



**THE STATES assembled on Tuesday,
22nd October, 1985 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Peter Leslie Crill, Esquire, C.B.E.**

All members were present with the exception of –

Senator John Le Marquand – out of the Island.

Senator Bernard Thomas Binnington – out of the Island.

Senator Anne Baal – out of the Island.

Senator Terence John Le Main – absent.

Leonard James Norman, Connétable of St. Saviour – out of the Island.

Iris Medora Le Feuvre, Connétable of St. Lawrence – out of the Island.

Philip George Mourant, Deputy of St. Helier – ill.

Francis Hedley Morel, Deputy of St. Saviour – out of the Island.

John Le Gallais, Deputy of St. Saviour – out of the Island.

Hendricus Adolphus Vandervliet, Deputy of St. Lawrence – out of the Island.

Bertram Manning Le Maistre, Deputy of St. Mary – out of the Island.

Prayers

Tribute to the late Deputy S. Le Ruez of St. Saviour.

The Deputy Bailiff paid tribute to the late Deputy Stanley Le Ruez of St. Saviour and the States observed one minute's silence as a mark of respect.

Senator R.R. Jeune – appointment as Hon. Treasurer to the C.P.A.

The Deputy Bailiff, on behalf of Members of the States, congratulated Senator Reginald Robert Jeune on his appointment as Honorary Treasurer of the Commonwealth Parliamentary Association.

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. **Road Traffic (Twenty Miles an Hour Speed Limit) (Amendment No. 9) (Jersey) Order, 1985. R & O 7433.**
2. **Road Racing (Motor Vehicle Rally) (Jersey) Order, 1985. R & O 7434.**
3. **Fire Service (General Provisions) (Amendment No. 6) (Jersey) Order, 1985. R & O 7435.**

Draft Parish Rate (Administration) (Amendment No. 5) (Jersey) Law, 198 . (P.3/85): Report. P.124/85.

The Finance and Economics Committee by Act dated 14th October, 1985, presented to the States a Report on the draft Parish Rate (Administration) (Amendment No. 5) (Jersey) Law, 198 (lodged on 15th January, 1985).

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

Athletics Track at F.B. Fields: Supplementary Vote of Credit (P.112/85): Report. P.127/85.

The Education Committee by Act dated 16th October, 1985, presented to the States a Report on the Athletics Track at F.B. Fields: Supplementary Vote of Credit (lodged on 24th September, 1985).

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 14th October, 1985, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Housing Committee, the sale of two rights of access through Maufant (I) Estate, for a consideration of £1,000 each, to Mr. William Adwin Abery and Mrs. Olive May Abery, née Winter, to two bungalows it was proposed to construct on land at the rear of the property L'Espoir, Route de Saint Jean, Maufant, St. Martin, subject to Mr. and Mrs. Abery being responsible for all legal costs;
- (b) as recommended by the Housing Committee, with the support of the Island Development Committee, the purchase from Mrs. Alice Jane de Gruchy, née Syvret, of Nos. 106 and 108 Great Union Road, St. Helier, required in connexion with the Great Union Road/Columbus Street development for a consideration of £100,000 for both properties, and the payment of scale legal fees;
- (c) as recommended by the Public Works Committee, the lease to Mrs. Jennifer Walters, née Crowther, of the Café at Mont Orgueil Castle, for a period of three years, with effect from 1st March, 1985, at an annual rent of £867;
- (d) as recommended by the Resources Recovery Board, the purchase from Mr. Harold Philip Slous of 2,200 square feet of land, shown on Drawing No. W.S. 672, required for the construction of a pumping station in connexion with the extension of the foul sewer to Les Fourneaux, St. Brelade, for the

sum of £2,200, the Board being responsible for the cost of any accommodation works and the payment of legal fees.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **St. Ouen homes for the elderly – financial assistance. P.123/85.**
Presented by the Finance and Economics Committee. The States decided to take this subject into consideration on 5th November, 1985.
2. **Le Brun’s Bakery, St. Helier: relocation and site redevelopment. P.125/85.**
Presented by the Island Development Committee. The States decided to take this subject into consideration on 12th November, 1985, immediately before the Proposition on Education Committee Recreational Land and Facilities: use on Sundays (P.119/85 – lodged on 8th October, 1985).
3. **Little Sisters of the Poor: sheltered accommodation – interest-free loan. P.126/85.**
Presented by the Finance and Economics Committee. The States decided to take this subject into consideration on 5th November, 1985.
4. **Appointment of Committee of Inquiry into Additional Water Resources. P.128/85.**
Presented by Deputy Robin Ernest Richard Rumboll of St. Helier. The States decided to take this subject into consideration on 5th November, 1985.

