THE STATES assembled on Tuesday, 17th December 1991 at 9.30 a.m. under the Presidency of the Bailiff, Sir Peter Crill, C.B.E.

All Members were present with the exception of -

Richard Winter Le Sauteur, Connétable of Grouville - absent.
Graeme Ernest Rabet, Deputy of St.
Helier - ill.
Shirley Margaret Baudains, Deputy of St. Helier - out of the Island.
Richard Peter Clarke-Halifax, Deputy of St. Saviour - out of the Island.
John Nicolle Le Fondré, Deputy of St.
Lawrence - out of the Island.

Prayers

Senator Anne Baal - welcome

The Bailiff, on behalf of the States, welcomed Senator Anne Baal on her return to the States after her recent illness.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

- 1. Mental Health (Review Tribunal) (Members Fees) (Amendment No. 2) (Jersey) Order 1991. R & O 8306.
- 2. Inquests (Fees) (No. 2) (Jersey)

States Committees' vote transfers, inflation and pay awards

THE STATES noted an Act of the Finance and Economics Committee dated 9th December 1991, informing the House of its decisions under paragraph (2), subparagraph (a)(i), and (ii) and subparagraph (b) of Article 18 of the Public Finances (Administration) (Jersey) Law 1967, as amended.

Jersey Council for Safety and Health at Work R.C.31

The Social Security Committee by Act dated 4th December 1991 presented to the States the report and accounts of the Jersey Council for Safety and Health at Work for the year 1st October 1990 to 30th September 1991.

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

Constitution of the States R.C.32

The House Committee by Act dated 11th December 1991 presented to the States a report on the Constitution of the States.

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 9th December 1991, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

(a) as recommended by the Harbours and Airport Committee the lease to Huelin-Renouf Air Freight Limited of 2,880 square feet of cargo/warehouse space in bays 9 and 10 in the Airport Freight Terminal for a period of three years commencing 1st January 1992 at an annual rent of £10,979, increasing to £11,866 in 1993 and 1994 with annual increases based on the Jersey Retail Price Index;

- (b) as recommended by the Harbours and Airport Committee the lease to Servisair Limited of 2,880 square feet of accommodation in cargo bays 4 and 5 in the Airport Freight Terminal (Letting Nos. B115 and B116) for a period of three years commencing 1st January 1992 with an option to break the agreement on 31st December 1992 and 1993, at an annual rent of £10,454 for 1992 and increasing to £11,866 plus Retail Price Index adjustments in 1993, and a further rent review on 1st January 1994 in line with the Jersey Retail Price Index:
- (c) as recommended by the Sport,
  Leisure and Recreation Committee,
  the lease from Mr. Marcus Binney
  of the two-bedroomed property, The
  Dower House, Domaine des Vaux, St.
  Lawrence, for a period of one year
  from 1st January 1992, with an
  option to renew annually for up to
  five years, at an annual rent of
  £10,400, subject to annual
  increases in line with the Jersey
  Cost of Living Index;
- (d) as recommended by the Public Health Committee, the lease from Mr. Geoffrey William Shepherd and Mrs. Winifred Anne Shepherd, née Townend, of the three-bedroomed property 40 Clubley Estate, St. Helier, for a period of three years from 1st January 1992 at a rent of £150 a week, subject to annual increases in line with the Jersey Cost of Living Index;
- (e) as recommended by the Public Health Committee, the renewal of the lease from Macpor Development Company Limited of the onebedroomed flat, Flat 4, 29 Midvale Road, St. Helier, for a period of

