



**THE STATES assembled on Tuesday,  
16th June, 1987 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,  
Admiral Sir William Pillar, G.B.E., K.C.B.,  
was present.

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All members were present with the exception of –

Senator Ralph Vibert – ill.

Senator Anne Baal – ill.

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Prayers

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**Bailiff – Knighthood.**

Senator John Le Marquand offered the sincere congratulations of all the Members of the House to the Bailiff on the Knighthood recently bestowed on him and asked Sir Peter to convey the best wishes of the House to Lady Crill. The Bailiff replied.

**Subordinate legislation tabled.**

The following enactments were laid before the States, namely –

- 1. Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 24) (Jersey) Order, 1987. R & O 7641.**

**2. Road Traffic (Saint Helier) (Amendment No. 15)  
(Jersey) Order, 1987. R & O 7642.**

**Matters noted – land transactions.**

THE STATES noted an Act of the Finance and Economics Committee dated 8th June, 1987, 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 lease to Mr. Barry Clement Rondel of Field 1547, Westmount, St. Helier, for a further period of two years from 1st January, 1987, at the existing annual rent of £50.
- (b) as recommended by the Housing Committee, the passing of a Contrat de Bornement with Mr. Maurice James Wheller and Mrs. Gillian Anne Wheller, née Parrott, to establish the boundary line between 9, Le Bel Mourant, Maufant Village, St. Saviour and the public of the Island, with Mr. and Mrs. Wheller being responsible for the payment of all legal fees;
- (c) as recommended by the Harbours and Airport Committee, the lease to Summerday Tours Limited of the bunker on the Albert Pier, Port of St. Helier, measuring 732 square feet, for a period of nine years, with effect from 1st July, 1987, at an annual rent of £1,830, and subject to rent review/break clauses every three years.

**Matters lodged.**

The following subjects were lodged “au Greffe” –

1. **Draft Merchant Shipping (Deck Officers) (Jersey) Regulations, 198 . P.103/87.**  
Presented by the Harbours and Airport Committee.
2. **Draft Merchant Shipping (Marine Engineer Officers and Marine Engine Operators) (Jersey) Regulations, 198 . P.104/87.**  
Presented by the Harbours and Airport Committee.

3. **Vehicle Parks, West of Albert Pier: additional surfacing. P.105/87.**  
Presented by the Harbours and Airport Committee.
4. **La Collette Yacht Basin: refurbishment. P.106/87.**  
Presented by the Harbours and Airport Committee.
5. **Clos Gossett, St. Saviour (Phase II): approval of Drawings. P.107/87.**  
Presented by the Housing Committee.
6. **Vincent Court, St. Helier (Phase II): approval of Drawings. P.108/87.**  
Presented by the Housing Committee.
7. **Les Quennevais Sports Complex (Pavilion II): approval of Drawings. P.109/87.**  
Presented by the Education Committee.
8. **Prison: segregation unit extension. P.110/87.**  
Presented by the Prison Board.
9. **Rue Fondon Trading Estate: development – Committee of Inquiry. P.111/87.**  
Presented by Senator Richard Joseph Shenton.
10. **Housing Regulations: granting of consent to Mrs. G. Morgan. P.112/87.**  
Presented by Senator Richard Joseph Shenton.

THE STATES decided to take the abovementioned subjects into consideration on 30th June, 1987.

11. **Draft Health and Safety at Work (Jersey) Law, 198 . P.113/87.**  
Presented by the Social Security Committee.
12. **Public Works Committee: capital projects for 1988. P.114/87.**  
Presented by the Public Works Committee. The States decided to take this subject into consideration on 30th June, 1987.

13. **Dental Benefit and Services: introduction. P.115/87.**  
Presented by Deputy Corrie Stein of Grouville. The States referred the Proposition to the Social Security Committee.
14. **Draft Health Insurance (Medical Benefit) (Amendment No. 30) (Jersey) Regulations, 198 . P.116/87.**  
Presented by the Social Security Committee.
15. **Draft European Communities (Amendment No. 2) (Jersey) Law, 198 . P.117/87.**  
Presented by the Constitution Committee. The States decided to take this subject into consideration on 30th June, 1987.

**Housing Regulations: application of Regulation 1(1)(g). P.12/87. Withdrawn.**

THE STATES noted that Senator Richard Joseph Shenton had withdrawn the Proposition regarding the application of Regulation 1(1)(g) of the Housing Regulations (lodged on 13th January, 1987), having lodged a revised Proposition at the present Sitting (P.112/87).

