

Price : £2.00

THE STATES assembled on Tuesday,  
21st January 1992 at 10.15 a.m. under  
the Presidency of the Bailiff,  
Sir Peter Crill, C.B.E.

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

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All Members were present with the exception of -

Leonard Norman, Deputy of St. Clement - out  
of the Island.  
Maurice Clement Buesnel, Deputy of St.  
Helier - ill.  
Derek Ryder Maltwood, Deputy of St. Mary -  
out of the Island.  
Graeme Ernest Rabet, Deputy of St. Helier -  
ill.

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Prayers

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Tourism Committee: resignation of President

THE STATES accepted the resignation of Deputy  
Graeme Ernest Rabet of St. Helier, as President  
of the Tourism Committee.

Tourism Committee: vacancy in  
Presidency

In accordance with Article 28(3) of the States  
of Jersey Law 1966, the Bailiff gave notice that  
there was a vacancy in the office of President  
of the Tourism Committee.

## Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Immigration (Hotel Records) (Jersey)  
Order 1991 R & O 8316
2. Road Traffic (Public Parking Places)  
(Amendment No. 21) (Jersey) Order 1991  
R & O 8317
3. Post Office (General Provisions)  
(Amendment No. 34) (Jersey) Order 1991  
R & O 8318
4. Post Office (Foreign Post Provisions)  
(Amendment No. 20) (Jersey) Order 1991  
R & O 8319
5. Amendment (No. 13) to the Tariff of  
Harbour and Light Dues R & O 8320
6. Royal Court (Amendment No. 6) Rules  
1991 R & O 8321
7. Civil Service Administration (Salaries)  
(Amendment No. 11) (Jersey) Order 1992  
R & O 8322
8. Companies (Standard Table) (Jersey)  
Order 1992 R & O 8323
9. Companies (General Provisions) (Jersey)  
Order 1992 R & O 8324
10. Companies (Fees) (Jersey) Order 1992  
R & O 8325
11. Companies (Qualification of Secretary)  
(Jersey) Order 1992 R & O 8326
12. Companies (Application of Share  
Premiums) (Jersey) Order 1992  
R & O 8327
13. Companies (Share  
Certificates) (Exemption) (Jersey)  
Order 1992 R & O 8328
14. Companies (Prescribed Currency)

(Jersey) Order 1992 R & O 8329

Mental Health (Jersey) Law 1969: reform.  
R.C.1

The Public Health Committee by Act dated 4th December 1991 presented to the States a report on the proposals to reform the Mental Health (Jersey) Law 1969.

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

Welfare benefit: revised rates from 7th January 1992. R.C.2

The Finance and Economics Committee by Act dated 13th January 1992, presented to the States a report setting out the revised rates of welfare benefit from 7th January 1992.

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 13th January 1992, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Education Committee, the lease from the Rector of the Parish of St. Saviour, for and on behalf of the said Parish, of approximately 13 vergées of land, known as the Glebeland, St. Saviour, for a further period of three years, commencing 1st January 1992, at an annual rent of £1,950;
- (b) as recommended by the Harbours and Airport Committee, the lease to Airport Garage Limited of 910 square feet of accommodation on the ground floor of Alares House (Letting No. B4A) for a period of three years and two months from 1st November 1991 to 31st December 1994 with an option to extend by a further two years to 31st December 1996, at an annual rent of £10,000 to

be reviewed on the 1st January 1993 and subsequently on 1st January of succeeding years in line with the Jersey Retail Price Index;

(c) as recommended by the Defence Committee, the lease from Mr. John Hamon of the two-bedroomed bungalow 'Petit Vermont'. Woodbines Corner, La Route des Genets, St. Brelade, to accommodate an officer of the Territorial Army, for a period of three years commencing 9th December 1991, at an annual rent of £10,400, with annual rent reviews in line with the Jersey Cost of Living Index;

(d) as recommended by the Public Services Committee, the purchase from Jennet Limited of 520 square feet of land in Field 460, St. Peter for a consideration of £520 with the Committee being responsible for all the legal costs and the cost of the accommodation works involved;

(e) as recommended by the Public Health Committee, the renewal of the lease from Mrs. Anne Dorothy Taylor, née Brooksbank, of the two-bedroomed property La Cachette, Route de Catillon, Grouville, for a period of one year from 8th December 1991 at a weekly rent of £170.

#### Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Agricultural Land (Control of Sales and Leases) (Amendment No. 3) (Jersey) Law 199 P.2/92  
Presented by the Agriculture and Fisheries Committee.
2. Projet de Loi (199 )  
(Amendement) sur la Location de Bien-Fonds P.3/92  
Presented by the Agriculture and Fisheries Committee
3. Draft Companies (Purchase Of Own Shares) (Jersey) Regulations 199 P.4/92

Presented by the Finance and  
Economics Committee

4. Draft Companies (Transitional  
Provisions) (Jersey) Regulations 199  
P.5/92  
Presented by the Finance and  
Economics Committee

5. Draft Companies (Amendment)  
(Jersey) Law 199 P.6/92  
Presented by the Finance and  
Economics Committee

The following subject was lodged on 31st  
December 1991 -

Mental Health (Jersey) Law 1969:  
reform P.200/91  
Presented by the Public Health Committee

The following subject was lodged on 7th January  
1992 -

Long Beach and Puerto Seco,  
Grouville: development P.1/92  
Presented by Deputy A.P. Bree of Grouville.

Arrangement of Public Business for the present  
Sitting

THE STATES confirmed that the following subjects  
lodged au Greffe should be considered at the  
present Sitting -

Social Security contributions: removal  
of married woman's option P.117/91  
Lodged: 6th August 1991  
Social Security Committee

Lottery profits P.180/91  
Lodged: 3rd December 1991  
Gambling Control Committee

Lottery profits: amendment  
P.193/91  
Lodged: 3rd December 1991  
Senator N.L. Quérée

Draft Terms of Employment  
(Jersey) Regulations 199 P.189/91  
Lodged: 3rd December 1991  
Industrial Relations Committee

The Broadcasting Act 1990  
(Jersey) (No. 2) Order 1991:  
amendment P.195/91  
Lodged: 10th December 1991  
Senator R.J. Shenton

Elizabeth and Mont Orgueil  
Castles: Deed of Arrangement P.197/91  
Lodged: 17th December 1991  
Public Services Committee

Long Beach and Puerto Seco,  
Grouville: development P.1/92  
Lodged: 7th January 1992  
Deputy A. P. Bree of Grouville

Arrangement of Public Business for the  
next Sitting on 4th February 1992

THE STATES confirmed that the following subjects  
lodged au Greffe should be considered at the  
next Sitting on 4th February 1992 -

Draft Agricultural Land (Control of Sales  
and Leases) (Amendment No. 3) (Jersey) Law  
199 P.2/92  
Agriculture and Fisheries Committee

Projet de Loi (199 ) (Amendement) sur  
la Location de Bien-Fonds P.3/92  
Agriculture and Fisheries Committee

Draft Companies (Purchase Of Own  
Shares) (Jersey) Regulations 199 P.4/92  
Finance and Economics Committee

Draft Companies (Transitional  
Provisions) (Jersey) Regulations 199  
P.5/92  
Finance and Economics Committee

Draft Companies (Amendment) (Jersey)  
Law 199 P.6/92  
Finance and Economics Committee

Golf course, Les Creux, St. Brelade  
P.101/91  
Lodged: 18th June 1991  
Finance and Economics Committee

Golf Course, Les Creux, St. Brelade:

purchase and lease of land P.187/91  
Lodged: 3rd December 1991  
Sport, Leisure and  
Recreation Committee

Dégrèvements. Questions and answers (Tape  
No. 121)

Senator Richard Joseph Shenton asked Deputy  
Edgar John Becquet of Trinity, President of the  
Legislation Committee the following questions -

- ``1. Will the President inform the  
States whether his Committee had  
given any consideration since I  
last asked questions on this  
subject in 1989 to the possibility  
of replacing the existing  
procedure known as `dégrèvement'  
with a procedure that would be  
fairer and more in keeping with  
the circumstances of the 1990s?
2. If the answer to question one is in the  
negative, will the President give an  
assurance that the matter will now be  
examined without delay?"

The President of the Legislation Committee  
replied as follows -

``In 1989 when Senator Shenton asked me  
when the existing procedure known as  
`dégrèvement' would be replaced by a more  
just form of procedure I advised the House  
that the matter was being considered by the  
Finance and Economics Committee during its  
drafting of the Bankruptcy Law.

That Law is now on the Statute Book  
and there is provision within it for a  
debtor to avoid the taking over by a  
creditor of his property in which there is  
some equity and so preserving for the  
debtor the benefit of such equity.

