THE STATES assembled on Tuesday, 7th December 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 John Stephen Rothwell - ill Ronald Winter Blampied, Deputy of St. Helier - ill

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

- Motor Vehicles (Construction and Use) (Amendment No. 30) (Jersey) Order 1993. R & O 8617.
- Motor Cars (Driving Instruction) (Amendment No. 4) (Jersey) Order 1993. R & O 8618.
- Telecommunications (Telephones) (Amendment No. 21) (Jersey) Order 1993. R & O 8619.

Welfare benefits: recommended rates from 1st January 1994. R.C.37

The Finance and Economics Committee, by Act dated 29th November 1993, presented to the

States a report setting out the recommended rates of welfare benefit from 1st January 1994.

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

Broadcasting Committee: report for 1992/1993. R.C.38

THE Broadcasting Committee, by Act dated 3rd December 1993, presented to the States its report for the period 1st March 1992 to 3rd December 1993.

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

Jersey Council for Safety and Health at Work: report and accounts for the year ending 30th September 1993. R.C.39

The Social Security Committee, by Act dated 6th December 1993, presented to the States the report and accounts of the Jersey Council for Health and Safety at Work for the year ending 30th September 1993.

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

Financial support for unemployed persons reimbursement from general revenues (P.183/93): comments of the Finance and Economics Committee. P.206/93

The Finance and Economics Committee, by Act dated 15th November 1993, presented to the States its comments on the proposition of Deputy Leonard Norman of St. Clement regarding financial support for unemployed persons reimbursement from general revenues.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 29th November 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 Mrs. Joan Annie Perée, née Swift, of the one-bedroomed property, Flat 4, 73 Rouge Bouillon, St. Helier, from 1st November 1993 to 30th November 1995, at an annual rent of £4,876, subject to a review on 1st November 1994

(b) as recommended by the Housing Committee, the granting of a wayleave to the Jersey Electricity Company Limited, in perpetuity, for the supply of electricity to the housing development at Clos du Fort, St. Helier, with both parties paying their own legal expenses;

(c) as recommended by the Housing Committee, to enter into a deed of arrangement with Mr. Edward Mundy and Mrs. Karen Christina Mundy, née Sawyer, in order to ratify the existing water and electricity supplies to Santa Anna, Route de L'Hermite, St. Peter, through the roadway belonging to the public and the two openings on to same, which should not be permitted to encroach on the road in any way, for a consideration of £500, plus all reasonable legal fees resulting from the transaction;

- (d) as recommended by the Housing Committee, to enter into a deed of arrangement with Mr. John Philip Le Marquand and Mrs. Rachel Elaine Le Marquand, née Pim, in order to ratify various irregularities regarding the eastern and southern boundaries of 1 Mayfield, La Grande Route de St. Martin, St. Saviour, towards a footpath and roadway belonging to the public, as follows -
 - that the right to maintain the three existing openings to the property's southern boundary would not constitute the right, in the case of doors, gates and the like, now established in the future, in and across such openings, to encroach on the road in any way whatsoever;
 - (2) that the surface water emanating from the property should only be permitted to drain into the main storm drain situated in the roadway;

(3) that the right to re-establish the eastern boundary should be subject to

the terms and conditions to be agreed with the Head of Conveyancing at the Law Officers' Department;

(4) that Mr. and Mrs. Le Marquand pay all reasonable legal fees resulting from the transaction;

for a consideration of £500;

(e) as recommended by the Housing Committee, the transfer of ownership of two areas of land at Trinity Road and Les Vaux New Road, St. Helier, to the Parish of St. Helier for a consideration of £20 (£10 each) with each party paying its own legal fees arising from the transaction, the two areas of land being -

 602 square feet of land on the corner of the Beau Vallon housing development, Trinity Road, St. Helier; and

(2) 425 square feet of land near Cherry Orchard Court bordering Les Vaux New Road, St. Helier:

The transfer was subject to the condition that the Parish of St. Helier undertake to reconstruct the roadside wall at Cherry Orchard Court and to bear the cost of reconstructing the storage sheds on a site yet to be decided by the Housing Committee, construction of which would be subject to the approval of the Island Development Committee;

- (f) as recommended by the Public Health Committee, the renewal of the lease from Mrs. Clara Alstadt, née Mayer, of the two-bedroomed property, Flat 4, Theresa Court, Old St. John's Road, St. Helier, for a period of one year from 12th November 1993, at an annual rent of £6,400 with an option to extend for a further year;
- (g) as recommended by the Public Health Committee, the renewal of the lease from the Churchwardens of All Saints Church of the four-bedroomed property, All Saints Vicarage, The Parade, St. Helier, for a period of one year from 28th August 1993, at an annual rent of £10,444.20.

Matter noted - financial transaction

THE STATES noted an Act of the Finance and Economics Committee dated 29th November 1993, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Housing Committee had accepted the lowest of seven tenders, namely that submitted by J.F. Marett and Son Limited, in the sum of £394,877 for the development of 29-31 Val Plaisant, St. Helier, in a period of 52 weeks.

Matters lodged

The following subjects were lodged ``au Greffe" -

- Overseas Trading Corporation site, First Tower: approval of drawings. P.201/93.
 Presented by the Housing Committee.
- Draft Regulation of Undertakings and Development (Amendment No. 6) (Jersey) Law 199 . P.202/93. Presented by the Finance and Economics Committee.
- 3. Draft Hire Cars (No. 5) (Jersey) Regulations 199 . P.203/93. Presented Defence Committee.
- 4. Draft Public Service Vehicles (Fees) (Amendment No. 3) (Jersey) Regulations 199 . P.204/93. Presented by the Defence Committee.
- 5. Telecommunications (Telephones) (Amendment No. 21) (Jersey) Order 1993: annulment. P.205/93. Presented by Senator J.S. Rothwell.

Jersey Field Squadron: Statement

Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, made a statement in the following terms -

``As I made clear during the Budget debate last week, I was very disturbed by the recent criticism of the TA and our defence contribution during the various election

campaigns and I undertook to make a full statement to the House when the opportunity arose. During that debate the President of the Finance and Economics Committee was able to clear away some of the misunderstandings there had obviously been about defence costs. I am very grateful to him and also to Senator Shenton who so robustly made clear where the duty of this House lies in relation to our defence commitment. The fact that there was such criticism of our defence contribution, which was fully debated and properly endorsed at the time we undertook the commitment, is bad enough. But what particularly distressed me was that those who made such criticisms had not taken the trouble to establish the facts and consequently misled members of the general public. In order to avoid this happening again I take this opportunity to set out the facts to the House today.

First I remind the House of Jersey's record in regard to contributions to the defence of the Realm. For centuries the Island maintained its militia units which played such a vital part in conflict; the war memorials in the parishes are testament to this and to those who paid the highest price. In addition to the proud contribution by the militia, a number of financial donations were made over the years: £100,000 during the first world war; £300.000 in 1927: £100.000 in 1940 and £150,000 in 1953; all, of course, in very different pounds and at today's values a total of at least £18 million. I will return to the question of costs later.

The House will recall that the present Jersey Field Squadron has its origins in 1984 when the then Home Secretary wrote to Jersey, as well as to the Isle of Man and Guernsey, raising the question of - and I quote `the Islands making an annual contribution towards the costs accrued by the United Kingdom on defence ...' Studies here showed that there was no legal nor constitutional reason for not making a contribution and, further, that the moral argument for making a contribution was overwhelming. A one-off payment of £800,000 was made while the nature of our contribution was worked out and it was finally decided that a TA Engineer Unit should be formed and that Jersey should pay its full costs.

Nothing has happened since which would

justify reversing those decisions; indeed, as I shall show the House, the facts prove their wisdom and farsightedness.