The following subjects were lodged “au Greffe” on 15th October, 1985 –

1. **Welfare Payments: Connétables' discretion. P.121/85.**
Presented by Senator Richard Joseph Shenton.
2. **Supply Day Requests: reports and comments. P.122/85.**
Presented by Senator Richard Joseph Shenton. The States decided to take this subject into consideration on 5th November, 1985.

Health Services: reciprocal agreement with Australia. P.98/85.

THE STATES acceded to the request of the Vice-President of the Public Health Committee that the Proposition regarding the Health Services: reciprocal agreement with Australia (lodged on 10th September, 1985) be considered at the present Sitting.

General Hospital – electricity supply: supplementary vote of credit. P.113/85.

THE STATES acceded to the request of the Vice-President of the Public Health Committee that the Proposition regarding the General Hospital – electricity supply: supplementary vote of credit (lodged on 24th September, 1985) be considered on 29th October, 1985.

Broadcasting of States Meetings: experiment. P.93/85. Withdrawn.

THE STATES acceded to the request of Senator John Stephen Rothwell to withdraw the Proposition regarding the Broadcasting of States Meetings: experiment (lodged on 20th August, 1985) set down for debate on 12th November, 1985.

Welfare Payments: assessment. P.74/85.

THE STATES acceded to the request of Senator Richard Joseph Shenton that the Proposition regarding the Welfare Payments: assessments (lodged on 16th July, 1985) be considered on 5th November, 1985.

States' Trading Activities: investigation. P.89/85.

THE STATES acceded to the request of Senator Richard Joseph Shenton that the Proposition regarding the States' Trading Activities: investigation (lodged on 6th August, 1985) be considered on 5th November, 1985.

Dégrévement procedure: amendment. P.92/85.

THE STATES acceded to the request of Senator Richard Joseph Shenton that the Proposition regarding Dégrévement Procedure: amendment (lodged on 20th August, 1985) be considered on 5th November, 1985.

Draft Borrowing (Control) (Amendment No. 2) (Jersey) Law, 198 . P.116/85.

THE STATES acceded to the request of the President of the Finance and Economics Committee that the Proposition regarding the draft Borrowing (Control) (Amendment No. 2) (Jersey) Law, 198 (lodged on 8th October, 1985) be considered on 5th November, 1985.

Athletics Track at F.B. Fields: supplementary vote of credit. P.112/85.

THE STATES acceded to the request of the Vice-President of the Education Committee that the Proposition requesting a supplementary vote of credit for the Athletics Track at the F.B. Fields (lodged on 24th September, 1985) be considered on 12th November, 1985.

Reservoirs and water charges. Questions and Answers.

Senator Jane Patricia Sandeman asked Deputy Donald George Filleul of St. Helier, President of the Public Works Committee the following questions –

- “1. The Deputy Managing Director of The Jersey New Waterworks Company Limited said recently on Radio Jersey that the Val de la Mare dam would last for seventy years with normal maintenance. Will the President say if this estimate is confirmed by the Board of The Jersey New Waterworks Company?
2. Paragraph 4 of P.115 of 1985 refers to the unintentional loss of compulsory purchase powers of The Jersey New Waterworks Company which was brought about by the Compulsory Purchase of Land (Procedure) Law (Amendment No. 3) (Jersey) Law, 1981. For ease of reference will the President –
 - (i) give the Article and paragraph which caused this loss; and
 - (ii) show where in the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1961, as amended, or in the Water (Jersey) Law, 1972, this power was previously enjoyed by The Jersey New Waterworks Company?
3. In his reply to my question of 8th October concerning the financing of the Queen’s Valley project, the President said that my question should have been directed to the Chairman of The Jersey New Waterworks Company Limited. I would draw attention to Article 14 of the Water (Jersey) Law, 1972, which says that the States may by regulation determine the water rates and charges, etc. Paragraph 2 of Article 14 lists in seven sub-paragraphs matters to which the States shall have regard in determining water rates and charges. Paragraph (2)(c) refers to ‘any capital expenditure

which the Company may reasonably be expected to incur within the next five years'. Will the President give the result of the Public Works Committee's deliberations on water charges and say whether he intends to inform the States or the Finance and Economics Committee of the results."

The President of the Public Works Committee replied as follows –

1. The view of the Board on the life of the dam is contained in the letter addressed to all members by its Chairman on October 14th and reads as follows –

'My Board denies the possibility of it being necessary to rebuild Val de la Mare 'within 15 years'. By continuing with proper maintenance there is every possibility of its useful life continuing for a very long time indeed.'

The recent history of the dam has been such as to preclude a specific assessment of its life expectancy but expert opinion currently indicates that this should exceed fifty more years.

