

THE STATES assembled on Tuesday,
13th April 1993 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.,
was present.

All Members were present with the exception of -

Senator Richard Joseph Shenton - out of the
Island.
Senator Bernard Thomas Binnington - out of
the Island.
Iris Medora Le Feuvre, Connétable of St.
Lawrence - out of the Island.
John Le Gallais, Deputy of St. Saviour -
out of the Island.
Margaret Sylvia Rose Beadle, Deputy of St.
Brelade - ill.
Terence Ahier Jehan, Deputy of St. Martin -
out of the Island.
Margaret Anne Le Geyt, Deputy of St.
Saviour - out of the Island.
Frank Harrison Walker, Deputy of St.
Helier - out of the Island.
David Leon Crespel, Deputy of St. Helier -
out of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Italian Food Fair (Jersey) Order
1993. R & O 8531.
2. Social Security (Classification)
(Amendment No. 2) (Jersey) Order 1993.
R & O 8532.
3. Health Insurance (Pharmaceutical
Benefit List) (Amendment No. 14)
(Jersey) Order 1993. R & O 8533.

Prison Board: report for 1992. R.C.14/93

The Prison Board, by Act dated 26th March 1993,
presented to the States its annual report for
1992.

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

Ecology Fund: report for 1992. R.C.15/93

The Island Development Committee, by Act dated
1st April 1993, presented to the States the
annual report of the Ecology Fund report for
1992.

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

Springfield, St. Helier - petition (P.110/91):
report. P.51/93

The Island Development Committee, by Act dated
8th April 1993, presented to the States a report
on the petition regarding Springfield, St.
Helier.

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

Springfield, St. Helier - rezoning (P.41/93):
report. P.52/93

The Island Development Committee, by Act dated
8th April 1993, presented to the States a report
on the rezoning of Springfield, St. Helier.

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 5th April 1993, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Health Committee, the renewal of the lease from Mr. Robert George Day and Mrs. June Day, née Le Sueur, of the four-bedroomed property Les Hironnelles, Rue de l'Est, St. Helier, for a period of one year from 23rd March 1993, at an annual rent of £11,400;
- (b) as recommended by the Public Health Committee, the renewal of the lease from Mr. Robert Dodsworth Alton of the four-bedroomed property, 25 West Park Avenue, St. Helier, for a period of one year from 1st April 1993, at an annual rent of £9,696.45;
- (c) as recommended by the Housing Committee, the granting of a wayleave, free of charge, to the Jersey New Waterworks Company Limited for the extension of the water main at Sidney Crill Park, St. Clement, to serve the property 'Le Rêve', with each side being responsible for the payment of its own legal costs;
- (d) as recommended by the Housing Committee, the extension of the lease to Mr. Paul Francis Clubb of La Vielle Chappelle, St. Martin from 25th December 1992 to 24th June 1993 at a weekly rent of £75;
- (e) as recommended by the Housing Committee, the granting of the right to Mr. Alan Michael Pickup and Mrs. Maria Jayne Pickup, née Machon, to connect to the main foul sewerage system via a connexion under Clos Saut Falluet, St. Brelade, for a consideration of £2,000 and the payment of all legal costs.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Elizabeth and Mont Orgueil Castles: transfer of management to Jersey Heritage Trust. P.45/93. Presented by the Public Services Committee.
2. Draft Family Nursing Services and Jersey Home Helps (Amalgamation) (Jersey) Law 199 . P.46/93. Presented by the Public Health Committee.
3. Animals (Trapping) (Jersey) Law 1961: petition. P.47/93. Presented by Senator N.L. Qu  r  e.
4. Constitution of the States - Special Committee (P.34/93): amendment. P.48/93. Presented by Deputy H. H. Baudains of St. Clement.
5. Welfare benefits for unemployed persons. P.49/93. Presented by Deputy M.C. Buesnel of St. Helier.
6. Surgical and medical treatment in the United Kingdom: fund. P.50/93. Presented by Deputy S.M. Baudains of St. Helier.

The following subject was lodged ``au Greffe" on 2nd April 1993 -

Maternity entitlement in employment: code of good practice. P.44/93. Presented by Senator C. Stein.

Arrangement of Public Business for the present Sitting

THE STATES agreed that the draft Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law 199 (P.28/93 - lodged 2nd March 1993) and amendments (P.40/93 and P.43/93 - lodged on 30th March 1993) be considered as the first item of Public Business at today's Sitting.