The formal agreement - that the Island would fund and maintain the unit, its staff and equipment establishment for a minimum of ten years - was completed in 1988. As I shall show, that agreement gives us the best option we could possibly have, but even if that were not so it would be unthinkable that we should renege on that agreement which would seriously tarnish the image of this House and this Island in the eyes of the international community. And how could we, with a clear conscience, continue to ask for military help such as we have done in our fishing disputes and in the recent arrest made on our behalf on the high seas.

I said I would tell you a little more about costs and it might be helpful if, first, I set our contribution in cost comparison with others.

The Isle of Man makes a straight cash payment annually towards United Kingdom defence costs equivalent to five per cent of its receipts in customs and excise dues. The annual payment has never been less than £3 million and has been as much as £3.5 million. This equates to £54 per head of the Isle of Man population and none of it enters that Island's economy. I cannot give precise figures for Guernsey because their contribution is to accept a continuing liability for the maintenance of the Alderney breakwater - previously undertaken by the Ministry of Defence - and the longterm costs, while worrying, are unknown. Suffice it to say that these costs are likely to be heavier than those we bear and much of the work will have to be undertaken by outside specialists. Again, for comparison, the United Kingdom defence budget is £24 billion which is some £480 per head. During the Budget debate Senator Horsfall gave details of our defence capital costs, equipment costs and running costs over the ten year period. As you heard, the annual cost to Jersey averages at £1.3 million which is equivalent to £19 per head of our population and over £12 stays in Jersey. So not only do we pay a relatively small defence contribution but most of it directly benefits the Jersey economy.

Now to equipment. What some people have

clearly failed to recognise is that our TA unit is part of the British Army and it has a specific rôle within that Army. It is our contribution to overall defence - not a unit designed for the defence of Jersey. The fact that its rôle is important and will continue in the longer term has recently been confirmed, as I indicated last week, in a letter to his Excellency the Lieutenant-Governor by no less a person than the Chief of the General Staff. Since it is a British Army unit it follows that its scale of equipment must be that required by the British Army for its particular rôle. Indeed, I would remind the House that the equipment required by the Field Squadron and the associated costs are all detailed in a schedule to the agreement that the States entered into in the first place. Clearly those who have suggested that the squadron train on farm tractors and propose a flimsy inflatable instead of a combat support boat have entirely missed the point.

Having, I hope, persuaded you that the Jersey Field Squadron is not a white elephant and is not bleeding the Island to death, let me talk about the people involved and the benefit to the Island.

The very existence of the Jersey Field Squadron makes possible visits to the Island by other military units which undertake a variety of community projects such as constructing paths and a bridge at the Ile Agois, surveying and repairing the underwater structure of St. Catherine's breakwater, charity band concerts, sports coaching - to mention just a few. In 1993 a total of 600 military personnel spent 6,583 bed nights in Jersey and all of them took part in some community project or other.

The Jersey Field Squadron itself has already participated in or hosted 50 - YES FIFTY - local events including setting up familiarisation visits to Le Quesne Centre by a variety of organisations, providing assault course activities at fetes, providing communications for Battle of Flowers, mounting Guards of Honour, carrying out repairs to Crabbé Range Road, collecting and storing a generator for Overseas Aid, and even removing a tree stump in St. Peter's Valley.

The skills and fitness gained by members of the Squadron during their training, benefits the members themselves - and you only have to talk to them to be convinced of this - but it also benefits the community by enhancing the level of skills generally and the participation in local events.

In short, deciding to fund our own TA unit as our defence contribution was the best move we could possibly have made. Relative to other contributors, the cost is very small indeed, most of it is returned to the Island and yet we get a great deal for it. We have refurbished a building which is an important part of the Island's heritage. With our Jersey Field Squadron we increase the scope for the training of the young men and women of the Island and we can already see the benefits in added skills and added experience - such as has been gained by travelling abroad to take part in exercises. The squadron, together with their counterparts who visit from the mainland, are able to help in community projects and, not least, we are able to maintain the proud and 600 year old tradition of the Jersey militia.