2. I can do no better than quote verbatim the opinion of H.M. Attorney General as conveyed to the Committee on 5th January, 1982. It appears to answer both points raised by the Senator most adequately –

'Water (Jersey) Law, 1972
Compulsory Purchase

Article 6(2) of the Water (Jersey) Law, 1972, provides that the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1961, as amended, shall apply to the acquisition of land by the Jersey New Waterworks Company Limited as though the definition of 'acquiring authority' included a reference to the company,

as if references in Articles 6, 13 and 17 to the States and in paragraphs (2) and (3) of Article 13 and in Article 16 to the public, were references to the Company and as if references in the law to the Greffier of the States were references to the Secretary of the Company.

You will see, therefore, that the references to the public made effective in relation to the Company are specific and relate to registration of the award of the Arbitration Board (Article 13) and to protection against dispossession (Article 16) only.

The Compulsory Purchase of Land (Procedure) (Amendment No. 3) (Jersey) Law, 1981, inserted a new Article 4A, in the principal Law, to provide a power to vest land in the public. The Article provides that where, after the expiration of the period within which, under Article 4(3) of the principal Law, the owner is required to accept the offer of the acquiring authority, the owner has not so accepted, the Greffier of the States shall, on giving at least eight days' notice of his intention, apply to the Royal Court for an order that the land be vested in the public. The Inferior Number of the Royal Court, if satisfied that the provisions of the Law have been complied with, shall order that the land be vested in the public and that a record of the title of the Public be registered in the Public Registry of Contracts.

No consequential amendments to Article 6(2) of the Water (Jersey) Law, 1972, were included in the Compulsory Purchase of Land (Procedure) (Amendment No. 3) (Jersey) Law, 1981. It follows that the references to the public, in Article 4A of the 1961 Compulsory Purchase Law, as amended, are not to be construed as references to the Water Company and there is no

power, under Article 4A, to vest land in the Company’.

3. Article 14 of the Water (Jersey) Law, 1972, does not specifically charge the Public Works Committee with the duty to ensure compliance with the requirements of the seven sub-paragraphs of paragraph (2). However, it has been the practice of successive Public Works Committees to receive the Accounts of the Company in accordance with paragraph (3) of Article 22, and to be informed by the Company of all proposed changes in Water Rates and the manner in which they are to be levied.

My Committee has no authority under this Law to interfere with the financial policy of the Company unless it is instructed by the States to act on its behalf under Article 14.

Generally the Committee has interpreted its duty as that of a watchdog for the public interest and in performing this function has always received the fullest co-operation of the Company. The Senator’s questions refer specifically to water charges and appear to be directly related to those likely to be affected by proposed capital projects. Until these have developed to a point where costs are known and their effect on charges assessed, the Company cannot formulate firm proposals. But the House can be assured that the Committee will scrutinize most carefully the impact on charges to the consumer and will present its conclusions to the States at the appropriate time.

In the meantime the Committee will support the Senator’s Projet P.120 to be debated later today, as it will make a significant contribution to the undertaking given above.”

Wearing of seat belts by cab drivers. Statement.

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

“It will be recalled that, earlier this year, the States amended further the Road Traffic (Jersey) Law, 1956 to provide for the wearing of seat belts.

This amendment was brought about by the Road Traffic (No. 28) (Jersey) Regulations 1985 which empowered the Defence Committee, by Order, to exempt from the requirements of the Law such classes of persons or vehicles as might be prescribed.

During the debate of the Regulations the States adopted an amendment of Senator R.J. Shenton that any such Order should specifically exempt –

‘the drivers of cabs which are being used for seeking hire, answering calls for hire or carrying passengers for hire’.

It follows, therefore, that there should be consistency between the Regulations and the Order in this respect.

However, it has come to light that the exemption in the Motor Vehicles (Wearing of Seat Belts) (Jersey) Order, 1985 is so worded that there is some confusion over the interpretation, and H.M. Solicitor General has confirmed that, in his opinion, the exemption sought by the Regulations has not been achieved by the Order.

Accordingly, the Committee has now instructed the Law Draftsman in consultation with H.M. Solicitor General, to amend the Order as a matter of urgency to restore to cab drivers exemption in the circumstances envisaged by the Regulations.”

Industrial Relations. Statement.

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

“Members will be aware that in the recent days there has been a certain amount of unofficial industrial action by States’ manual workers in the Harbours and elsewhere. I am glad to say that the close contact which exists between the States Personnel Department and the Transport and General Workers’ Union has kept this unofficial action within bounds, and I now believe there are grounds for hoping that the inter-union dispute which is the origin of much of the trouble will shortly be resolved. I ask Members to accept my word that it would not be likely to be helpful for me to say more on that matter at present.