THE STATES agreed that the proposition regarding the rezoning of Springfield for sporting, leisure, recreational and community purposes (P.41/93 - lodged 30th March 1993) be considered as the second item of Public Business at today's Sitting.

Draft Criminal Justice (Standard Scale of Fines) (Jersey) Law 199 . P.132/92

THE STATES acceded to the request of the President of the Legislation Committee that consideration of the draft Criminal Justice (Standard Scale of Fines) (Jersey) Law 199 (lodged on 1st September 1992) be deferred from the present Sitting to a later date.

Arrangement of Public Business for the next Sitting on 27th April 1993

THE STATES confirmed that the following subjects lodged "au Greffe" should be considered at the next Sitting on 27th April 1993 -

1. Traffic and transport policy. P.33/93.
Presented: 16th March 1993.
Policy and Resources Committee.
(Committee of the Whole House)
2. Elizabeth and Mont Orgueil Castles:
transfer of management to Jersey Heritage Trust. P.45/93.
Public Services Committee.
3. Draft Family Nursing Services and Jersey Home Helps (Amalgamation) (Jersey) Law 199 . P.46/93.
Public Health Committee.

Animals (Trapping) (Jersey) Law 1961: petition. P.47/93

Senator N.L. Quérée presented to the States a petition of Mrs. Murphy, Director, Jersey Animal Aid, Mr. Blampied, President, J.S.P.C.A., and Mrs. Crone, President, Jersey Feline Friends, asking the States to grant the prayer of the petition, that Article 7 of the Animals (Trapping) (Jersey) Law 1961 be amended so that a person guilty of an offence shall be liable to a fine not exceeding £500 or, if he has

previously been convicted of such an offence, to a fine not exceeding £1,000; and that because your petitioners' concern is for the welfare of animals rather than simply the punishment of offenders -

the Agriculture and Fisheries Committee be requested -

(i) provide information leaflets explaining the law, with appropriate translations, which would be freely available;

(ii) to put up signs, at places and at times that trapping may be carried out, to ensure that those involved are made aware of all the provisions of the law;

the Connétables be requested to assist with the distribution of information within their parishes;

the Agriculture and Fisheries Committee consider, with the relevant authorities, whether an amnesty to allow the surrender of illegal traps would be worthwhile and, if so, make a request to the Attorney General.

THE STATES referred the said petition to the Agriculture and Fisheries Committee and lodged the proposition ``au Greffe".

Work permit legislation. Questions and answers.
(Tape No. 181)

Deputy Maurice Clement Buesnel of St. Helier asked Deputy Michael Adam Wavell of St. Helier, President of the Defence Committee, the following questions -

- ``1. At the last sitting of the States the President of the Social Security Committee, in reply to a question tabled by Deputy D.L. Crespel, said that during a survey of two weeks in March this year his department had registered 132 persons as taking up employment in the Island. The President further indicated that of the 132 persons spoken of, 87 were in Jersey for the first time, while the other

45 were persons returning to Jersey. The majority of these were jobs which could have been filled by local unemployed persons.

Does the President share my concern that local unemployed people are still being passed over for employment in favour of newcomers to the Island?

2. In view of the foregoing, and Jersey's continuing unemployment problem, what further steps have you and your Committee taken either -
 - (a) to introduce the work permit legislation that your Committee was charged, as the responsible Committee under the Protection of Employment Opportunities (Jersey) Law 1988, to bring to the States for final approval? or
 - (b) to proceed with the debate of your Committee's proposition (P.179/92) regarding the revision of current legislation?
3. Why has your Committee taken so long to take the necessary steps to resolve the problems especially as the Immigration Department for which you have responsibility is aware of the very relaxed procedures which now allow unlimited numbers of continental E.C. nationals to seek work in the Island?
4. Would you agree that your Committee, except for its responsibilities with regard to immigration control is not really the suitable body to administer this important legislation, and will you therefore actively seek to transfer this function to another Committee?"

The President of the Defence Committee replied as follows -

1. Yes, of course I share the Deputy's concern that some employers in the Island are offering employment to persons new to the Island when it would appear that many of the jobs concerned could have been filled by local unemployed persons. I understand

that the Social Security Committee is actively investigating this matter.

2. and 3.

The Deputy should be aware of the sequence of events since my Committee lodged Projet P.179/92 on 17th November 1992.