This Law is, of course, in its infancy and  
I understand that there may be some  
difficulty in its implementation insofar as  
real property is concerned. This is a  
matter which has recently been brought to  
the attention of the Legislation Committee  
and which we are now examining."

Special needs education. Questions and answers  
(Tape No. 121)

Senator Richard Joseph Shenton asked the  
Connétable of St. Lawrence, President of the  
Education Committee, the following questions -

- ``1. Will the President inform the  
House as to the number of hearing  
impaired children presently being  
educated in Jersey?
2. Will the President inform the House as  
to the number of professionally  
qualified hearing impaired teachers  
employed by the Committee?
3. Will the President explain why a  
retired H.M. Inspector has been  
selected for assessment of the hearing  
impaired service?
4. Will the President inform the House as  
to the number of special needs  
personnel employed by the Committee and  
their particular qualifications?"

The President of the Education Committee replied  
as follows -

- ``1. There are a number of children in  
the Island who require some  
assistance because of hearing  
loss. Some are more severe than  
others.

There are 20 primary school children  
and 32 at secondary schools and in  
further education. These children have  
hearing losses that are not severe and  
they can, with the help of an aid  
benefit from mainstream education  
without specialist support. However,  
all schools have special needs teachers  
to give assistance from time to time  
where necessary and the children are  
regularly monitored by the audiologist  
who is also a trained teacher of the  
deaf.

Other children have severe losses and  
need specialist support by a team of  
professionals including educational  
psychologists, speech therapists,  
special needs teachers and their

learning programme needs to be monitored by a teacher of the deaf.

The present numbers are:

Nursery and Primary 7 and  
Secondary 7.

2. The Committee employs one teacher of the deaf for nursery and primary and this was increased to two when the Committee decided to set up a new unit at Grouville School. The second post will be appointed later this month. The Committee also employs one teacher of the deaf at Grainville School for secondary children. Submission has been made to and approved by the Establishment Committee for an additional 1.4 teachers and 0.82 ancillary assistance.

Whilst I am happy to give such figures they have little relevance in the all round care of these children since, as I have already explained, such children need a team of professional people to support them including special needs teachers who are specially trained and appropriately qualified.

In addition to these numbers there are two part-time teachers to support hearing impaired children as recommended by HMI Howard Williams at the last review in 1987. The audiologist is also a trained teacher of the deaf and in most United Kingdom services these tasks are carried out by the teacher in the classroom.

In her draft report to my Committee, Mrs Olive Whittingham, who needs no introduction to those who have knowledge of the needs of children with hearing impairment, commented on the levels of staffing, before the additions to staff were agreed by the Establishment Committee that "these staffing ratios are acceptable and when other input is included they may be regarded as generous". I believe that with the addition of the posts recently approved by Establishment that the levels can be regarded as very

generous.

3. Mrs. Whittingham who was recommended by Her Majesty's Inspectorate as being the person most suitable to carry out such a review.

For the benefit of those who are not familiar with the national service I am happy to outline why HMI found her so appropriate.

Mrs Olive Whittingham is a qualified teacher of the deaf. She started her career in a mainstream school, was a teacher of the deaf and then became Head of Service. She was for fifteen years H.M. Inspector with special responsibility for monitoring the national provision for hearing impaired pupils. In this capacity she has made visits to most of the schools and units with hearing impaired pupils, to institutions where teachers of the deaf are trained and to local education authorities. Reports on all visits were made to the Secretary of State.

Mrs. Whittingham is also a qualified counsellor and psychotherapist and has a Masters degree in Psychology.

I cannot think of anybody who is eminently more suitable to examine and advise on the service in Jersey.

4. This I am particularly proud, Sir, to do since Jersey can boast one of the finest services for those children who have special needs of one sort or another including children with physical disabilities, children with moderate and severe learning difficulties, with emotional difficulties and with hearing impairment.

The Committee has a proud record of integration of such children into mainstream schools even before the Warnock report and believes that with appropriate support children should be educated as far as possible with other children and not isolated in special schools. After all children will need to integrate fully with their peers

when they move into adulthood and take up their places in the community. Jersey has a fine record of doing just that and may I make reference to the work done by various voluntary bodies which assist us in this way. There will, of course, always be children for whom segregated provision is unavoidable.