- three years from 1st January 1992 at an annual rent of £5,590.16, subject to increases on 1st January each year in line with the Jersey Cost of Living Index:
- (f) as recommended by the Public Health Committee, the renewal of the lease from Mrs. Jane Perrée née Swift of the one-bedroomed Flat 4, 73 Rouge Bouillon, St. Helier, for a period of one year from 1st November 1991 at an annual rental of £4,492;
- (g) as recommended by the
  Education Committee, the granting,
  free of charge, to the Jersey
  Electricity Company Limited of a
  contract wayleave over an area of
  land at Swan Farm Lane, St.
  Saviour, required for the
  installation of a section pillar,
  with the Company being responsible
  for any legal costs involved;
- (h) as recommended by the Defence Committee, the lease to Nobel's Explosives Company Limited of the explosives magazine at Crabbé, St. Mary, for a period of nine years commencing 25th December 1991, at an annual rent of £6,250, subject to annual rent reviews in line with the Jersey Cost of Living Index;
- (i) as recommended by the Agriculture and Fisheries Committee, the lease to Acorn Enterprises of the western half of Field No. 567, Trinity, measuring approximately 4.20.00 vergées and also the old machinery stores situated on that land, for a period of nine years commencing 1st September 1991, at annual rent of £100, with rent reviews every three years in line with the Jersey Cost of Living Index and subject to conditions stipulated by that Committee as to the use of the land and buildings;
- (j) as recommended by the Agriculture and Fisheries Committee, the granting, free of charge, to the

Jersey Electricity Company Limited of a wayleave at Field 442, St. Catherine, St. Martin in order to provide electricity to the proposed Jersey Waterworks Company Limited catchment reservoir, on the basis that the Electricity Company would meet the installation and reinstatement costs and all legal costs involved.

## Matters lodged

The following subjects were lodged ``au Greffe'' -

- Draft Wills & Successions (Jersey)
   Law 199 . P.196/91.

   Presented by the
   Legislation Committee.
- Elizabeth and Mont Orgueil
   Castles: Deed of Arrangement.
   P.197/91.

   Presented by the Public Services
   Committee.
- 3. Draft Motor Traffic (No. 3) (Jersey) Regulations 199 (P.178/91): amendment. P.199/91. Presented by Deputy P.A. Bailhache of St. Helier.

The following subject was lodged on 10th December 1991 -

The Broadcasting Act 1990 (Jersey) (No. 2) Order 1991: amendment. P.195/91. Presented by Senator R.J. Shenton.

Haut de la Garenne, St. Martin: redevelopment. P.177/91

THE STATES acceded to the request of the President of the Housing Committee that consideration of the proposition regarding the redevelopment of Haut de la Garenne, St. Martin, be deferred from the present Sitting.

Parish Rate (Administration) (Jersey) Law 1946. Statement. The Connétable of St. John, on behalf of the Supervisory Committee, made a statement in the following terms -

``The House will remember that Deputy R.E.R. Rumboll of St. Helier lodged a proposition on 6th August 1991 asking that another Committee of Inquiry be set up to look into the method of assessment in the Parish Rate (Administration) (Jersey) Law 1946. When the Deputy proposed a date to debate his proposition P.124/91 I, on behalf of the Connétables of this Island, opposed this, as at that time the Connétables had set up a subcommittee to look into any possible shortcomings in the Law. I am pleased to report to this House that the subcommittee of the Connétables of St. John, St. Mary and Grouville invited Deputy Henry Coutanche, Mr. Bill Mahoney and Mr. Robert Pallot to join them and look at the possible problems affecting rate assessment.

I said at that time that I would be in a position to make a statement by the end of the year. I now so do.

The 1946 Rate Law in itself was a good piece of legislation which suited the public and the Parish Administration of the Island - rentals were static with a good supply of rental property available and it was so until our population began to increase in the 60's and 70's to such an extent that rentals started rising fast because of the demand and the consequent shortage. The imbalance between rental and owner/occupied property came to a head when a Committee of Inquiry was set up in 1984 which report was placed before the House by Senator R.R. Jeune, the Chairman, under P.47 of that year.

The Committee of Inquiry made 21 recommendations to the Connétables and these in the main have been implemented except for five and 12.

Recommendation 5 suggested that consideration should be given to

amending the Law to provide for appeals against assessment to be heard by a panel of independent persons on the lines of the arrangements which apply to income tax appeals. The Connétables feel that the present system of appeal is fair and sufficiently independent of the Assessors to ensure a reasoned and correct judgement. First and foremost, the responsibility for assessing correct and equitable rate rests with the Parish Assessment Committees although Connétables can and indeed do challenge inequitable rating in their own parish.