At the States meeting on 8th December 1992 I indicated that I had agreed to defer the debate on the Projet because the Policy and Resources Committee had agreed with the Finance and Economics Committee that the Regulation of Undertakings and Development Law should be applied in such a way as to encourage the creation of additional jobs and to protect the position of local residents taking up employment. I indicated to the House that it seemed to me sensible that the proposed amendments to the Regulation of Undertakings and Development Law should be debated first and that if they were considered sufficient to achieve the necessary protection of the local labour force there would be no need to proceed further with draft work permit legislation.

The Finance and Economics Committee duly proposed that the Regulation of Undertakings and Development Law be amended in its application so that a licence to take on additional staff is not required if a person has residential qualifications or has been in the Island for more than five years, and this proposal was adopted by the States on 2nd February 1993. The Policy and Resources Committee subsequently asked the Finance and Economics Committee to consider whether the Regulation of Undertakings and Development Law could be used to give any further protection to the local labour force.

The President of the Policy and Resources Committee in answering questions posed to him by the Deputy on the 2nd March stated that the

possibilities in this respect were to be evaluated at the next meeting of his Committee following which discussions would be held with myself on what, if any, further action my Committee needs to take in respect of the Protection of Employment Opportunities Legislation.

I understand that the Finance and Economics Committee is of the view that it is not practical for the Regulation of Undertakings and Development Law to be used to give further protection to the local labour force, and I am to have discussions with the Policy and Resources Committee on the further action required in respect of the Protection of Employment Opportunities Legislation at the meeting of that Committee on Tuesday 20th April. Following that meeting I will report to the States on the action my Committee proposes to take.

4. The States at their meeting on the 28th July 1992 in approving in principle the Policy and Resources Committee's report dated 5th May 1992 regarding the implementation of the Protection of Employment Opportunities (Jersey) Law 1988 charged the Defence Committee to prepare the necessary legislation on the basis of the guidelines in that Committee's report. If the Deputy feels that another Committee should be responsible for that legislation it is open to him to bring a proposition to the House."

Dumping of potatoes. Questions and answers. (Tape No. 181)

Deputy Derek Ryder Maltwood of St. Mary asked Senator John Stephen Rothwell, President of the Agriculture and Fisheries Committee, the following questions -

1. Now that the potato season has started, will the President explain what provisions his Committee has made for the disposal of any substantial surplus produce should this arise again this year or in subsequent years?

2. In the light of past experience will the President confirm that the dumping or burying of potatoes on land are not options being considered?"

The President of the Agriculture and Fisheries Committee replied as follows -

1. Despite the willingness of the Public Services Committee to assume responsibility for the disposing of agricultural waste they are unable to accept surplus produce (should the situation arise) until the Island Development Committee approves a site for this purpose. I cannot stress how urgent this need is and officers from both the Public Services Department and my own department have identified many sites, none of which appear to be acceptable to the Island Development Committee.

There could be two forms of 'surplus' potatoes this year -

- (a) oversize potatoes - growers will simply take these back from the packing operation to use as 'seed', or if they are too immature or otherwise unsuitable, hold these relatively small quantities on their own holdings. Naturally it is not the industry's intention to produce oversize potatoes;
- (b) surplus crop in total - growers will have to lift and hold these on their own holdings until such time as a central depot or depots are available. Naturally this will present a considerable blight risk but growers and department's staff will monitor these sites until such time as the Public Services Department can accept the material. This the Committee believes is the correct policy and under no circumstances should the potatoes be left in the ground allowing a build up of both pests and diseases.

In addition there is the packing station waste - soil, diseased, cut and green potatoes which are graded out. This is essentially dry material and will be deposited as in previous years at a private site.

2. I cannot confirm the dumping of potatoes will not take place; as if the Public Services Committee finds a suitable site for dealing with a crop surplus this is undoubtedly the best solution. I can confirm however, that in light of the Public Services Committee's willingness to deal with the matter the Agriculture and Fisheries Committee will itself not be arranging for any dumping sites but will make every effort to secure the distribution of any surplus potatoes to aid agencies on the same basis as last year.

In conclusion, I must stress that I find the situation totally intolerable where the Island Development Committee actively finds sites for schools and houses but that in its Act of 26th March 1992 `regret that staff resources would not enable identification work to be undertaken but the Committee would be in a position to consider any further proposals that were to be put forward.' I believe, as I have told the House before, the finding of a site is a matter of urgency and should be treated as such."