In order to carry out the integration policy all States primary schools have a member of staff who is designated as responsible for special needs and all secondary schools have a minimum of three teachers who have this responsibility. In addition there are special schools and units such as Mont à l'Abbé, the Language Unit, St. James Centre and Les Chenes.

The staffing establishment for special education is -

34.1 teachers and 15.6 school assistants

In further education there are 8.16 lecturers working with students with special needs.

There are 56 teachers both full-time and part-time in mainstream schools.

On the training of such teachers the record is impressive -

During 1980 to 1985 the Committee set up a training course in special needs leading to a Diploma in Special Educational Needs. The course was run locally and supported by a number of United Kingdom universities. 43 teachers achieved the qualification.

In 1989 the Committee approved, as part of its action plan for special needs, an ambitious new training approach. A modular course was organised with Exeter University to provide basic and advanced qualifications for Professional Studies in Special Education which would lead to further study with the final qualification of Bachelor of Philosophy or Master of Science. At present 65 teachers have

completed the Basic Qualification, 22 have been awarded the Advanced Certificate and are registered for the B.Phil. degree/M.Sc. course.

Of all 98.8 teachers in post both in schools as special needs teachers and in separate provision and unit, 30 have Advanced Certificates and 45 Basic Certificates.

Sir, I suggest that Jersey's service for children with special needs will stand comparison with any on the mainland. Of course, we must not be complacent and seek all the time to improve standards.

I am grateful for the opportunity for States' Members to know of the excellent special needs provision in the Island and I would be happy for any States' Member to visit schools to see for themselves."

Disease free status of Jersey cattle. Statement

The President of the Agriculture and Fisheries Committee made a statement in the following terms -

``Members will recall that in the Agriculture and Fisheries Committee's 1991 budget there was inscribed a sum of money to undertake an all Island cattle test.

This test was completed in the autumn of 1991 and the results forwarded to the United Kingdom Ministry of Agriculture, Fisheries and Food. I am pleased to tell the House that the Ministry's Chief Veterinary Officer has confirmed the validity of the test results and the Island is now officially free of E.B.L. (Enzootic Bovine Leucosis) as well as Tuberculosis and Brucellosis both of which were the subject of a previous all Island cattle test.

Establishing the disease free status of the Island's cattle population is a vital factor in maintaining the purity of the Island herd and ensuring the well-being of the dairy industry.

The Agriculture and Fisheries Committee has requested that not only are members made aware of the results of the test but the Greffier of the States be asked to inform the Bailiff who in turn, it is hoped, would ensure that this information was relayed through the appropriate channels to the Commission of the E.C. in Brussels in order that the Standing Veterinary Committee can declare us a regional free zone for Tuberculosis, Brucellosis and E.B.L."

North Telephone Exchange, St. John: transfer of administration

THE STATES, adopting a proposition of the Defence Committee approved the transfer of administration from the Defence Committee to the Public Health Committee of the North Telephone Exchange, St. John.

Social Security contributions: removal of married woman's option. P.117/91

THE STATES adopting a proposition of the Social Security Committee -

(a) agreed that the married woman's option not to pay contributions when gainfully employed be removed on the basis of the report of the Committee, dated 30th July 1991;

(b) agreed that the Social Security Committee be charged to present draft legislation to bring about this change in the provisions of the Social Security (Jersey) Law 1974.

Lottery profits P.180/91

Lottery profits (P.180/91): amendment. P.193/91

THE STATES commenced consideration of a proposition of the Gambling Control Committee regarding the distribution of lottery profits.

THE STATES, having rejected an amendment of Senator Nigel Lewis Quérée that for paragraph (c) there should be substituted the following paragraph -

((c) after the costs in (b) have been repaid to the capital fund, to

make available to voluntary associations grants for the purchase or maintenance of property or for the construction of new buildings, with the proviso that no single grant be more than one-quarter of the annual sum available; the allocation of grants to be decided by the President of the Gambling Control Committee, the President of the Finance and Economics Committee and the Treasurer of the States."

adopted the proposition and -

- (a) agreed to pay to the Association of Jersey Charities the lottery profits from the Summer 'Bumper' Draw and the Christmas 'Bumper' Draw for the benefit of the community and the charitable needs of the Island;
- (b) agreed to set aside the remainder of the lottery profits to offset development costs still outstanding for the Rotunda (now known as 'Queen's Hall'), Fort Regent;
- (c) agreed that after the costs in (b) have been repaid to the capital fund, to apply the balance of the lottery profits towards the funding of approved projects to be identified by the Sport, Leisure and Recreation Committee in a Strategic Plan;
- (d) agreed to review the arrangements set out after a period of five years;
- (e) agreed to rescind their Act of 4th November 1986.