**Draft Gambling (Gaming and Lotteries) (Amendment No. 7) (Jersey) Regulations, 198 . P.102/87.**

THE STATES acceded to the request of the President of the Gambling Control Committee that the draft Gambling (Gaming and Lotteries) (Amendment No. 7) (Jersey) Regulations, 198 (lodged on 9th June, 1987) be taken into consideration on 23rd June, 1987.

**Field 213, Petite Route des Mielles, St. Brelade: purchase. P.97/87.**

THE STATES acceded to the request of the President of the Housing Committee that the Proposition relating to the purchase of Field 213, Petite Route des Mielles, St. Brelade (lodged on 2nd June, 1987) be deferred from the present Sitting to a later date.

**Sale of alcohol. Questions and answers.**

Senator Richard Joseph Shenton asked Senator John Stephen Rothwell, President of the Tourism Committee, the following questions –

- “1. In view of the number of drink-related offences now appearing before the Courts, does the President intend to tighten up on the Laws relating to the sale of alcohol?
2. Is the President aware that there are still licensed premises on which, after having paid a charge, drinks are available free of charge and does the President intend to take steps to end this practice?”

The President of the Tourism Committee replied as follows –

- “1. The Licensing (Jersey) Law, 1974 is the Law which relates to the sale of alcohol, and in my opinion provides sufficient safeguards to ensure that the indiscriminate and irresponsible selling of alcohol does not take place.

However, in the light of recent events the Tourism Committee has already met representatives of the licensing trade and the police authorities and has now fixed a date for a meeting with the Defence Committee (Thursday 25th June) to discuss the matter, as it would not wish drink-related events to have an adverse effect on the well-being of the residents of the Island, or the many tourists upon which much of the Island’s prosperity is founded.

2. Yes, I am aware that the practice does exist, and I took notice of the remarks made by the Police Court Magistrate when he took office in March. My Committee discussed the matter and a meeting has already taken place (Tuesday 31st March) between the President of the Licensed Victuallers’ Association, a representative of the States of Jersey Police Force, and the Chief Executive Officer of the Tourism Committee. Further research has been carried out since, and the Tourism Committee is now to discuss a report on this subject at its next meeting. I can say that the consensus of opinion at the time of the March meeting was that although

the practice of charging for entrance and providing 'as much as one can drink' is not illegal it is to be deplored, but that the problem was not one which could not be controlled, and existed in only two or three establishments.

As I mentioned at the start of my replies, the licensing Law has sufficient safeguards to curb alcohol abuse, and whilst it might be expedient to increase some of the penalties which have existed since 1974, I feel the answer to the problems is the strict enforcement of that Law.

I have listed below extracts from the licensing Law under which control can be enforced.

#### ARTICLE 1.

'SELL' includes offer or agree to sell or expose for sale.

#### ARTICLE 6.

(10) The Licensing Assembly may attach to any licence such conditions as, having regard to all the circumstances of the case may seem desirable, including, in particular, the designation of any bar as a public bar.

#### ARTICLE 9.

(1) Whenever the Attorney General is of the opinion that any matter relating to a licence should be referred to the Licensing Assembly he may submit such matter to the Assembly and in any such case the Assembly shall consider the matter and, having regard to all the circumstances of the case, may suspend or revoke the licence in relation to which the submission is made or may attach thereto such conditions as may seem desirable.

ARTICLE 12.

GENERAL CONDITIONS OF ON-LICENCES.

- (f) no debauchery or drunkenness shall be permitted on the licensed premises;
- (g) intoxicating liquor shall not be supplied to any of the following persons, namely –
  - (i) persons under the influence of alcohol.

ARTICLE 16.

CLOSING OF LICENSED PREMISES.

(1) For the avoidance of doubt, it is hereby declared that the holder of a licence may close the licensed premises at any time and for any period.

ARTICLE 18.

PROCURING DRINK FOR DRUNKEN PERSON.

If any person on licensed premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person, or aids a drunken person in obtaining or consuming intoxicating liquor on such premises, he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one month.

ARTICLE 83.

PENALTY FOR DRUNKENNESS ON LICENSED PREMISES.

If any person is found drunk or disorderly on any licensed premises, he shall be liable –

- (a) in the case of a first offence, to a fine not exceeding one hundred pounds; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months.