Serving of summonses. Question and answer. (Tape No. 181)

Deputy Stuart Syvret of St. Helier asked Deputy Robin Ernest Richard Rumboll of St. Helier, President of the Legislation Committee the following question -

``It has been drawn to my attention that summonses for attendance both in the Petty Debts Court and the Royal Court can be forwarded to the defendant through the regular postal system, with the result that none of the parties concerned can be assured of either attendance or defence on the due date. Would not a system whereby

all summonses are placed in the hands of the named recipient be far more satisfactory?"

The President of the Legislation Committee replied as follows -

“The procedures relating to the Service of Documents are set out in Part V of the Royal Court Rules of 1992 and the Petty Debts Court (Jersey) Rules 1992. The Rules specify certain circumstances where personal service through the intermediary of the Viscount's Department is required. In cases where ordinary service is required, the Rules provide that service is effected by leaving it at the proper address of the person to be served or by post or in such other manner as the Court may direct. A system whereby all summonses for attendance both in the Petty Debts Court and the Royal Court should be delivered personally in the hands of the named recipient would in my opinion be virtually unworkable, would incur substantial costs often in excess of the subject matter, and would significantly delay the normal legal processes. It must surely be in the interest of all parties that costs of litigation be kept to a minimum.

The Rules require that a record of service of the summons shall be maintained, giving details of persons by whom, the means by which, the place at which, and the day on which service was effected. Where the document is sent by post, the day on which the document was posted must be stated.

In the limited cases where a person fails to attend Court and who is able to prove that he has not received the appropriate summons, he may, by submitting an appropriate sworn affidavit, apply to the Courts to have a default judgment set aside.

In my opinion, adequate safeguards are incorporated in the procedures for service of documents contained in the Royal Court and Petty Debt Court Rules and I can see no reason for altering these well-established procedures.”

Investor protection. Questions and answers.
(Tape No. 181)

Deputy Stuart Syvret of St. Helier asked Senator Pierre François Horsfall, President of the Finance and Economics Committee, the following questions -

- ``1. Can the President explain more fully the satisfactory conclusion which was reached in the case he referred to recently in the States concerning the exorbitant commissions taken in the name of LAUTRO?

2. Can we be assured that matters relating to the credibility of persons establishing companies are adequately researched prior to the establishment of such companies or directorships, especially in the finance sector. May we now be made aware of the procedures which are officially undertaken for our protection?"

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

- ``1. The Deputy may be referring to my response to supplementary questions put to me by him during a meeting of this House on 2nd March 1993. In those responses I did not state that `a satisfactory conclusion' had been reached in any particular case nor did I make reference to `exorbitant commissions'. This has been confirmed from the tape records.

The Deputy mentions LAUTRO - the Life Assurance and Unit Trust Regulatory Organisation - in the context of commissions. My present understanding is that LAUTRO's members mainly comprise life assurance companies, friendly societies and operators of collective investment schemes. I also understand that LAUTRO restricts the size of various commissions, for instance on life assurance products, payable by its members to financial advisers. I cannot therefore understand the Deputy's reference to `exorbitant commissions taken in the name of

LAUTRO' as I would assume that LAUTRO's permitted commissions payable to financial advisers would be reasonable. In that regard I have to remind the Deputy that LAUTRO is a self-regulating organisation in the United Kingdom and not in Jersey. It does not have any Jersey-based members and there is no special reason why I should have a knowledge of the details of its inner workings.

Were exorbitant commissions to have been taken by any Jersey firm claiming them nevertheless to have been LAUTRO based I would suggest that the matter may be one for the persons involved to seek legal advice.

2. I find it difficult to answer this question as it confuses different matters - for instance companies are linked with directorships and controls over the incorporation of companies are linked with public protection matters.

The question is also partly a repetition of one asked on 2nd March 1993. However for the sake of completeness I shall reiterate part of the answer supplied on that occasion. Depositors and investors have protection under various statutes like the Banking Business (Jersey) Law 1991, the Collective Investment Funds (Jersey) Law 1988 and the Companies (Jersey) Law 1991.

Under the Banking Business (Jersey) Law 1991 protection to depositors is provided in a number of ways -

- (i) banks registered in Jersey under the law are all associated with banks of international stature in their home country which are subject in those countries to banking supervision on a consolidated basis;
- (ii) all registered banks are closely supervised with detailed information provided to the Financial Services Department on a quarterly basis;

(iii) all banks have to re-apply for their registration on an annual basis and the Finance and Economics Committee has power to impose conditions on a registration or to revoke a registration;

(iv) the Committee has power to carry out special investigations on any bank registered under the law;

(v) all new controllers, directors and managers have to be approved to ensure that they are 'fit and proper' to carry out their duties.