Recommendation 12 asked that the problem of making uniform assessments within each parish and more importantly from parish to parish should be examined in depth.

With the continued escalation of rent due to the accepted shortage of accommodation, assessed rental values have increased percentage wise way above the required parochial need causing concern and some discontent because of the misunderstanding of the Law. Notwithstanding this comment it should be noted that in the 1991 assessments; two parishes, St. Helier and St. Brelade each had only one-quarter of one per cent of their assessments challenged and even then many of those challenges were vexatious.

The question of uniformity has been under serious consideration for some time and I am pleased to say improvement has taken place. The difficulty of producing uniformity throughout the Island should be acknowledged by the fact that there are 12 parish boundaries, 15 Assessment Committees with 67 elected Assessors.

The Connétables and the Association of Parish Rate Assessors recommend that some changes be made because if rental values continue to escalate the position of rate assessment can only worsen, with continued aggravation to

the public, who although they can easily relate `cost of living' increases in parish requirements, are unable to accept assessments which have increased very considerably in the last two to three years merely to keep pace with States and private sector rentals.

After much study and discussion it is now felt that a standard assessment system or a fixed rateable value should be introduced to replace the present assessed rental value. Whilst this is accepted by the Connétables and until all existing areas of imbalance throughout the Island are brought into line this cannot be done overnight. The Connétables and the assessors are confident that a fair and proper assessment can be achieved although this will take a certain time, but in any event not longer than the introduction of corrective legislation.

It is envisaged that the scheme would work as follows -

- 1. First and foremost, all Assessment Committees would have need to conform.
- 2. The assessed rental values when seen to be fairly assessed throughout the Island would be frozen following the necessary changes in the Law and that figure would then represent the fixed rate system or permanent base unit of `quarters'. This figure would remain as such unless there were major alterations or additions to the property. This would remain the responsibility of each Parish Assessment Committee whose workload would be drastically reduced enabling that Committee to look at new property built or that which has been altered in their respective parishes.

The same principle would be applied to commercial property thus eliminating any problems relating to fluctuations in rentals, in good times or recession.

- 3. With each house permanently assessed the variation in assessment would be to the `pence per quarter' which would reflect the amount of finance required to run each parish on an annual basis.
- 4. The Committee of Connétables does not believe that a further Committee of Inquiry is necessary, the Island has already had two similar Committees in the recent past.
- Changes to the Law will be discussed with the Legislation Committee and the changes brought to this House for approval as soon as possible."

Jersey Field Squadron Royal Engineers. Statement

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

"In 1987 the States agreed to establish and fund an independent TA unit as its contribution to the defence of the British Isles.

The unit's formation was marked in October 1988, by a parade, which was attended by the Minister for the Armed Forces. At the same time the title "The Jersey Field Squadron Royal Engineers (The Royal Militia of the Island of Jersey)" was approved by the Queen. This title aptly describes the unit and draws attention to Jersey's unique and ancient contribution to the defence of the realm.

During the past three years the Squadron has been recruiting, and has trained in Jersey, Germany and the United Kingdom for a general combat engineer role in NATO. Throughout this time it has been temporarily based at

the old Northern Telephone Exchange. The almost complete lack of training and storage facilities there has severely restricted the Squadron's preparations to become operational or recruited to full strength.

January 1992, however, will see the completion of the new purpose built Centre at Mount Bingham. This will allow the Squadron to complete their recruiting and, together with the arrival of their vehicles and equipment, will enable them to train for their new operational role.

You will have heard of the changes to the Reserve Forces announced at Westminster last week, by the Secretary of State for Defence, the Rt. Hon. Tom King. The Options Review was necessary to balance the contribution of the TA to the Army Order of Battle in the light of the Regular restructuring and alterations in National Defence Policy. This restructuring has led to a planned 32 per cent reduction in Regular Army manning levels. Whilst you might also be aware of reductions in manning levels in the TA, particularly the infantry, certain specialised elements, such as the Royal Engineers, will in fact increase in size. This is to compensate for reductions in capability caused by the changes to the Regular Army. As a result some new specialised Royal Engineer units will be established, and existing units will be required to take on new specialist roles.