It is my intention to invite States' Members to an open day to see the Jersey Field Squadron at work. I hope that there will be a good response and that members, particularly those who have been critical in the past, will take the trouble to go and see for themselves the progress made, the skills learned and hear at first hand how the members feel they have benefited.

Finally, I ask for your help. As one would expect, the recent ill-informed and adverse publicity has had its effect on the morale of the Jersey Field Squadron and especially on those who were thinking about joining. This bad publicity needs to be reversed. It would be the greatest tragedy if, because of ill-informed criticism and lack of support, the numbers of the unit dropped to the stage where the Jersey Field Squadron was no longer viable and we were forced into making a much less attractive contribution to United Kingdom defence requirements."

Public appointments: petition. P.66/91 Withdrawn

THE STATES noted that Deputy Maurice Clement Buesnel of St. Helier had withdrawn his proposition relating to public appointme petition that had been lodged ``au Greffe'' on 23rd April 1991.

Draft Finance (No. 2) (Jersey) Law 199 . P.207/93

THE STATES adopted in second reading a Bill to amend the Law relating to oils and spirits duty.

The said Bill was lodged ``au Greffe".

Act bringing into force a Bill to amend the Laws relating to oils and spirits duty

THE STATES, in pursuance of Article 25 of the Public Finances (Administration) (Jersey) Law 1967, as amended, have declared that the Bill to amend the Laws relating to oils and spirits duty (which Bill had that day been lodged ``au Greffe'') should immediately have effect as if it were a Law passed by the States and sanctioned by Her Majesty in Council.

Les Quennevais Swimming Pool: approval of drawings and acceptance of contract. P.208/93

THE STATES commenced consideration of a proposition of the Sport, Leisure and Recreation Committee requesting approval of drawings showing the proposed construction of a municipal swimming pool, a learner/disabled pool, a health complex and ancillary facilities at Les Quennevais, St. Brelade and the approval of a fixed price contract. After discussion, and on the proposition of Deputy Stuart Syvret of St. Helier, the proposition was lodged ``au Greffe''.

St. Martin's Village Plan. P.120/93

THE STATES, adopting a proposition of the Island Development Committee -

- (a) approved the St. Martin's Village Plan as a development plan under Article 3 of the Island Planning (Jersey) Law 1964, as amended, as shown on Map No. 399/1 (revised).
- (b) approved the zoning of -

Field 389 - east part, measuring 4.5 vergées; and

Field 390, measuring 3.5 vergées;

for use for Category A housing and other housing purposes as determined by the Parish of Saint Martin;

- (c) authorised the Island Development Committee, in the event of the parish being unable to acquire the said land, to negotiate with the owners for the purchase of the land at a fair and proper price to be agreed with the Finance and Economics Committee;
- (d) agreed that, in the event of it not being possible to agree a fair and proper price with the owners of the land, the Island Development Committee should be empowered, in exercise of the powers conferred by Article 4 of the Island Planning (Jersey) Law 1964, as amended, to acquire the land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
- (e) authorised the payment or discharge of the expenses to be incurred in connexion with the acquisition of the said land and all interests therein and the payment of all legal expenses from the Island Development Committee's vote of credit `Acquisition of Land - Major Reserve' (Vote No. C0904);
- (f) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which it might be found necessary to pass in connexion with the purchase of the said land and any interests therein.

Field 846B and part Field 847, St. Lawrence: rezoning. P.135/93

THE STATES commenced consideration of a proposition of the Island Development Committee regarding the re-zoning of Field 846B and part Field 847, St. Lawrence.

THE STATES, having rejected paragraph (i), adopted paragraph (ii) and expressed their support for the Island Development Committee's intention to grant planning permission for the construction of two additional dwellings along the eastern boundary of Field 847, St. Lawrence as shown on drawing No. 396/1, which was within the area currently designated as Green Zone on the Island Plan.

Members present voted on paragraph (i) as follows -

``Pour" (21)

Senators

Shenton, Jeune, Binnington, Le Maistre, Stein.