Also, under the Collective Investment Funds (Jersey) Law 1988 protection to investors in such funds is provided at various levels -

(1) the department exercises control over the promoters' fitness and properness and applies the same tests to the actual scheme itself. It also determines whether or not the scheme is commensurate with the type of investor envisaged;

(2) once a scheme has been approved it is backed up with compliance visits from officers of the Financial Services Department;

(3) any changes to a scheme are also closely examined to ensure that the interests of investors are not harmed;

(4) if there is any concern regarding the integrity of the scheme, then the law gives the Committee the power to carry out inspections;

(5) as a last resort the law enables the Committee to take over or shut down any scheme.

New legislation is in the process of being developed to supervise those carrying on trust business, company administration business, investment business and insurance services business. It is intended that this be put forward for debate in the States later this year.

In the meantime a measure of control continues to exist through the operation of the Regulation of Undertakings and Development Law. In granting or refusing licences to persons wishing to commence new undertakings the Finance and Economics Committee is empowered to have regard to the need to protect the commercial and financial integrity of the Island and uses this power to scrutinise proposals for the establishment of new financial services businesses.

With regard to controls over the incorporation of companies in the Island, the relevant legislation is the Control of Borrowing (Jersey) Order 1958 and the Companies (Jersey) Law 1991. In particular, under the former, the consent of the Finance and Economics Committee is required to the issue of shares by any newly-incorporated Jersey company and consent is only given after the completion of a detailed application and the scrutiny of that application by the Financial Services Department. The application form requires disclosure of the ultimate beneficial ownership of the company and its principal objects and contains a declaration regarding the non-involvement of the beneficial owners in insolvent businesses. The application is signed by an Advocate or Solicitor of the Royal Court or by a chartered or certified accountant who is a principal in a Jersey based accountancy partnership.

If the Deputy would find it helpful I suggest that he may wish to make contact with the Director of the Financial Services Department in connexion with these matters."

Regulation 1(1)(k) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended. Questions and answers. (Tape No. 181)

Deputy Stuart Syvret of St. Helier asked Deputy Leonard Norman of St. Clement, President of the Housing Committee, the following questions -

1. I understand that spouses or ex-spouses of 1(1)(k)'s do not qualify under any category of the Housing Regulations even if they own property in their own right and subsequently marry someone with an (a)-(h) qualification. Is this correct, and would the President care to explain a suggestion made by one of his officers that 50 per cent of the property is handed to the current husband to gain a qualification?
2. It is becoming increasingly apparent that wives or ex-wives in a 1(1)(k) status situation have no assets attributed to them by the Housing Committee even though properties, bank accounts and businesses both past and present may be jointly owned and worked for. Does this mean that women in all categories in Jersey are still considered to be the chattels of men and have no financial status of their own regardless of the fact that they own at least 50 per cent of all assets?"

The President of the Housing Committee replied as follows -

1. The first part of this question is a statement which I consider needs some clarification. Under the Housing Regulations, the spouses of persons who have been granted consents under Regulation 1(1)(g) - hardship; 1(1)(j) - essential employment and 1(1)(k) - social or economic grounds - are entitled to buy property jointly with their partners.

Thenceforth, they are legally entitled to reside in property which they own jointly with their spouses.

However, an unqualified spouse has no automatic right under the Regulations to make further property transactions in his or her own name, unless it is jointly with his or her spouse.

In the event of a marriage breakdown or death of qualified partner, the

unqualified spouse is entitled to reside in the property he or she owned and occupied jointly with the partner. If an alternative transaction is requested, then the spouse in question is required to apply to my Committee under Regulation 1(1)(g) - hardship.

In the event of the ex-spouse of a 1(1)(k) resident marrying a person qualifying under one of the Regulations 1(1)(a) to 1(1)(h), as posed in the Deputy's statement, the former is legally entitled to own and occupy property jointly with his or her new spouse. Whether the couple wish to own property jointly is obviously a matter for them to decide.

The question posed in the second part of this first question includes a most peculiar form of words and clearly are the Deputy's, not those of an officer of my Department. What my Department will advise the ex-spouse of somebody qualifying under Regulation 1(1)(g), (j) or (k) is that he or she marries somebody qualifying under Regulation 1(1)(a)-(h), he or she may own and therefore occupy property jointly with the new spouse.