For the Jersey Field Squadron this means a new and exciting continental role with the Rapid Reaction Corps in support of the Royal Air Force, in particular, support to the RAF Harrier Force, both on and off base.

To carry out the new role it will be necessary for the squadron to be augmented by an additional troop of 40 men, which is to be recruited and based on the mainland. The troop will be United Kingdom funded and will come under command of the Jersey Squadron for operations and training.

I am delighted to inform the House that the Jersey Field Squadron has been allocated this specific and challenging role. The training that the members of the squadron receive will be of benefit both to the individual, and to the Island, and the move to the new Centre will open the next chapter in the Squadron's formation.

I would wish to remind the House that whilst the Island tax payer as a whole, is fulfilling his contribution to the United Kingdom, the contribution from the TA soldiers goes far beyond that. Our soldiers will now have a real commitment to rapidly respond to any conflict, the potential nature of which we have only to look back one year to be vividly reminded.

I ask the House to fully recognise this commitment, and to offer its unanimous support to the men and women who volunteer their services in the name of the Island and in the name of The Crown.

There will be a full presentation on Thursday 19th December at Fort Regent by the new Commander and staff of the Royal Engineers Voluntary Specialist Unit which I invite any member here to attend."

Haut de la Garenne, St. Martin: statement

The President of the Island Development Committee made a statement in the following terms -

`Members will be aware from reports in the various media that the Island Development Committee has withdrawn its support for the principle of development on the open field to the east of the existing buildings at Haut de la Garenne. This is a change of mind, and my Committee owes the House, and in particular the President and Members of the Housing Committee

an explanation.

The future of Haut de la Garenne has been uncertain since 1983 when the Education Committee first signalled its intention of vacating the buildings as a children's home. The Island Development Committee of the day produced a planning brief for the redevelopment of the site in 1983 and revised it in 1986, but a common feature of both briefs was that any redevelopment should be confined to the ``footprint'' of the existing building.

However, in 1988 and 1989 there was considerable pressure from the Tourism, Public Works and Policy and Resources Committees to sell the site to allow a prestige hotel development to be undertaken. We were advised that the critical floorspace threshold for a viable hotel was 100,000 square feet, and if the site were to be marketted to hotel developers it would help if the Island Development Committee could pre-determine the planning parameters. To this end, my Committee in April 1989 approved a planning development brief showing how this amount of floorspace could be achieved on the site while limiting the impact of the development on the landscape. It indicated that a hotel, elderly persons or States loan and rental housing, educational or health institutional uses would be acceptable to the Island Development Committee, although in approving the Brief, my Committee indicated its preference for elderly persons or special needs housing.

The Housing Committee commissioned an architect at the beginning of this year to produce a feasibility study showing how a respite care home, a nursing home, staff and Category A housing accommodation could be achieved on the site. As recently as May and June of this year, the Policy and Resources and Tourism Committees were promoting hotel development on the site and quite recently there was a move to keep it as open space.

In October this year the Housing Committee's President and architects made a presentation of their proposals to my Committee, and despite certain reservations about the scale of the Category A housing, indicated its general support for the principles.

Last Thursday, in the course of its regular three-weekly site visits, my Committee visited the site to satisfy itself that the proposed development was acceptable. The Committee walked the site, and viewed it from various vantage points. It became quite clear to the Committee that its decision to include the open field in the development area of the brief in 1989 was wrong, and its subsequent decision to support the Housing Committee's proposal in the context of that brief was equally a mistake. My Committee asked itself if the proposal had been made by someone other than the Housing Committee, would it have supported it, and the answer to the question, quite clearly, was an emphatic NO.

The Island Development Committee supports the proposal for the respite care home and the nursing home, but, with the benefit of hindsight, it is unable to support the construction of buildings on the open field to the east.