#### ARTICLE 85.

##### GENERAL PENALTY.

Any person guilty of an offence against this Law for which no special penalty is provided shall be liable –

- (a) in the case of a first offence, to a fine not exceeding two hundred and fifty pounds; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

#### ARTICLE 17.

##### RIGHT TO EXCLUDE PERSONS FROM LICENSED PREMISES.

(1) The holder of a licence, or his servant or agent, may, without giving any reason therefor, refuse to admit to, and may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or any person whose presence on the premises would subject the holder of the licence to a penalty under this Law.

(2) Any police officer shall, at the request of the holder of a licence, or his servant or agent, help to expel from the licensed premises any person liable to be expelled from them under this Article, and may use such force as may be required for the purpose.



(3) If any person, on being requested in pursuance of this Article by the holder of a licence or his servant or agent, or any police officer, to quit the licensed premises, refuses or fails to do so, he shall be liable to a fine not exceeding fifty pounds.”

**Work permits and enforcement of visitors who break laws to leave the Island. Questions and answers.**

Senator Richard Joseph Shenton asked Senator John William Ellis, President of the Defence Committee, the following questions –

- “1. Does the President believe that work permits would help in curbing the numbers of undesirable people flooding into our Island at the present time?
2. Is the President in favour of the introduction of legislation whereby any visitor to the Island committing any act of violence or breaking our laws should be forced to leave at the end of his sentence?”

The President of the Defence Committee replied as follows –

- “1. The purpose of the Protection of Employment Opportunities (Jersey) Law, 1986, adopted by the States on 19th August, 1986, is to deal with situations of unemployment in the Island and in such circumstances to ensure that local people are protected in terms of job opportunities.

The Law is not designed to provide a means of immigration control, but I believe that coincidentally, bearing in mind the matters to which the Committee concerned is required to have regard when considering whether to grant or refuse an application for consent to take employment in the Island, the introduction of a system of work permits should be of some assistance in curbing arrivals of the people to which the question refers.

2. I am not in favour of the introduction of the legislation envisaged by the questioner. To begin with the question is aimed at 'any visitor to the Island' and not as residents of the Island of however short a duration. It must be very rare indeed for a visitor to the Island to commit an offence leading to a custodial sentence and to stay in Jersey at the end of his holiday or at the end of his sentence, whichever is the later. Legislation could not be justified.

However, the question raises broader issues. The legal position is governed by the Immigration Act 1971, as extended to Jersey by the Immigration (Jersey) Order, 1972 and as amended by the British Nationality Act 1981 and the consequential Immigration (Jersey) (Variation) Order, 1982, which give in simple terms, a right of abode in Jersey to every British Citizen.

British Citizens are free to live in, and to come and go into and from the Bailiwick without let or hindrance.

A person who is not a British Citizen and does not otherwise have the right of abode (e.g. certain Commonwealth citizens) is liable to deportation from the Bailiwick, *inter alia*, if the Lieutenant Governor deems his deportation to be conducive to the public good. Such a person is also liable to deportation if, after he has attained the age of seventeen, he is convicted of an offence for which he is punishable with imprisonment and on his conviction is recommended for deportation by the Court that sentences him.

The suggested deportation of British Citizens would raise fundamental constitutional and other questions relating to nationality, freedom of movement and the common travel area and so forth, and would require an Act of Parliament. At present the immigration laws of Jersey are fully integrated with those of the United Kingdom, Guernsey and the Isle of Man, and I have no doubt that, on balance, this is vastly more to the advantage of this Island than would the power to deport a comparatively small number of offenders."

**Parish benefits. Question and answers.**

Senator Richard Joseph Shenton asked Senator Reginald Robert Jeune, Chairman of the Working Party on Need, the following questions –

- “1. Is the Chairman satisfied with the present rates of benefit paid by the Parishes?
2. Does the Chairman consider that there is a disincentive to people working while claiming benefit, when they are only entitled to retain a maximum of £16 per week out of their earnings?
3. Will the Chairman confirm that the policy of the Working Party on Need is not one in which it intends to keep welfare beneficiaries in a state of poverty, but rather to encourage them to enjoy a better standard of life?”

The Chairman of the Working Party on Need replied as follows –

- “1. The purpose of the Welfare Grant is to provide income for people who are not in full-time work and whose income, if any, from Social Security benefits or other sources is not enough to meet normal basic needs, that is, for the most part, food, housing, heating and clothing.

In considering the scale rates of welfare, details of which are presented to the States each year, it should be noted that while the intention is that these scale rates should have general application throughout the Island, the determination and publication of these rates leaves with the Constables, or their representatives, discretion to vary the benefits paid in special circumstances.