Connétables

St. John, St. Peter, Grouville, St. Helier.

Deputies

Le Gallais, Beadle(B), St. John, St. Peter, H. Baudains(C), Buesnel(C), St. Mary, Bailhache(H), Rabet(H), S. Baudains(H), Grouville, St. Martin.

``Contre" (28)

Senators

Baal, Le Main, Carter, Quérée, Chinn.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Ouen, St. Brelade, St. Martin, St. Saviour, Trinity.

Deputies

Rumboll(H), Norman(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), Jordan(B), Clarke-Halifax(S), Le Fondré, Le Geyt(S), Walker(H), Syvret(H), Crespel(H), Pullin(S), Trinity.

Deputy Michael Adam Wavell of St. Saviour abstained from voting.

Members present voted on paragraph (ii) as follows -

``Pour'' (30) Senators

Shenton, Jeune, Binnington, Horsfall, Le Main, Le Maistre, Stein.

Connétables

St. John, St. Brelade, St. Martin, St.

Peter, Grouville, St. Helier.

Deputies

Le Gallais, Beadle(B), St. Peter, H. Baudains(C), Buesnel(C), Coutanche(L), Huelin(B), St. Mary, Bailhache(H), Rabet(H), S. Baudains(H), Grouville, Clarke-Halifax, Le Fondré, St. Martin, Crespel(H), Pullin(S).

``Contre" (20) Senators

Baal, Carter, Quérée, Chinn.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Ouen, St. Saviour, Trinity.

Deputies

Rumboll(H), Norman(C), St. John, Le Sueur(H), St. Ouen, Jordan(B), Le Geyt(S), Walker(H), Syvret(H), Trinity.

Deputy Wavell of St. Saviour abstained from voting.

Family Allowances (Jersey) Regulations 1993. P.185/93 (revised)

THE STATES, in pursuance of Article 7 of the Family Allowances (Jersey) Law 1972, as amended, made Regulations entitled the Family Allowances (Jersey) Regulations 1993.

Health Insurance (Medical Benefit) (Amendment No. 43) (Jersey) Regulations 1993. P.186/93

THE STATES, in pursuance of Articles 18 and 46 of the Health Insurance (Jersey) Law 1967, as amended, made Regulations entitled the Health Insurance (Medical Benefit) (Amendment No. 43) (Jersey) Regulations 1993.

Compulsory Purchase of Land (Procedure) (Amendment No. 5) (Jersey) Law 1993. P.187/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Compulsory Purchase of Land (Procedure) (Amendment No. 5) (Jersey) Law 1993.

States Auditor: appointment of Price Waterhouse. P.188/93. Debate in camera.

The Bailiff, in pursuance of Article 11(5) of the Public Finances (Administration) (Jersey) Law 1967, as amended, and in accordance with Standing Order No. 46(2), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the appointment of the States Auditor be debated in camera.

THE STATES, having deliberated thereon in camera, proceeded to vote in public assembly and, adopting a proposition of the Finance and Economics Committee, and in accordance with Article 11(1) of the Public Finances (Administration) (Jersey) Law 1967, as amended, appointed the firm of Price Waterhouse as States Auditor for a period of three years, commencing with the audit of the States accounts for the year ending 31st December 1994.

Springfield, St. Helier: acquisition of land and interim agreement. P.189/93 and amendment of the report.

THE STATES, adopting a proposition of the Island Development Committee -

- (a) authorised the purchase, on behalf of the public, from the Royal Jersey Agricultural and Horticultural Society, of 8,920 square feet of land situated at Springfield, St. Helier, shown as Area A (as indicated on drawing No. 415/1), required for a gyratory road system, for a consideration of £10;
- (b) authorised the payment of an advance of £200,000 to the Royal Jersey Agricultural and Horticultural Society, in accordance with the interim agreement with the Royal Jersey Agricultural and Horticultural Society outlined in the report of the Island Development Committee dated 12th November 1993;
- (c) authorised the Treasurer of the States to pay the amounts connected with transactions (a) and (b) from the Island Development Committee's capital vote of credit ``Land Acquisition'' C.0904;
- (d) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any necessary contract and to sign the interim agreement under (b) on behalf of the

States.

