



**THE STATES assembled on Tuesday,
20th October 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of –

Iris Medora Le Feuvre, Connétable of St. Lawrence– out of the Island
Edwin Le Gresley Godel, Connétable of St. Mary– out of the Island
Jeremy Lawrence Dorey, Deputy of St. Helier– out of the Island
Imogen Stephanie Nicholls, Deputy of Grouville – ill
Terence John Le Main, Deputy of St. Helier– out of the Island
Ronald Winter Blampied, Deputy of St. Helier– out of the Island.

Prayers

Connétable of St. Clement

The Bailiff referred to the impending retirement of Mr. Leonard René Hamel, Connétable of St. Clement, and thanked him, on behalf of the States, for his services to the Island over many years and conveyed to him the best wishes of the Assembly on his retirement.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Social Security (Earnings Limit) (Jersey) Order 1998. R & O 9296.

Road Traffic (Saint Saviour) (Amendment No. 7) (Jersey) Order 1998. R & O 9299.

Road Traffic (Saint Helier) (Amendment No. 4) (Jersey) Order 1998. R & O 9300.

Traffic Signs (Amendment No. 16) (Jersey) Order 1998. R & O 9301.

Road Traffic (Speed Limits) (Amendment No. 3) (Jersey) Order 1998. R & O 9302.

Road Traffic (Saint Helier) (Amendment No. 5) (Jersey) Order 1998. R & O 9303.

Cycle Tracks (Jersey) Order 1998. R & O 9304.

Road Traffic (Saint Ouen) (Amendment No. 11) (Jersey) Order 1998. R & O 9305.

Committee of Inquiry to investigate fully all the circumstances whereby a development at Beauvoir,

Trinity, was permitted – appointment of President and members

THE STATES, on a proposition of Senator Richard Joseph Shenton, appointed Senator Leonard Norman as President of the Committee of Inquiry to investigate fully all the circumstances whereby a development at Beauvoir, Trinity, was permitted.

THE STATES, on the proposition of Senator Norman, appointed the following as members of the Committee of Inquiry –

Derek Ryder Maltwood, Deputy of St. Mary
Alan Breckon, Deputy of St. Saviour
Jacqueline Jeannette Huet, Deputy of St. Helier
Kenneth William Syvret, Deputy of St. Ouen.

Matters presented

The following matter was presented to the States –

A Chronology of the Airport Development 1984 – 1998 – R.C.45/98.
Harbours and Airport Committee.
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 12th October 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 Harbours and Airport Committee, the lease to Stealth Aviation Limited of accommodation in Alares House (Lettings Nos. B004D and B004E) at Jersey Airport, measuring 182 square feet and 70 square feet respectively, for a period of three years from 1st October 1998, at an annual rent of £2,002 (representing a rate of £11 a square foot), subject to annual rent reviews on 1st October throughout the term of the lease in line with the Jersey Retail Prices Index;
- (b) as recommended by the Harbours and Airport Committee, the lease to the Jersey Electricity Company Limited of three switchrooms (designated EPA/2, EPA/3, EPA/4) for a period of 99 years from the date of registration of the lease in the Royal Court, at an annual rent of £1, the rent for the total period of the lease to be paid in advance;
- (c) as recommended by the Harbours and Airport Committee, the lease to Mr. Mark Adrian Symons of the Alcove (Letting No. STC1) at St. Catherinès Breakwater, St. Martin, for a period of one year from 1st August 1998, at an annual rent of £150.00;
- (d) as recommended by the Planning and Environment Committee, the lease to the Jersey Electricity Company Limited of an area of land on the Island Site, Weighbridge, St. Helier, for a period of 99 years from 1st January 1994, at an annual rent of £6,932.00, subject to review on 1st January 2004 and every five years thereafter on the basis that the lessee company would be responsible for the lessor's reasonable legal costs arising from the transaction;
- (e) as recommended by the Planning and Environment Committee, the sale to G. de Z. Investment Limited of a party wall between Nos. 25/27 Hill Street and Morier House, Halkett Place, St. Helier, for a consideration of £10.00 in order to clarify the boundaries between those properties, on the basis that the company would be responsible for the public's reasonable legal costs arising from the transaction. In addition, the public would have access rights to 25/27 Hill Street in order to maintain and repair Morier House, and the company would be responsible for the repair of all damage caused to Morier House associated with its development. Also, Hambros

