



**THE STATES assembled on Tuesday,
15th December 1998 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Francis Charles Hamon, Esquire**

All members were present with the exception of –

Philip Roy Cabot, Connétable of Trinity – absent
David Leon Crespel, Deputy of Trinity – ill
Jeremy Laurence Dorey, Deputy of St. Helier – out of the Island
Imogen Stephanie Nicholls, Deputy of Grouville – ill.

Prayers

Tribute to the late Senator V.A. Tomes

The Deputy Bailiff paid tribute to the late Senator and former Deputy Bailiff Vernon Amy Tomes.

THE STATES observed one minute's silence as a mark of respect.

Welcome to newly-elected Deputy of St. Clement

The Deputy Bailiff, on behalf of the members of the States, welcomed the newly-elected Deputy of St. Clement, Mr. Gerard Clifford Lemmens Baudains.

Change in Presidency

The Deputy Bailiff retired from the Chamber and Senator Pierre François Horsfall took over the Presidency.

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Amendment (No. 21) to the Tariff of Harbour and Light Dues.

Harbours and Airport Committee – appointment of President and members

THE STATES, on the proposition of Senator Frank Harrison Walker, appointed Deputy Derek Ryder Maltwood of St. Mary as President of the Harbours and Airport Committee.

THE STATES, on the proposition of Deputy Maltwood, President of the Harbours and Airport Committee, appointed the following as members of the Committee –

Senator Leonard Norman
John Baudains Germain, Connétable of St. Martin
Jacqueline Jeannette Huet, Deputy of St. Helier
Philip John Rondel, Deputy of St. John
Maxwell Robert de la Haye, Deputy of St. Brelade
Maurice François Dubras, Deputy of St. Lawrence.

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 7th December 1998, recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land –

- (a) as recommended by the Planning and Environment Committee, the lease to Gavroche Limited of the premises known as The Anchorage, Gorey Pier, St. Martin, comprising 989 square feet of retail accommodation and 275 square feet of office accommodation, for a period of nine years from 29th September 1997, at an annual rent of £15,000, payable quarterly in advance and subject to triennial review in line with the open market value of the premises at that time, with each party to be responsible for its own legal costs involved in the transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to De La Haye Fish Enterprise Limited of 722 square feet of accommodation in the Victoria Pier Fish Processing Warehouse (designated Unit V12M) from 1st August 1998 until 30th June 2004, at an annual rent of £2,450.06, representing a rate of approximately £3.39 a square foot, the rent to be subject to annual review on 1st January each year in line with the Jersey Retail Prices Index;
- (c) as recommended by the Public Services Committee, the sale to Mr. Brian Frederick Beadle and Mrs. Carol Luce Beadle, née Warr, of an area of land measuring 8,290 square feet in Field No. 816, St. John, for the sum of £8,290, with a covenant on the land to be sold requiring Mr. and Mrs. Beadle, their heirs or successors to keep the land as a formalised garden area and free from weeds, and to ensure that the land would never be built upon or sold separately from the remainder of the property in the future, on the basis that Mr. and Mrs. Beadle would be responsible for all the legal fees and expenses involved in the transaction;
- (d) as recommended by the Planning and Environment Committee, the entering into of a Deed of Arrangement with Raleigh House Limited in order to allow the removal of a restrictive covenant relating to the height of a curved wall to the west of No. 11 La Rue Grellier, Rue des Pres, St. Saviour, to enable Raleigh House Limited to demolish the said wall and create an opening in accordance with the Planning and Environment Committee's Permit No. 5369/K dated 13th March 1998, on the basis that Raleigh House Limited would be responsible for all the legal costs involved in the transaction;
- (e) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of the site of an electricity sub-station (No. 569) at the OTC site, La Route ès Nouaux, St. Helier, for a period of 99 years at an annual rent of £1, together with a 99-year lease for the section pillar, for the sum of £10, payable in full upon completion of the contract, the Company also being granted free of charge the standard wayleave rights in association with the sub-station and section pillar (as indicated on Wayleave Plan No. 20-J – Ref. P1014 dated 3rd June 1998), on the basis that each party would be responsible for its own legal costs involved in the transaction;
- (f) as recommended by the Education Committee, the entering into of a Deed of Arrangement with Mr. Alfred Stanley Pipon in order to remove the restrictive building covenant over the whole of Field No. 465, St. Lawrence, for the payment of £10,000, with the Committee to be responsible for both parties' legal costs involved in the transaction;
- (g) as recommended by the Health and Social Services Committee, the entering into of a Deed of Arrangement with Mrs. Angela May Jones, née Stevens, to allow encroachment onto her property known as Raventrail Cottage, Mont Millais, St. Helier, for the purpose of overcladding the property known as Beau Sejour, Mont Millais, St. Helier by 62 millimetres (2½ inches) subject to the Committee paying a one-off capital sum of £1,000 and Mrs. Jones' reasonable legal costs involved in the transaction;

