report prepared by the Chief Police Officer which concluded that the appointment of a Legal Adviser would not only considerably ease the present burden borne by the Law Officers but would also improve standards of policing and law enforcement, and a letter from the Attorney General fully supporting the Chief Police Officer’s recommendation and stressing that there was a very urgent need for such legal assistance, not only to ensure the more efficient conduct of criminal proceedings, but also to enable the Law Officers to execute their full range of duties. Both documents were forwarded by the then President of the Defence Committee to the President of the Establishment Committee.

The Establishment Committee agreed, late in 1981, that because of the continuing backlog of work in the Attorney General's office, it would be minded to appoint an additional Legal Adviser, to be deployed as considered appropriate by the Attorney General, who would report direct to the Attorney General. This post is about to be advertised. Whilst the officer to be appointed would not be located at Police Headquarters and would not be employed exclusively on Police matters, it would be open to the Attorney General to delegate to him, primarily, the work of advising the Police on a day to day basis, and the preparation of criminal proceedings to trial stage. The Establishment Committee has also agreed to carry out a review of legal services in the various Crown and States' Departments generally in order to establish the level of demand for legal services and to examine the means of meeting the demand.

2. The Defence Committee, whilst welcoming the steps being taken in connexion with legal services, has no doubt that irrespective of the decision to appoint a Legal Adviser to assist the Attorney General a full time qualified legal appointment at Police Headquarters to deal wholly with Police matters is fully justified, and hopes that such an appointment will be agreed by the Establishment Committee following its review of legal services.

3. The appointment of a qualified Lawyer to the civilian staff of Police Headquarters should not be regarded as a potential saving of Police Officers' man hours and certainly not as a reason for an increase in the hours spent on the beat. The appointment would assist the Police by providing a lawyer constantly available to advise and to act as intermediary between the Police and the Law Officers and would provide the continuity of service to the Police which is so vitally necessary to produce a just and reasonably quick conclusion to criminal proceedings."

**Tariffs made by the Jersey Electricity Company Limited.
Question and answer.**

Deputy Maurice Clement Buesnel of St. Helier asked Senator Ralph Vibert, President of the Finance and Economics Committee, the following question –

“Having regard to the need for the Island’s economy to retain its competitiveness and the considerable international fall in the price of fuel oil, will the Finance and Economics Committee present for the approval of the States, under Article 17 of the Electricity (Jersey) Law, 1937, as amended, regulations which would have the effect of reducing the present tariffs made by the Company?”

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

“The Deputy is suggesting that the Finance and Economics Committee should propose to the House regulations which would have the effect of amending or replacing a Tariff which has been agreed by a Board of Directors of which Members of the House form a majority, and it is correct that Article 17 of the Electricity (Jersey) Law, 1937 empowers my Committee to act in that way. The Article also prescribes that a number of matters be taken into account before any such regulations are proposed and the exercise would involve a total review by my Committee of the Company’s affairs.

In 1956, however, the Articles of the Company were changed to as to empower the Assembly to nominate four of its Members as Directors, forming a majority on the Board, electing a Chairman from this number, and exercising majority share voting rights, thus effectively controlling the Company in the name of the States. In the last few weeks this Assembly has elected and re-elected Members for this purpose.

In these changed circumstances, the exercise by my Committee of its continuing statutory powers would amount to a substitution of its judgement for that of other Members of this House, in the field for which those Members have specifically been appointed. We would not contemplate any such move unless it was absolutely necessary to do so.

Dealing more closely with the question raised, the mere fact that there is a happy decrease in the international price of oil provides no justification for the Committee rushing in with regulations. The oil price, while doubtless one of the more important factors, is not the only factor in the electricity tariff, provision for future capital works obviously being another, particularly at this time, and the management of the Company can hardly have heard the news of a world reduction, let alone consider its effect on the tariff, before the Deputy was precipitately penning his question.

In these circumstances, to put forward regulations as suggested, would be hasty in the extreme, ill-considered and unjustified. Our powers should obviously not be invoked unless the Committee has good reason to believe that the public interest appears to be prejudiced and has found that consultation with the Board has led to the conclusion that the interference of the States by regulation was necessary.

No such position now obtains. On the contrary, the Committee has every confidence that the Board will give all due weight to the present decrease in the price of oil and the possibilities it offers.”

Appointment of staff to States' Departments. Questions and answers.

Deputy Maurice Clement Buesnel of St. Helier asked Senator John Clark Averty, President of the Establishment Committee, the following questions –

“1. Will the President inform the States how many Jersey-born employees have been appointed by States' Departments since June 1981, and will he also inform the States of the total number of employees appointed since the same date?

2. Will the President state how many graduates and how many apprentices are included in the figure given in reply to the first part of question 1?”

The President of the Establishment Committee replied as follows –

“In an endeavour to be helpful to a new States’ Member, I have had my Department do its best to discover the answers to the questions as posed.