THE STATES noted the amendments of paragraph 5 of the report accompanying the proposition, in the following terms -

In paragraph 5 for the first sentence there was substitued the following sentence -

**5. An interim agreement, which is in the course of being finalised by the legal representatives of the Island Development Committee and the Royal Jersey Agricultural and Horticultural Society, provides for agreement to the following -".

For sub-paragraph (e) of paragraph 5 there was substituted the following subparagraph -

- ``(e) the States to acquire the whole of the Springfield site within three years, the purchase price to be decided in either of a number of ways -
 - (i) by agreement;
 - (ii) under an agreed arbitration procedure;
 - (iii) by compulsory purchase."

Road Traffic (No. 43) (Jersey) Regulations 1993. P.190/93

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twentysixth day of December 1851 and Article 49 of the Road Traffic (Jersey) Law 1956, as amended, made Regulations entitled the Road Traffic (No. 43) (Jersey) Regulations 1993.

Public Markets (Administration) (Supplementary Provisions) (Jersey) Regulations 1993. P.191/93

THE STATES, in pursuance of Article 3 of the ``Loi (1885 à 1940) touchant l'Administration des Marchés Publics'', made Regulations entitled Public Markets (Administration) (Supplementary Provisions) (Jersey) Regulations 1993. Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law (Appointed Day) Act 1993. P.192/93

THE STATES, in pursuance of Article 9 of the Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law 1993, made an Act entitled the Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law (Appointed Day) Act 1993.

Motor Vehicle Registration (Jersey) Law 1993 (Appointed Day) Act 1993. P.193/93

THE STATES, in pursuance of Article 18 of the Motor Vehicle Registration (Jersey) Law 1993, made an Act entitled the Motor Vehicle Registration (Jersey) Law 1993 (Appointed Day) Act 1993.

Motor Vehicles (International Circulation) (Amendment No. 11) (Jersey) Regulations 1993. P.194/93 (Revised)

THE STATES, in pursuance of Article 1 of the Motor Vehicles (International Circulation) (Jersey) Law 1953, made Regulations entitled the Motor Vehicles (International Circulation) (Amendment No. 11) (Jersey) Regulations 1993.

Hire Cars (No. 4) (Jersey) Regulations 1993. P.194/93

THE STATES, in pursuance of Article 22A of the Hire Cars (Jersey) Law 1964, as amended, made Regulations entitled the Hire Cars (No. 4) (Jersey) Regulations 1993.

Policy and Resources Committee: constitution. P.196/93

THE STATES, adopting a proposition of the Policy and Resources Committee -

(a) referred to their Acts dated 8th November 1988 and 24th January 1989, providing for the appointment and responsibilities of the Policy and Resources Committee, and their Act of 28th August 1990, regarding the future structure of the Committee, and rescinded paragraph 3 of the Act dated 24th January 1989 and paragraph 3 of the Act dated 28th August 1990 (both of which refer to the membership of the Committee);

(b) requested the House Committee to amend the Standing Orders of the States of Jersey to delete paragraph (1A) of Standing Order No. 41 and agreed that, at the time of the appointment of Committee Presidents in December 1993, paragraph (1A) should be waived.

Amendment (No. 14) of the Standing Orders of the States of Jersey. P.197/93

THE STATES, in pursuance of Article 16 and 27 of the States of Jersey Law 1966, as amended, made Amendment (No. 14) of the Standing Orders of the States of Jersey.

Retiring Members

The President conveyed the best wishes of the Assembly to the 11 Members who would not be returning to the States in the next Session and, on behalf of the Island, thanked them for their service.

THE STATES rose at 3.30 p.m.

G.H.C. COPPOCK

Greffier of the States.