There is, however, a related problem which has been the subject of some public attention and in regard to which some misapprehensions have gained currency which I should like to take the opportunity of clearing up. As the President of Public Health told the House on 17th September, it has been established that the Hospitals’ services can be satisfactorily provided with fewer staff than are at present employed. As he and I have both made clear, the public interest clearly requires that steps be taken to bring the number of people employed in the Hospital into line with the services to be provided. It is equally necessary – and I stress this point – that this be done in ways that are fair to our employees.

One misapprehension that has arisen is that we intend to compel people to retire at lower ages than are presently in force. I should like to make it absolutely clear that there is not and has not been any proposal to alter the rules of the Public Employees’ Contributory Retirement Scheme regarding retirement age. The letter which is said to have contained the proposal in fact quoted an agreement made years ago about the use of a provision that was in the Scheme in 1967. I

am also glad to take this opportunity to stress that there is not and there never has been an intention to bring about the desired reduction in staff numbers at the Hospital by large-scale dismissals or by calling upon people to retire early on inadequate pensions. There are long-standing agreements which cover the present situation, and we shall stick to those agreements.

At the same time it is my intention to come to the House soon with proposals which will make it somewhat easier for an individual to contemplate leaving the public service, by providing terms which will be regarded as fair both by him (or her) and by his employer, that is the tax-paying public. In any organization there will always be some who, for one reason or another, would be happy – or at least ready – to leave before they reach the retiring age, provided that they can do so on reasonable terms. The ability to offer such reasonable terms is obviously a helpful factor in dealing with a situation such as that to which I have referred in the Hospital. Our present pension rules do not give us that helpful facility although, as a matter of fact, the rules which were in existence before the introduction of our present contributory pension scheme in 1967 did so, by way either of payment of pension from an earlier age or by lump sum gratuities in appropriate cases. The previous Establishment Committee was aware of the unfortunate consequences of that gap in our present law and I shall be bringing proposals to the House in due course, not as according extra privileges to civil servants but as a contribution to the efficient and responsible management of the service.

The aim which my Committee has before it is a Public Service of which both the public, as employers, and the members, as employees, can be proud. The two conditions of this are efficiency and fairness. They go hand in hand and they are and will continue to be the objectives which my Committee has in mind in all our work.”

40 Don Road. St. Helier: development.

The STATES, adopting a Proposition of the Housing Committee –

- (a) approved Drawings Nos. 509/5, 509/6, 509/7, 509/9 and 509/18 showing the development of 40 Don Road, St. Helier to provide 6 one-bedroomed units of accommodation;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

States' Meetings: printed record. P.102/85.

THE STATES rejected a Proposition of Deputy Corrie Stein of Grouville that there should be a complete printed record of meetings of the States' Assembly.

Members present voted as follows –

“Pour” (11)**Senators**

Shenton, Sandeman, Horsfall, Rothwell.

Deputies

St. Ouen, Le Brocq(H), Le Fondré(L), Grouville, Thorne(B), Wavell(H), St. Peter.

“Contre” (31)**Senators**

Vibert, Jeune, Ellis, Manton.

Connétables

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

Deputies

Le Maistre(H), Quenault(B), Perkins(C), Roche(S),
Le Quesne(S), Trinity, Filleul(H), Farley(H), Rumboll(H),

Beadle(B), Blampied(H), Billot(S), Norman(C), St. John, Carter(H), Mahoney(H), St. Martin.

Telecommunications Board – operating expenses and capital servicing: supplementary votes of credit. P.111/85.

THE STATES, adopting a Proposition of the Finance and Economics Committee, acceded to the request for the following supplementary votes of credit to be voted out of the General Reserve –

Telecommunications Board

Operating Expenses (4500)	£551,500
Capital Servicing (4508B)	£570,000

Agriculture (Loans) (Amendment No. 4) (Jersey) Regulations, 1985. P.117/85.

THE STATES in pursuance of Article 2 of the Agriculture (Loans and Guarantees) (Jersey) Law, 1974, made Regulations entitled the Agriculture (Loans) (Amendment No. 4) (Jersey) Regulations, 1985.

Draft Queen's Valley Reservoir (Jersey) Law, 198 (P.115/85): reports on legal and financial implications. P.120/85.

THE STATES, adopting a Proposition of Senator Jane Patricia Sandeman requested the Crown Officers to provide a full report on the legal implications and the Finance and Economics Committee to provide a full report on the financial implications of P.115/85, the draft Queen's Valley Reservoir (Jersey) Law, 198, for the information of States Members before P.115/85 is debated.

Health Services: reciprocal agreement with Australia. P.98/85.

THE STATES, adopting a Proposition of the Public Health Committee requested the Bailiff to inform the Secretary of State that it is the wish of the Assembly that the Agreement on Health Care between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia should apply to Jersey.

THE STATES rose at 4.55 p.m.

E.J.M. POTTER,

Greffier of the States.