Bank Limited would be required to be party to the sale because of its contractual leasehold interest in Morier House;

- (f) as recommended by the Sport, Leisure and Recreation Committee, the grant of wayleave to The Bosdet Foundation in perpetuity for the construction of a foul water rising main from Les Ormes Indoor Tennis Centre across Field No. 45, St. Brelade, for a consideration of £10.00 on the terms and conditions set out in a report, dated 24th August 1998, of the Department of Property Services, with The Bosdet Foundation to be responsible for both parties' legal costs arising from this transaction;
- (g) as recommended by the Public Services Committee, the lease to Mr. Steven Paul Morin of land (measuring 3.25 vergées) in Field No. 25, Sorel Point, St. John, for a period of nine years from 1st January 1998, at an annual rent of £15.00, subject to triennial reviews in line with the open market value, on the basis that the lessee would be liable to tend, manure and cultivate the land, and to maintain and protect all hedges, trees and banks on the land, with the lease to include a total prohibition against assignment or sub-letting, with each party to be responsible for its own legal costs in relation to the transaction;
- (h) as recommended by the Public Services Committee, the lease to the Jersey Motor Cycle and Light Car Club of an area of land in Field No. 25, Sorel Point, St. John, for use as an offroad Motorcross, for a period of nine years from 1st January 1998, at an annual rent of £100.00 with triennial reviews in line with the Jersey Retail Prices Index, with each party to be responsible for its own legal costs in relation to the transaction. The course was to be used exclusively by the Club, or invited guests, for the purposes of training and competition on agreed days of operation only and on the basis that the Club would be responsible for the repair and maintenance of the premises and that no alterations were to be made without prior consent of the Public Services and Planning and Environment Committees. In addition, the lease was to include a covenant prohibiting the assignment or sub-letting of the premises.

Matters lodged

The following matters were lodged "au Greffe" –

Draft Milk (Sale to Special Classes) (Amendment) (Jersey) Regulations 199 – P.209/98.
Presented by the Employment and Social Security Committee.

Draft Stamp Duties and Fees (Jersey) Regulations 199 – P.210/98.
Presented by the Finance and Economics Committee.

Overseas Aid Committee: funding – P.211/98.
Presented by the Overseas Aid Committee.

Electoral law reform (P.207/98): amendment – P.212/98.
Presented by Deputy S.J. Le Cornu of St. Clement.

Jersey Airport: future status and financing – P.213/98.
Presented by the Harbours and Airport Committee.

Les Creux Country Park, St. Brelade: millennium project – P.214/98.
Presented by Deputy M.E. Vibert of St. Brelade and referred to the Policy and Resources Committee.

Electoral law reform (P.207/98): second amendment – P.215/98.
Deputy M.F. Dubras of St. Lawrence.

Future status and financing of Jersey Airport – P.197/98

THE STATES acceded to the request of the President of the Harbours and Airport Committee that the proposition regarding the future status and financing of Jersey Airport (P.197/98 – lodged “au Greffe” on 22nd September 1998) be withdrawn, a revised proposition (P.213/98) having been lodged “au Greffe” at the present meeting.

THE STATES agreed that the revised proposition should be taken as the first item of matters lodged “au Greffe” listed under Public Business on 3rd November 1998.

Arrangement of public business for the meeting on 3rd November 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the meeting on 3rd November 1998 –

Jersey Airport: future status and financing – P.213/98.
Lodged: 20th October 1998.
Harbours and Airport Committee.

Electoral law reform – P.207/98.
Lodged: 6th October 1998.
Legislation Committee.

Electoral law reform (P.207/98): amendment – P.212/98.
Lodged: 20th October 1998.
Deputy S.J. Le Cornu of St. Clement.

Electoral law reform (P.207/98): second amendment – P.215/98.
Deputy M.F. Dubras of St. Lawrence.

Overseas Aid: funding – P.211/98.
Lodged: 20th October 1998.
Overseas Aid Committee.

New office accommodation – questions and answers – (Tape No. 474)

Senator Jean Amy Le Maistre asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions –

“Would the President of the Planning and Environment Committee inform the States –

- (a) as to the total area, in square feet, of new office accommodation for which development permission has been granted since the beginning of 1996 to date?
- (b) of any other applications for office accommodation which have been submitted during that period, and for which planning permission has been granted, and the total area in square feet of accommodation of that category assuming that a development permit would be forthcoming?