The Working Party on Need will shortly be reviewing the scale rates of benefit to be effective from 1st October, 1987. In respect of those in greatest need there is undoubtedly always room for improvement. It may be a guide to Members that the scale rate of benefit is some 19 per cent above the equivalent United Kingdom Supplementary Benefit.

2. In working out the amount of welfare grant for persons over pensionable age and single parents, the Parishes will usually disregard for the calculation of a person's income a proportion of income from part-time employment up to a maximum of £16 per week. Thus, for example, a single parent with responsibility for one child could receive the scale rate of welfare of £73.65 a week (excluding allowance for rent) plus a proportion of part-time earnings up to a maximum of £16 per week. This arrangement is designed to encourage the persons affected to take up part-time employment.

In its forthcoming annual review of the scale rates of benefit, the Working Party will consider whether the proportion of earnings that should be disregarded, or the maximum figure, needs to be adjusted.

3. The Working Party on Need was set up in 1972 following an approach to the Finance and Economics and Social Security Committees by the Constables Supervisory Committee. The main purpose of the Working Party is to agree the rates of welfare benefit, discuss any issues that may arise on this and related matters, and make recommendations to the Constables Supervisory Committee.

In making recommendations to the Constables, the Working Party has proper regard at all times for the purpose of the welfare grant to which I have already referred in the answer to the first question. To assist those who qualify for welfare grants, and also the Parish authorities in their administration of the grants, some years ago the Working Party arranged for the publication of a Welfare Grants Booklet, which is regularly updated. The concern of the Working Party in recommending the scale rates of benefit of the Parishes, and I am sure also the Constables in the application of the welfare grant arrangements, is to ensure that persons have sufficient income to meet the normal basic needs for themselves and their families. At the same time, the view is rightly held, I believe, that where individuals can enjoy a better standard of life through taking up permanent full-time employment the arrangements for the payment of

welfare grant should not discourage them from taking up such employment.”

### **Lodging Houses. Questions and answers.**

Deputy Corrie Stein of Grouville asked Deputy Hendricus Adolphus Vandervliet of St. Lawrence, President of the Housing Committee, the following questions –

- “1. Is it the intention of the Housing Committee to inspect all lodging houses and to report on the facilities available and the rents charged?
2. Does the Housing Committee intend to adopt the Tourism standards of the cubic capacity in respect of each occupant of a bedroom?”

The President of the Housing Committee replied as follows –

- “1. When the States debated the Proposition to transfer the administration of the lodging houses Law from the Tourism Committee to the Housing Committee earlier this year (20th January, 1987, see R & O – 7593), I stated that in the short-term my Committee would maintain the present level of control provided by Tourism, although no Tourism staff were to be transferred with the administration of the Law.

It is indeed my Committee’s intention to make regular inspections of registered lodging houses and to involve itself with their facilities (standards) and charges. At the present time we are not able to make such inspections and, indeed, the Tourism Committee ceased to make regular inspections some time ago. My Department is, however, making inspections when an application is received relating to the extension or alteration of a registered lodging house. Inspections beyond this must await the Department receiving the necessary resources and the States’ Personnel Department is currently examining the effect of this new responsibility on the staffing levels of my Department.

I can, however, advise the House that already my Committee is taking steps to ensure that all registered lodging houses conform to standards under the Fire Precautions (Jersey) Law, 1977; and it has asked the environmental health unit of the Public Health Department to provide it with a set of standards relating to registered lodging houses of my Department to enforce.

2. The Tourism Committee's standard room size per person is expressed in square feet, and is 70 square feet. Where facilities (e.g. shower unit) are added to an existing room, the minimum is 60 square feet. These standards will be applied by the Housing Committee for registered lodging houses."

### **Telephone Information Services. Statement.**

The President of the Telecommunications Board made a Statement in the following terms –

“The Board has been considering the introduction to Jersey of a range of telephone information services, either by providing access to the existing services available to British Telecom customers, or by authorising a more limited range of services to be provided by local service providers. The existing service available to British Telecom's customers covers a wide range of subjects, such as health and medicine, finance, horse-racing, and what is euphemistically described as adult information. The services are obtained by dialling dedicated numbers which connect the caller to recorded messages. The calls are then charged to the subscriber at a pre-determined rate.