However, the following points should be noted, and particularly in relation to point 3 the cost. I would urge all Members to accept that Committee Presidents must exercise judgement as to whether such costs should properly be incurred to answer a question as asked unless the information is going to be of significant benefit.

1. The Establishment Committee does not appoint, nor currently holds records in respect of nearly eighty per cent of all public employees. Research has had to be undertaken in very many States’ Departments in order to obtain the information to answer the questions. The answers I shall give do not include Education staff as the President of that Committee considers it more proper that he should reply, if asked, in respect of his Committee’s employees.
2. I do not consider the fact of being Jersey-born a sufficient test of itself as to local connexion. Some people, including a number of those listed in my replies, fail this test only by an accident of birth, while many others would fully qualify as locals under Housing Regulations.
3. The answers to these questions has cost the taxpayer in Civil Service time alone approximately £500.

Turning now to the questions themselves –

Question 1.

From the figures obtained, 392 public service appointments have been made in all since the date specified, of which 177 have been Jersey-born people. The breakdown is as follows –

Employment	Appointed	Jersey-born
Civil Service	110	64
Police	10	5
Fire Service		
Whole-time	2	2
Retained	2	2
Prison Service	3	2
Manual Workers	91	59
Postal	1	1
Agriculture & Fisheries	1	—
Nursing	134	33
Medical	21	—
Paramedical	6	—
Public Health	1	—
Telecommunications	<u>10</u>	<u>9</u>
	392	177

Of that total of 215 not born in the Island many have strong local connexions, and some others were internal promotions of personnel already employed by the States.

Question 2.

The answer to question 2 is as follows –

Employment	Appointed	Jersey-born
Apprentices	22	21
Student Nurses	27	9
Graduates	12	1
(Of whom Graduate Trainees)	<u>(3)</u>	<u>—</u>
	61	31

Again, of the total of 30 not born in Jersey, many have strong local connexions.

As a matter of interest, I have appended to these answers the full policy of the Establishment Committee in relation to the employment of local and non-local people. We have no indication that the policy is not being followed generally.

APPENDIX – Recruitment Policy.

1. Civil Service.

Its policy, in line with overall States' objectives, is as follows –

- (a) Preference is given initially to existing Civil Servants and secondly to other local applicants.
- (b) Strong emphasis is placed on the applicant's connexions with the Island if they are not local.
- (c) There is very strict control over recruitment from outside the Island. Where this is sanctioned, practical and financial assistance has to be given with re-location and housing.
- (d) Immigration policies are complied with.
- (e) Background checks are carried out where appropriate.
- (f) Medical checks are carried out.
- (g) There are minimum qualifications for the junior jobs with little prospects but attempts are made to raise the standard of entrants to jobs likely to develop.
- (h) People over normal retirement age are only re-employed in exceptional circumstances where their experience and expertise is essential to the organization.

2. Manual Workers.

The Establishment Committee recommends that Employing/Administering Committees should work to the following guidelines in respect of Manual Worker vacancies –

- (a) Employing Departments should continue to operate policies which directly favour persons with local housing qualifications when recruiting manual workers.

- (b) No person without personal or immediate family (i.e. husband, wife, son, daughter) housing qualifications may be permanently employed without the prior approval of the Department's Employing Committee.
- (c) No person not permanently resident in Jersey may be permanently employed without the prior approval of the Establishment Committee. This will not be given except in areas where (a) specialised technical skills are required and (b) an extensive search for suitable local people has failed. Every effort must be made to identify these key areas and train replacements in advance of retirements, etc.
- (d) Those Departments which engage seasonal labour should continue to attempt to place local persons in these posts. However, Employing Committees may authorise the temporary appointment of non-local people where such posts, having been advertised, are not sought by local residents."

Income Tax – collection. Questions and answers.

Deputy Maurice Clement Buesnel of St. Helier asked Senator Ralph Vibert, President of the Finance and Economics Committee, the following questions –

“1. Could the President please say if the Income Tax Authorities are experiencing greater difficulty in collecting income tax this year from wage and salary earners?

2. If the answer is in the affirmative, and to prevent undue hardship and distress, will the President consider issuing guidelines to the relevant Department allowing payment of outstanding amounts by regular instalments?”

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

“1. The collection of income tax from wage and salary earners in respect of assessments issued in September, 1981, is only marginally short of the rate of collection obtaining in previous years. The income tax charge on wage and salary

earners for the year 1980 increased by 25.9% over the corresponding assessments for the previous year, and up to 28th February the amount collected had increased by 22.7% over the previous year.

2. The assessment and collection of income tax is vested in the Comptroller of Income Tax and, in appropriate cases, he is prepared to consider application for payment of arrears by means of regular instalments.”

Dumping charges at official tips. Question and answer.

The Connétable of St. Ouen, John Philip Pirouet, asked Deputy John Le Gallais, President of the Resources Recovery Board, the following question –

In view of the ever-increasing number of rubbish dumps being created in the Island, would the new Resources Recovery Board consider abolishing the charges imposed by the previous Board for dumping at official tips?”