My Committee apologises unreservedly to the Housing Committee for having led it to believe that it would support its proposal. It was wrong to do so. We have clearly inconvenienced the Housing Committee, and it will be incumbent on my Committee to find alternative sites to replace the potential housing yield from Haut de la Garenne. We are sure we can do this on a site or sites that are less intrusive than this one."

St. John's Village foul relief sewer scheme - Phase I: acceptance of tender

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

- (a) accepted the tender from Flaherty and Company Limited in the sum of #394,765.63 for Phase I of the St. John's Village foul relief sewer scheme subject to the necessary bond being obtained;
- (b) authorised the Greffier of the States to sign the necessary contract.

St. Saviour's Hospital swimming pool: refurbishment

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

- (a) approved Drawings Nos. 1541/04B, 05B, 06A and 07 showing the proposed extension and refurbishment of the existing changing facilities and the replacement swimming pool housing at St. Saviour's Hospital;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Public Employees Contributory Retirement Scheme Board of Management: appointment of Members

THE STATES, adopting a proposition of the Establishment Committee approved, in accordance with Regulation 3(2) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, the appointment of the Committee of Management, for a period of three years commencing 1st January 1992, as follows -

**Employer Representatives** 

Senator R.J. Shenton Senator R.R. Jeune, O.B.E. Senator Corrie Stein Deputy D.R. Maltwood Treasurer of the States Chief Officer, States' Personnel Department

**Employee Representatives** 

Mr. B. Tucker and Mr. J.H. Lees (representing the Jersey Civil Service)

Mr. M.B. Kavanagh and Mr. M. Nicolle (representing the Manual Workers)

Mr. F.A. Greens (representing the ``Uniformed" Services)

Mr. M.D. Orbell (representing all public service pensioners).

Companies (Jersey) Law 1991 (Appointed Day) Act 1991

THE STATES, in pursuance of Article 224 of the Companies (Jersey) Law 1991 made an Act entitled the Companies (Jersey) Law 1991 (Appointed Day) Act 1991.

Finance (Jersey) Law 1991. P.194/91

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council adopted a law entitled the Finance (Jersey) Law 1991.

Immigration Policy. P.179/91

THE STATES commenced consideration of a proposition of the Policy and Resources Committee regarding an Immigration Policy for the Island, and on an undertaking by the President ``that the Policy and Resources Committee will immediately give consideration to bringing to this House, regulations and machinery as soon as possible in the New Year" agreed that with effect from 1st January 1992 all natural and legal persons of the European Community shall be free of a requirement to obtain a work permit to take up employment in the Island, but to request the Policy and Resources Committee to take the necessary steps to provide for the implementation of the Protection of Employment Opportunities (Jersey) Law 1988 as and when circumstances support this action.

Parish Rate (Jersey) Law 1991. P.176/91

THE STATES commenced consideration of the draft Parish Rate (Jersey) Law 1991.

Article 1 was adopted, the States having accepted an amendment of Deputy David Leon Crespel of St. Helier that after the words `ninety-two" there should be added the word `and", and that the words `and nineteen hundred and ninety-four" should be deleted.

Article 2 was adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council adopted a law entitled the Parish Rate (Jersey) Law 1991.

Family Allowances (No. 2) (Jersey) Regulations 1991. P.181/91

THE STATES, in pursuance of Article 7 of the Family Allowances (Jersey) Law 1972, as amended, made Regulations entitled the Family Allowances (No. 2) (Jersey) Regulations 1991.

Loi (1991) (Amendement) sur les Etrangers (Appointed Day) Act 1991. P.182/91

THE STATES, in pursuance of Article 5 of the Loi (1991) (Amendement) sur les Etrangers made an Act entitled the Loi (1991) (Amendement) sur les Etrangers (Appointed Day) Act 1991.

Amendment (No. 13) to the Tariff of Harbour and Light Dues. P.183/91

THE STATES, in pursuance of Article 6 of the Harbour and Light Dues (Jersey) Law 1947, as amended, approved Amendment (No. 13) to the Tariff of Harbour and Light Dues.