Terms of Employment (Jersey) Regulations 1991.  
P.189/92

THE STATES commenced consideration of the draft Terms of Employment (Jersey) Regulations 199 (lodged on 3rd December 1991) and adopted the preamble and Regulation 1.

Regulation 2 was adopted, the States having accepted an amendment of Senator Antony Beresford Chinn that after clause (iv) of subparagraph (j) of paragraph (2) there should be

inserted the following clause.

“(v) redundancy.”

Regulations 3 to 7 were adopted.

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the twenty-eighth day of March 1771, made Regulations entitled the Terms of Employment (Jersey) Regulations 1992.

Elizabeth and Mont Orgueil Castles: Deed of Arrangement. P.197/91

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

- (a) agreed to enter into a Deed of Arrangement with the Crown varying the terms of the Agreements whereby the public are granted perpetual usufructs of Elizabeth Castle and Mont Orgueil Castle;
- (b) agreed to authorise the Solicitor General and the Greffier of the States to pass the necessary contracts.

The Broadcasting Act (1990) (Jersey) (No. 2) Order 1991: amendment. P.195/91

THE STATES, adopting a proposition of Senator Richard Joseph Shenton requested the Broadcasting Committee to amend The Broadcasting Act 1990 (Jersey) (No. 2) Order 1991 to reduce the permissible maximum media ownership in a Jersey Independent local radio station from 20 per cent to five per cent.

Senator John Stephen Rothwell, Senator Corrie Stein and Frank Harrison Walker, Deputy of St. Helier, declared a financial interest and withdrew from the Chamber prior to consideration of the proposition.

Robin Ernest Richard Rumboll, Deputy of St. Helier was not present during the afternoon Sitting.

Long Beach and Puerto Seco, Grouville: development. P.1/92

THE STATES, adopting a proposition of Deputy Alan Payn Bree of Grouville agreed to request the Island Development Committee -

- (a) to reconsider the recent application ``to demolish existing buildings, construct 12 two-bedroom flats and two one-bedroom flats with parking for 31 cars" at Long Beach, La Rue à Don, and Puerto Seco, La Rue à Don, Grouville;
- (b) specifically to limit the height of the development to two storeys and maintain the sea view across the site; and
- (c) to report thereon to the States as soon as possible.

Members present voted on paragraph (a) as follows -

``Pour" (29)

Senators

Shenton, Jeune, Binnington, Baal, Rothwell, Le Main, Le Maistre, Carter, Stein, Quérée, Chinn.

Connétables

St. Peter, St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Martin.

Deputies

Wavell(S), Blampied(H), St. Ouen, Coutanche(L), Jordan(B), Bailhache(H), Baudains(H), Grouville, Le Fondré(L), St. Martin; Le Geyt(S), Syvret(H).

Contre" (17)

Senator

Horsfall.

Connétables

St. John, St. Helier, St. Ouen, Trinity, Grouville.

Deputies

Le Gallais(S), Roche(S), Trinity, St. John, St. Peter, Baudains(C), Le Sueur(H), Huelin(B), Clarke-Halifax(S), Walker(H), Crespel(H).

Tourism Committee: appointment of President

There were nominated for appointment as  
President of the Tourism Committee -

Senator Richard Joseph Shenton - proposed  
by Senator Dereck André Carter

Frank Harrison Walker, Deputy of St.  
Helier - proposed by Senator Bernard Thomas  
Binnington.

THE STATES having proceeded to a secret ballot,  
the Bailiff declared that Senator Richard Joseph  
Shenton had been elected as President of the  
Tourism Committee.

The result of the ballot was as follows -

Senator Shenton - 24 votes  
Deputy Walker - 21 votes.

Tourism Committee: appointment of Members

THE STATES, on the proposition of Senator  
Richard Joseph Shenton, President of the Tourism  
Committee, appointed the following as members -

Senator Jean Amy Le Maistre  
Senator Dereck André Carter  
Frank Harrison Walker, Deputy of St.  
Helier.

Finance and Economics Committee: resignation of  
Member

THE STATES noted the resignation of Senator Jean  
Amy Le Maistre from the Finance and Economics  
Committee.

THE STATES rose at 5.35 p.m.

Greffier of the States.