The President of the Resources Recovery Board replied as follows –

“The Board is aware of the opinion that there is an increase in illegal dumping. For reasons which I will explain the Board itself is not prepared to reduce tipping charges unless it can be established by those Committees responsible for the environment that illegal tipping has increased to a level where it is a real problem.

When tipping for land reclamation started at La Collette considerable problems were experienced through the delivery of loads of waste containing combustible and other unsuitable waste material. Tipping charges were increased to the present level of £24 for mixed loads to emphasize the importance that only incombustible solid waste should be tipped at La Collette. Until high charges for mixed loads were introduced a very large amount of unsuitable material had to be sorted and transferred to Bellozanne for alternative disposal.

Since 1978/79 there has been a decline in the number of loads delivered to La Collette. This is attributable to several factors, which include making a high charge for mixed loads, a decrease in Island building activity, the use of large vehicles and the operation of a number of private tips where lower charges are made.

The Board has a responsibility to dispose of a wide variety of waste materials and in the past has found great difficulty in procuring satisfactory sites. It would not want to see the good site at La Collette filled any more quickly than is necessary. Furthermore, the Board accepts a responsibility for ensuring that combustible or other unsuitable material is excluded at La Collette.

If the Board were to be satisfied that its current level of charges created problems which outweighed the disadvantages I have enumerated then it would give further consideration to the matter.”

Police Force establishment. Statement.

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

“The House will recall that the President of the Defence Committee made a Statement on 16th February, 1982, regarding the establishment of the States of Jersey Police Force.

Members will be pleased to note that following a meeting of delegations of both Committees a procedure of consultation has been agreed which should enable the Committee to concur on future changes to the establishment of the Police Force prior to the Defence Committee bringing such changes into effect. At that meeting also the Defence Committee informed the Establishment Committee that a full review of the Police Force establishment was to be undertaken.”

Jersey Heritage Trust: Act of Incorporation. Petition.

THE STATES, adopting a Proposition of Senator Reginald Robert Jeune, granted the prayer of a Petition of Members of the

Jersey Heritage Trust that the States of Jersey may grant to the Jersey Heritage Trust an Act of Incorporation subject to confirmation by Her Most Excellent Majesty in Council.

Loi accordant un Acte d’Incorporation a l’Association dite “The Jersey Heritage Trust”.

THE STATES, subject to the Sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the “Loi accordant un Acte d’Incorporation a l’Association dite ‘The Jersey Heritage Trust’ ”.

Retirement age of employed males.

THE STATES, adopting a Proposition and Amendment of Deputy Terence John Le Main of St. Helier instructed the Policy Advisory Committee to consider all aspects of a decision that all employed males should in future be required or may opt to retire at age 60 and to bring to this House a comprehensive report on the feasibility of implementing such a decision.

Duhamel Place, St. Helier – Nos. 10 and 21.

THE STATES, adopting a Proposition of the Housing Committee –

- (a) approved Drawing No. 236/1 showing the conversion of 10 Duhamel Place, St. Helier, to provide three self-contained flats;
- (b) approved Drawings Nos. 2740/RS/3, 2740/WD/4–7 showing alterations to 21 Duhamel Place, St. Helier, to provide one bed-sitter and three one-bedroomed flats;
- (c) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Windsor Road, St. Helier – Nos. 5A and 5B.

THE STATES, adopting a Proposition of the Housing Committee –

- (a) approved Drawing No. 1 showing the construction of two 4-bedroomed houses at 5A and 5B Windsor Road, St. Helier;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Don Farm Low Energy Housing, St. Brelade.

THE STATES, having rejected the proposition of Deputy Richard Francis O'Connor of St. Clement that the Proposition be referred back to the Committee, adopted the Proposition of the Housing Committee and –

- (a) approved Drawings Nos. 2745/2A, 2745/3A and 2745/3C showing the development of 18 one-bedroomed single storey dwellings on a plot of land to the south-west of Don Farm Estate, St. Brelade;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Gorey Village Development: Writing off of abnormal site costs.

THE STATES, adopting a Proposition of the Housing Committee, referred to their Act of 20th May, 1980, regarding the development of Field 110, Gorey by Gorey Village Developments Limited and in particular to the abnormal site expenses being met by the Public of the Island and –

- (a) agreed to reimburse the Company with the cost of the extra abnormal site works costs, not previously envisaged, estimated at £2,676 a dwelling, when the dwellings are sold to applicants under the Basic States' Loan Scheme;

- (b) authorised the expenditure of a sum not exceeding £59,000 to cover the cost out of the vote of credit granted to the Committee under the heading 'Land Purchase' (Vote No. C1104).

Fort Regent Policy Report (P.140/81) – Committee of the Whole House.

THE STATES, on the proposition of the President of the Fort Regent Development Committee, resolved into a Committee of the Whole House in order to discuss the Fort Regent Policy Report (P.140/81) presented by the Fort Regent Development Committee on 24th November, 1981.

The Committee rose at 5.45 p.m.

E.J.M. POTTER,

Greffier of the States.