Harbours (Amendment No. 20) (Jersey) Regulations 1991. P.184/91 THE STATES, in pursuance of Article 4 of the Harbours Administration (Jersey) Law 1961 as amended, made Regulations entitled the Harbours (Amendment No. 20) (Jersey) Regulations 1991.

Boats and Surf-Riding (Control) (Amendment No. 8) (Jersey) Regulations 1991. P.185/91

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-six day of December 1851, Article 49 of the Road Traffic (Jersey) Law 1956, as amended, and Article 4 of the Harbours (Administration) (Jersey) Law 1961, as amended, made Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 8) (Jersey) Regulations 1991.

Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 2) (Jersey) Regulations 1991. P.186/91

THE STATES, in pursuance of Articles 2 and 4 of the Public Employees (Retirement) (Jersey) Law 1967, as amended, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 2) (Jersey) Regulations 1991.

Health Insurance (Medical Benefit) (Amendment No. 39) (Jersey) Regulations 1991. P.188/91

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. 39) (Jersey) Regulations 1991.

Milk (Sale of Special Classes) (Amendment No. 4) (Jersey) Regulations 1991. P.192/91

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884, made Regulations

entitled the Milk (Sale to Special Classes) (Amendment No. 4) (Jersey) Regulations 1991.

Teachers' Centre: relocation.

P.190/91

Teachers' Centre: relocation: supplementary

vote of credit. P.163/91

THE STATES, having commenced consideration of a proposition of the Education Committee regarding the relocation of the Teachers' Centre adopted a proposition of Senator Corrie Stein that the matter be referred back to the Committee.

Les Landes Racecourse, St. Ouen. P.173/91

THE STATES commenced consideration of a proposition of the Island Development Committee regarding Les Landes Racecourse, St. Ouen and accepted an amendment of the Connétable of St. John, President of the Island Development Committee that the existing proposition should become paragraph (a) and that there should be added the following paragraph -

(b) that in the event that the States support the granting of development permission, subject to conditions to be imposed by the Committee, those conditions will not be varied in the future without the specific agreement of the States.

THE STATES, adopting the proposition -

- (a) agreed to support the Island
  Development Committee's intention
  to grant permission for the
  construction of a new building to
  provide improved facilities for
  spectators, officials and jockeys
  at Les Landes Racecourse, St. Ouen
  as shown on drawing No. 311/1.
- (b) that in the event that the States support the granting of development permission, subject to

conditions to be imposed by the Committee, those conditions will not be varied in the future without the specific agreement of the States.

Members present voted for paragraph (a) as follows -

"Pour" (36)

#### Senators

Shenton, Jeune, Binnington, Baal, Rothwell, Le Main, Chinn

# Connétables

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

# Deputies

Le Gallais(S), Roche(S), Trinity, Beadle(B), Wavell(S), Blampied(H), Norman(C), St. John, St. Peter, Baudains(C), Buesnel(H), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), Jordan(B), St. Mary, Bailhache(H), St. Martin, Le Geyt(S), Crespel(H).

``Contre" (10)

#### Senators

Horsfall, Le Maistre, Carter, Stein, Quérée

### Connétables

St. Peter, St. Lawrence

# **Deputies**

Rumboll(H), Grouville, Syvret(H)

Public Business: items deferred

THE STATES, adopting a proposition of Senator Reginald Robert Jeune, agreed to defer the remaining items of Public Business until 21st January 1992.

# Compliments of the Season

The Bailiff wished the Members of the States and their families the compliments of the season on behalf of the Deputy Bailiff and himself. Senator Reginald Robert Jeune on behalf of the Senators, Connétable Fred Webber Clarke of St. Helier on behalf of the Connétables and Deputy John Le Gallais on behalf of the Deputies, responded and wished in return, the Bailiff and Lady Crill, the Deputy Bailiff and Mrs. Tomes, the Crown Officers and the Officers of the States, the compliments of the season.

THE STATES rose at 5.35 p.m.

R.S. GRAY

Greffier of the States.