2. The first part of this second question is again a statement and if I may respectfully say so, a sweeping statement. I do not have the evidence which leads the Deputy to talk of a situation which is becoming 'increasingly apparent'. He clearly has a particular case in mind and yet has made no attempt to discuss it with either my Department, my Committee or myself. Under the circumstances I find it very difficult to understand what he is getting at, let alone help him and the House with an explanation.

The question posed in the second part of his question is a nonsense and if it were not for the fact that I do not wish to be disrespectful to the House, I should treat it with the contempt it deserves by not answering it. If the Deputy were to read the Regulations, my Committee's consultative paper issued in 1992 and our report and proposition

debated on 16th February of this year, he would see that the Regulations do not distinguish between men and women. They refer to spouses only and apply to the various categories of resident regardless of sex. The simple answer to the question is obviously 'no'."

Salvaging hardcore on the reclamation site west of the Albert Pier. Questions and answers. (Tape No. 181)

Senator Nigel Lewis Quérée asked Deputy Richard Peter Clarke-Halifax of St. Saviour, Vice-President of the Public Services Committee, the following questions -

1. Since the autumn of last year, a private contractor has been salvaging hardcore from dumped material on a number of sites in the Island and on the west of Albert reclamation site.

Would the President please inform the States, with regard to the operation on the west of Albert reclamation site what volume of material has been salvaged during this time?

2. What has the salvaged hardcore been used for?
3. What effect has this had on the operation of the reclamation site?
4. What were the conclusions of the report, commissioned by Public Services earlier this year, which reviewed the effect of this operation on the reclamation site?
5. How has the salvage operation affected the tipping life of the site?
6. Why cannot the operation continue to work from the reclamation site?
7. What conclusions has the Public Services Committee reached regarding the long term viability of this salvage operation?"

The Vice-President of the Public Services Committee replied as follows -

1. The volume of material recycled since the operation began in November 1992 to date is 6,810 cubic metres or 10,218 tonnes. The total amount of incombustible waste disposed of at west of Albert in 1992 was approximately 200,000 cubic metres or 360,000 tonnes so the recycling operation represents a very small proportion of the amount going into the site.
2. The contractor occupies the site free of charge and has incombustible material delivered directly to him. The material has been used as a base core in The Limes, it has been used in the old harbour for bed lining and used by some local builders for small paved areas. The major contract for the old harbour and The Limes used up a maximum of round about 2,500 tonnes a month and the rate of recycled material going out of the site has declined from a peak in November down to small amounts in the last two months thereby necessitating a considerable amount of stockpiling.
3. and 4.

Whilst the operation has provided a service in reclaiming some material for recycling there is no doubt that the extraction of the stone has resulted in the land where the residue of the recycling process has been tipped becoming unstable because the porosity and drainage properties have been seriously affected.

We commissioned an independent engineer to look at this and his conclusions were the same as ours. We stopped the operation immediately since we do not want any areas of the site to present problems in the future, which may restrict the development and limit the load-bearing characteristics of the ground.

5. During the five months of operation, the volume of recycled material has reduced the annual infill volume by around eight per cent.

However, due to unpredicted demand patterns and the fact that the material does not comply with British Standards the estimate of extension to the life of the tip is between three to six months.

6. The contractor cannot continue to work from the reclamation site for two reasons. We need all the space we can get in 1993 because by September of this year the site will be completely filled to the superfill level and stockpiling will then start. A need for further tipping space was identified by the Public Services and Island Development Committees in 1990 but due to lack of firm decisions by this House, on a further reclamation site, a further space for tipping will not be available until December 1994 at the earliest or possibly May 1995, thereby necessitating a considerable amount of stockpiling of incombustible waste on the present reclamation site prior to the West Park reclamation site becoming available. By September 1994 we will have stockpiles of material all over the available area on the site. If land is given over to a recycling contractor then less space is available to us to fulfill our function as the responsible body charged with the disposal of non-combustible waste.

As mentioned before, Public Services cannot allow the stability of the ground to be affected, and any more stone and rubble extracted from the material delivered to the site will jeopardise future development of any sort.

The contractor is relocating to his premises in the north of the Island from where he can encourage contractors to deliver whatever material he likes, but what we cannot do is take the fine material which results from his recycling operations back onto the west of Albert site without mixing with infill material which will involve Public Services in extra cost.