- (h) as recommended by the Public Services Committee, the lease to Mesdames Mary Baines, née Sheppard, and Vivian Murphy, née Sheppard, as joint lessees of the Kiosk, Coronation Gardens, St. Lawrence, for a period of nine years effective from 25th June 1998, at a commencing annual rent of £1,838 with triennial rent reviews in line with the Jersey Retail Prices Index, on the basis that each party would be responsible for its own legal costs involved in the transaction.

Matter noted – acceptance of tenders

THE STATES noted an Act of the Finance and Economics Committee, dated 7th December 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that –

- (a) the Public Services Committee had accepted the lowest of four tenders, namely that submitted by Ernest Farley and Sons Limited in the sum of £673,585.56 in a contract period of 36 weeks, for the construction of the road, sewers and associated works for the Gas Works Gyration Scheme;
- (b) the Public Services Committee had accepted the lowest of four tenders, namely that submitted by Jayen (Jersey) Limited in the sum of £672,713.96 in a contract period of 30 weeks for Contract 726 – Le Bourg and Le Boulivou Foul Sewer Extension.

Arrangement of public business for the present meeting

THE STATES agreed that the following matter lodged “au Greffe” would be considered at the present meeting –

Draft Ansbacher (Jersey) Limited (Jersey) Law 199 – P.236/98 (Revised)
Lodged: 17th November 1998
Deputy D.R. Maltwood of St. Mary

Draft Ansbacher (Jersey) Limited (Jersey) Law 199 (P.236/98): amendments – P.243/98
Lodged: 24th November 1998.
Deputy D.R. Maltwood of St. Mary.

Defence Committee: replacement of prison van – question and answer (Tape No.489)

Deputy Philip John Rondel of St. John asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following question –

“The Defence Committee included in its estimates of capital expenditure in the Budget 1999 the sum of £63,000 for a replacement prison van. Is the President happy that such a large sum is required when only recently the Fire Service purchased a replacement fire engine for £3,500? Does the Committee have a consistent policy on replacement vehicles for all the services under its control? If not, in what respects do the policies for the various services differ?”

The President of the Defence Committee replied as follows –

“I thank the Deputy of St. John for asking this most important question because it enables me both to provide a detailed answer and to highlight the inadequate prisoner handling facilities currently experienced at Police Headquarters. Members will recall that the Defence Committee is actively seeking to solve the accommodation problems experienced by both the Police and Fire Services and I am sure that all members of the States will support the Committee when proposals are finally brought before it. The Defence Committee does have a consistent policy on the replacement of vehicles under

its control.

The States Fire Service required a temporary replacement for a damaged fire appliance. It was an urgent matter which was initially solved by the purchase of a second-hand 12-year old appliance from the United Kingdom for £3,500 in order to maintain fire cover for the Island.

Regrettably, second-hand prisoner transport vehicles are not available and even if they were, the height restriction of the custody area at Police Headquarters would not permit their use. The prisoner transport vehicle currently used will be over seven years old by the time its replacement is due, and has already covered over 100,000 miles in Jersey. Both the current and any replacement vehicles have to be purpose-built to conform both to the restrictions at Police Headquarters and local Construction and Use Regulations.

The use of such a vehicle in fact saves time, manpower and money in that there are ten separate compartments and therefore males, females and juveniles can be carried on the same journey in safety and security. The cost of such a vehicle is more than outweighed by both its efficiency and value for money, and if the Deputy would wish for a journey in the vehicle to test these assertions I am sure that arrangements could be made to accommodate him at any time.”

Family Allowance Tribunal: appointment of members

THE STATES, adopting a proposition of the Employment and Social Security Committee and in pursuance of Article 1 of the Family Allowances (Jersey) Law 1972, as amended, appointed as Chairman and members of the Family Allowances Tribunal, for a period of three years commencing on 1st January 1999, the following –

Advocate Alan Richard Binnington – Chairman
Advocate Marion Whittaker
Mrs. Audrey Vivienne Jackson
Mrs. Elizabeth Hambly
Mr. Bernard Louis Dubras
Mrs. Jill Meredith Clapham.