The Board recognises that many of the services currently available to British Telecom's subscribers may be of interest to Jersey customers, but we are mindful of two important factors. Firstly, the cost of access to the service will be considerable and at peak times may amount to 38 pence per minute, or approximately £1.00 per call. There is, therefore, a real risk of large bills being run up by unauthorised users or by children using their parents' telephones. Secondly, there are certain services which are currently available over which the Board will have no control and which arguably might be regarded as undesirable.

Unfortunately, it is not possible at present to provide selective access to the British Telecom Information Services, and if the access code 0898 is made available, the Board would have no control over the content of the messages.

The Board, therefore, favours the controlled introduction of telephone information services and will investigate ways of introducing selected services provided locally, either with locally originated material or with material relayed locally from sources outside the Island. The scale of call charges will depend on the type of service provided, but it is the Board's intention to ensure that the rates chargeable for all calls will be fully advertised and disclosed to subscribers wishing to use the service."

**Seafield Avenue, Milbrook, St. Helier: lease of No. 26.**

THE STATES, adopting a Proposition of the Education Committee –

- (a) approved the lease of 26 Seafield Avenue, Milbrook, St. Helier, from Reverend William Norman Hall and Brenda Ingram Hall, née Crowe, for a period of 1 year with effect from 1st June, 1987, at a weekly rental of £115 with an option to renew for a further period of 1 year and thereafter with three months notice on either side;
- (b) authorised the Greffier of the States to sign the necessary lease;
- (c) authorised the Treasurer of the States to pay the rent as it becomes due.

**Resources Recovery Board: capital estimates for 1988. P.86/87.**

THE STATES, adopting a Proposition of the Resources Recovery Board, approved in principle –

- (a) the continuation of the repair, relining and reconstruction of defective or inadequate sewers in accordance with priorities;

- (b) the extension of the system of foul sewers to areas which have been identified as being in greatest need;
- (c) the construction of surface water drainage improvements under the heading “Surface Water Drainage – Miscellaneous Improvements”;
- (d) the replacement of items of transplant and plant which have reached the end of their economic working life.

**Housing Committee: development proposals, etc. for 1988. P.88/87.**

THE STATES, adopting a Proposition of the Housing Committee, approved in principle –

- (a) the Committee’s development proposals for 1988, as follows –

Building, Purchase and Rehabilitation of Dwellings

- (i) developments –

Hue Street,  
Former Orchid Nursery Site, Mont Millais,  
Bingham Court Phase III,  
Le Brun’s Bakery Site,  
Field 213, Petite Route des Mielles,  
Devonshire Mews,

- (ii) design fees for future developments;
- (iii) landscaping of older estates;
- (b) the installation of heating systems on older estates.

**Amendment (No. 7) to Standing Orders relating to certain transactions in land. P.85/87.**

THE STATES, in pursuance of Article 27 of the States of Jersey Law, 1966, as amended, made a Standing Order entitled Amendment (No. 7) to Standing Orders relating to certain transactions in land.



**Airport: replacement of meteorological data system. P.90/87.**

THE STATES, adopting a Proposition of the Harbours and Airport Committee, approved in principle the replacement of the Meteorological Data Exchange and Display System at the Airport.

**Airport: meteorological radar. P.99/87.**

THE STATES, adopting a Proposition of the Harbours and Airport Committee, approved in principle the provision of an en-route meteorological radar, processor and interface equipment for the Airport.

**Airport: construction of new electricity plant house, etc. P.91/87.**

THE STATES, adopting a Proposition of the Harbours and Airport Committee, approved in principle the construction of a new plant house for the central sub-station at the Airport with a 550 KVA generator and the provision of 2 x 100 KVA uninterruptable power supply units.

**Ferry Berth, West of Albert Pier: passenger gangway. P.92/87.**

THE STATES, adopting a Proposition of the Harbours and Airport Committee, approved in principle the provision of a power lift passenger gangway for the new western berth in the Ro-Ro Harbour, St. Helier.

**Airport: replacement of Distance from Threshold Indicator. P.93/87.**

THE STATES, adopting a Proposition of the Harbours and Airport Committee, approved in principle the replacement of the Distance from Threshold Indicator at the Airport.

**Airport: extra taxiway. P.94/87.**

THE STATES, adopting a Proposition of the Harbours and Airport Committee, approved in principle the provision of an extra taxiway west of the existing Apron to allow access to the south side of the Passenger Pier at the Airport.

The States rose at 3.40 p.m.

**R.S. GRAY,**

*Deputy Greffier of the States.*