7. We cannot as a Committee comment on the

viability of a salvage operation in terms of profitability since this is the contractor's risk. What we have said as a Committee is that we will offer any help we can to reclaim this material. The problem with the reclaimed material is that it does not meet British Standards for use as a building material so its viability becomes less in our opinion as standards become more and more rigid.

Since there is little benefit to the Island from this operation the Public Services Committee feels that the contractor should be responsible for his own enterprise and not be supported from the public purse."

Code of good practice for maternity entitlement in employment. Statement

Senator Corrie Stein made a statement in the following terms -

``The Special Committee on Sex Discrimination has been actively engaged in reassessing the future of the voluntary Code of Good Practice for Maternity Entitlement in Employment in the light of the States decision not to accept its recommendations last December. In particular, it has been liaising closely with the local branch of the Institute of Personnel Management, which has endorsed the Code as representing good management practice. The I.P.M. is currently preparing an implementation guide which will help alleviate the concerns expressed on the practical aspects of adopting the proposals. In addition, the Code has been adjusted to accommodate these concerns.

The Special Committee has also entered into preliminary discussions with the Social Security Committee concerning the possible introduction of a statutory maternity pay scheme. These proposals would overcome the assertion that the Code would have a financial impact on certain employers and would be in accordance with the views previously expressed in this House that central government should take on this responsibility.

Whilst the Code itself is now in its final form, the explanatory report should obviously reflect the outcome of ongoing discussions with employer groups and the Social Security Committee concerning the implementation guide and the statutory maternity pay scheme. As those discussions are still continuing, the report cannot yet be compiled. It has been necessary, however, for the Committee to lodge the Code because of the attitude adopted by the Industrial Relations Committee, which made it quite clear that unless my Committee acceded to its demands concerning alterations to the Code, it would lodge a different Code of Practice.

I have sought without success to persuade the President of the Industrial Relations Committee that to do so would undermine our efforts to achieve a final solution that is satisfactory to all concerned. Given that many employers, including the Establishment Committee, have already adopted the Code, the sudden appearance of entirely new proposals would only serve to confuse the situation. The Industrial Relations Committee is seeking to water down a voluntary Code which already falls short of the accepted norm elsewhere and ride roughshod over all the consultation and research undertaken by my Committee. I am left, therefore, with little choice but to lodge our amended Code and undertake to bring forward a report upon completion of the consultative process now in progress.

I sincerely regret that it has been necessary to take this course of action."

Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law 1993 (P.28/93) and amendments (P.40/93 and P.43/93)

THE STATES commenced consideration of the draft Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law 199 and adopted the Preamble.

Article 1 was adopted, the States having accepted an amendment of the Defence Committee that in clause (i) of sub-paragraph (a) the words "sub-paragraph (a) of" should be deleted.

Article 2 was adopted, the States having accepted an amendment of Senator Dereck André Carter that in sub-paragraph (a) of paragraph (2) of Article 6, after the words "fleet registered keeper" there should be inserted the words "or the holder of a motor cycle rider policy" and in sub-paragraph (b) of paragraph (2) of Article 6 there should be inserted the sub-paragraph (c) where that person is the holder of a motor cycle rider policy, an insurance disc" and in sub-paragraph (c) of paragraph (4) of Article 6 after the words "fleet registered keeper" there should be inserted the words "or the holder of a motor cycle rider policy" and at the end of paragraph (6) of Article 6, for the full stop there should be substituted a semi-colon and inserted the following paragraph -

"and in this Article -

"motor cycle rider policy" means a policy of insurance in respect of third party risks in relation to the user of motor cycles or mopeds under which the cover relates to the policy holder and not to a particular motor cycle or moped; and

"motor cycle" and "moped" have the same meanings, respectively, as in the Road Traffic (Jersey) Law 1956, as amended."

Articles 3, 4, 5 and 6 were adopted.

Article 7 was adopted, the States having accepted an amendment of the Defence Committee that for clause (iv) of sub-paragraph (b) there should be substituted the following clause -

(iv) the words "not exceeding five hundred pounds" shall be deleted;

and for clause (ii) of sub-paragraph (c) there should be substituted the following clause -

(ii) the words "not exceeding five hundred pounds" shall be deleted".

Articles 8 and 9 were adopted.

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. 8) (Jersey) Law 1993.