Social Security Tribunal: appointment of members

THE STATES, adopting a proposition of the Employment and Social Security Committee and in pursuance of Article 1 of the Social Security (Jersey) Law 1974, as amended, appointed as Chairman and members of the Social Security Tribunal, for a period of three years commencing on 1st January 1999, the following –

Advocate Charles Malcolm Bedford Thacker – Chairman
Advocate Sarah Fitz
Mr. Michael Bernard Kavanagh
Mr. Bernard Louis Dubras
Mrs. Margaret Le Marquand
Mrs. Audrey Vivienne Jackson.

Jersey Dental Scheme: appointment of Chairman

THE STATES, adopting a proposition of the Employment and Social Security Committee and in accordance with Article 5 of the Act of the States of 18th June 1991 establishing a scheme to subsidise certain dental care appointed Mr. William John Morvan as Chairman of the Board of Management, for a period of not less than three years with effect from 1st January 1999.

Proceeds of Crime (Jersey) Law 199 – P.218/98 and amendments – P.242/98

THE STATES commenced consideration of the draft Proceeds of Crime (Jersey) Law 199 and adopted the Preamble.

Members present voted as follows –

“Pour” (41)

Senators

Shenton, Rothwell, Le Maistre, Stein, Bailhache, Syvret, Norman, Walker, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Martin, St. Ouen, St. John, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Le Geyt(S), Pullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), St. Martin, St. John, Le Main(H), Blampied(H), Crowcroft(H), Vibert(B), de la Haye(B), St. Peter, Dubras(L), St. Ouen, GBaudains(C).

“Contre” (1)

Deputy

Huet(H).

Article 1 was adopted, the States having accepted amendments of the Finance and Economics Committee that in paragraph (1) for the word “paragraph” in sub-paragraph (b) of the definition “money laundering” there should be substituted the word “sub-paragraph”, and in sub-paragraph (3)(d) for the word “Police” there should be substituted the word “Magistrate’s”.

Articles 2, 3 and 4 were adopted.

Article 5 was adopted, the States having accepted an amendment that in sub-paragraph (5)(c) for the word “benefit” in each place where it occurred there should be substituted the word “property”.

Articles 6 to 23 were adopted.

Article 24 was adopted, the States having agreed that in sub-paragraph (2)(b) for the word “agreement” there should be substituted the word “arrangement”; that in sub-paragraph (4)(a)(ii) after the word “conduct,” there should be added the word “or”; that in sub-paragraph (4)(b) for the word “agreements” there should be substituted the word “arrangements” and that for paragraph (8) there should be substituted the following paragraph –

“(8) In this Article, “assets-sharing arrangement” means –

- (a) an agreement entered into between the United Kingdom, on behalf of the Island, and any other State; or
- (b) any arrangement made between the Attorney General and the appropriate authority of a

country or territory outside the Island,

for the sharing of the proceeds of criminal conduct that, as a result of mutual assistance, have been confiscated either in the Island or elsewhere.”.

Articles 25 to 32 were adopted.

Article 33 was adopted, the States having accepted an amendment of the Finance and Economics Committee that in sub-paragraph (5)(a) after the word “kind;” there should be added the word “and”.

Articles 34 to 43 were adopted.

Article 44 was adopted, the States having accepted an amendment of the Finance and Economics Committee that in Article 44 for the words “paragraph (11) of Article 28 there should be substituted the words “paragraph (7) of Article 28”.

Article 45 and the First and Second Schedules were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Proceeds of Crime (Jersey) Law 199 .

Ansbacher (Jersey) Limited (Jersey) Law 199 – P.236/98 (Revised) and amendments – P.243/98

THE STATES commenced consideration of the draft Ansbacher (Jersey) Limited (Jersey) Law 199 and adopted the Preamble and Articles 1 and 2.

Article 3 was adopted, the States having accepted an amendment of Deputy Derek Ryder Maltwood of St. Mary that in paragraph (4) for the words “the Departments of the Judiciary and the Legislature (Jersey) Law 1965” there should be substituted the words “the Stamp Duties and Fees (Jersey) Law 1998”.

Articles 4 and 5 were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Ansbacher (Jersey) Limited (Jersey) Law 199 .

Compliments of the season

Senator Richard Joseph Shenton, on behalf of the Senators, Connétable Iris Medora Le Feuvre, on behalf of the Connétables, and Deputy Michael Adam Wavell of St. Saviour, on behalf of the Deputies, wished the Bailiff and Lady Bailhache, the Law Officers and the officers of the States, the compliments of the season.

Senator Horsfall, in return, wished the members of the States and their families a Merry Christmas and a Peaceful New Year.

THE STATES rose at 12.36 p.m.

G.H.C. COPPOCK

Greffier of the States.