Springfield, St. Helier: rezoning. P.41/93

THE STATES commenced consideration of a proposition of the Sport, Leisure and Recreation Committee regarding the rezoning of Springfield, St. Helier.

THE STATES accepted an amendment of the Island Development Committee that after the words ``public of the Island' there should be substituted the words ``and -

- (a) to request the Island Development Committee, within four weeks, to prepare and bring forward to the States for their approval the necessary development plan for the area to designate its use for sporting, leisure, recreational and community purposes;"

and adopted paragraph (a) as amended.

THE STATES decided to defer consideration of paragraphs (b) and (c) to a later date.

Deputy M.A. Le Geyt of St. Saviour - attendance

Deputy M.A. Le Geyt of St. Saviour, having returned to the Island during the course of the debate, was present for the remainder of the Sitting.

Voting and employment rights of non-British E.C. citizens. P.159/92

THE STATES commenced consideration of a proposition of Senator Dereck André Carter regarding voting and employment rights of non-British E.C. citizens and noted that he had withdrawn paragraph (b) of his proposition.

THE STATES then rejected the remaining paragraph -

- ``(a) to request the Legislation Committee to prepare further amendments of the Franchise (Jersey) Law 1968 to ensure that

non-British E.C. citizens resident in the Island have the same voting rights as resident British subjects and to present the amendments for debate as soon as possible;"

Members present voted as follows -

``Pour" (10)

Senators

Horsfall, Le Main, Le Maistre, Carter, Quérée.

Connétables

St. Helier.

Deputies

Le Sueur(H), S. Baudains(H), Clarke-Halifax(S), Le Fondré(L).

``Contre" (33)

Senators

Baal, Rothwell, Stein, Chinn.

Connétables

St. John, St. Clement, St. Mary, St. Ouen, St. Brelade, Trinity, St. Martin, St. Peter, Grouville, St. Saviour.

Deputies

Rumboll(H), Wavell(S), Blampied(H), Norman(C), St. John, St. Peter, H. Baudains(C), Buesnel(H), St. Ouen, Coutanche(L), Huelin(B), Jordan(B), St. Mary, Bailhache(H), Rabet(H), Grouville, Le Geyt(S), Pullin(S), Trinity.

Police Complaints Authority: establishment.
P.29/93

THE STATES, adopting a proposition of the Defence Committee -

(a) approved, in principle, the establishment of an Independent Jersey Police Complaints Authority, as outlined in the second report of the Working Party on Policing in the Island

and 'A Proposal Document' prepared by Assistant Chief Officer R.H. Le Breton (R.C.3/93);

- (b) charged the Defence Committee to prepare the necessary legislation in accordance with a priority ranking to be determined by the Policy and Resources Committee;
- (c) approved the appointment of Mr. Leslie May, F.C.C.A. as Chairman (Designate) of the Authority, pending the approval of the necessary legislation.

Parish rate appeals. P.135/92 (revised)

THE STATES acceded to the request of Senator Reginald Robert Jeune that consideration of the proposition regarding parish rate appeals (lodged on 15th September 1992) be deferred from the present Sitting to a later date.

Continental Hotel site, St. Helier: approval of drawings. P.37/93

THE STATES adopting a proposition of the Housing Committee -

- (a) approved drawing Nos. 92-500-19 to 40, 43 to 56, 58 to 60, 62 to 64, 66 and 67, showing the development of the former Continental Hotel site, St. Helier with 17 one-bedroomed, 57 two-bedroomed and four three-bedroomed flats;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

46 Rouge Bouillon, St. Helier: purchase. P.32/93

THE STATES adopting a proposition of the Island Development Committee -

- (a) authorised the purchase, on behalf of the public, from Mr. William Walter Le Geyt and Mrs. Dorothy Howard Le Geyt, née Howard, of the property known as No. 46 Rouge Bouillon, St. Helier (as indicated on drawing No. 369/1) for £282,000 with the public being

responsible for the vendor's
professional fees in the sum of
£8,460;

- (b) authorised the payment or discharge of the expenses to be incurred in connexion with the acquisition of the property and all interests therein, and the payment of all legal and survey expenses from the Island Development Committee's vote of credit 'Acquisition of Land - Major Reserve' (Vote C0904);
- (c) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract that it might be found necessary to pass in connexion with the acquisition of the said land and buildings and any interest therein;
- (d) authorised the transfer of administration of the property to the Housing Committee.

THE STATES rose at 5.20 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.