Assuming that there are guidelines in determining minimum space requirements per employee for office workers, how many employees would be able to be recruited assuming that all the office accommodation referred to in question one were to be occupied.”

The President of the Planning and Environment Committee replied as follows –

“I am grateful to the Senator for delaying his questions to give sufficient time for the Committee’s officers to abstract this information from the files at the Planning Office. The department is in the process of introducing a new computerised planning application system which will in the future automatically provide this sort of strategic information. The schedule of office consents which the

Committee has provided members with today (NOTE – table attached) shows details of office developments which have been approved in principle since 1996 and the progress each development has made through the planning and construction cycle. The list includes –

- (a) those developments which have received consent and construction has been completed during this period;
- (b) those developments which have received consent and where construction is currently in progress;
- (c) those developments which have received consent and where construction has not yet commenced;
- (d) those developments where permission has been given in principle but development consent is still pending and there is a current application to be determined by the Committee;
- (e) those developments where in principle planning consent has been given but no development application has yet been submitted.

The schedule provided is as complete as possible, bearing in mind the limitations of a manual search, showing the supply of new office accommodation over the past three years.

The schedule shows that a total of approximately 859,100 square feet has received approval in principle during this period. Of this 145,600 square feet has already been completed and is mostly occupied, a further 250,600 square feet is currently under construction, a further 167,300 square feet has development approval and is awaiting construction to start (possibly dependant on Regulation of Undertakings Law licence), a further 59,200 square feet where detailed design has been completed and an application is awaiting determination, and finally a further 236,400 square feet which has approval in principle but no detailed designs have yet been completed. A total of 859,100 square feet at all stages of the cycle.

These figures are subject to the following reservations –

- (a) Every office has boardrooms, conference rooms and other meeting and circulation space. It would be expected that only up to 80 per cent of the space constructed could be let and productively used, that is, 80 per cent of the gross area is the net space.
- (b) In some cases the new office accommodation represents a demolition and/or replacement of existing office floorspace. The figures do not take account of the extent of office accommodation which may have been removed.
- (c) In many instances the new office space is the result of a consolidation of existing office users, i.e. a single new large scheme could entail a number of smaller office suites either becoming vacant or going to storage space in order that a large institution can reorganise all its activities. The space released may provide storage or ancillary uses.

To answer this question the Planning Department has referred to the Employment and Social Security Department who give guidance in relation to overcrowding based on United Kingdom standards. A guide produced by the Health and Safety Inspectorate says the following in relation to overcrowding of offices –

‘Offices should have enough free space to allow people to move about with ease, taking into account the space occupied by furniture, machinery, equipment, etc. The volume of the room divided by the number of people normally working in it should be at least eleven cubic metres. All or part of a room over three metres high should be ignored for the purpose of this calculation.

Eleven cubic metres per person is a minimum and may be insufficient depending on the layout contents and the nature of the work’.

Unfortunately it has not been possible to use this standard as time has not allowed the examination of vertical drawings (sections) of the new office buildings to determine the cubic areas. However, as a better alternative, it is possible to provide the Senator with an estimate of the number of employees these offices could reasonably accommodate in comfort using square floor areas. Most organisations have space norms which provide for greater areas to senior staff (usually cellular offices) and lower standards to clerical staff (using open plan layouts). Many modern offices have large open plan areas which permit a higher density level. Taking all these factors into account an average of 100 square feet per person could reasonably be used. Applying this average and a gross to net floor ratio of 80 per cent gives the following numbers of employees in relation to the total office areas referred to in Question 1–

- (a) number of persons accommodated in offices already completed – 1165 employees;
- (b) number of persons which will occupy offices under construction – 2004 employees;
- (c) number of persons which could be employed in offices ready to start (subject to Regulations of Undertaking) – 1338 employees;
- (d) number of persons which would be employed in offices subject to current application – 473;
- (e) number of persons which would be employed in offices not yet designed in detail – 1891.

A total of 6871 persons in total.

These estimates take no account of the office space given up nor the number of employees housed in the offices previously vacated (usually of a lower standard). It is thought that a large proportion of new offices are or would be occupied by relocating existing businesses.

The Planning and Environment Committee at present see little evidence of such old office space vacated being subject to a change of use application. Rather the vacated space remains as offices having the benefit of an established use or, depending on its location and condition, may be converted to storage or ancillary uses such as disaster recovery. The Planning and Environment Committee have very recently written to the Finance and Economics Committee requesting that Committee’s policy regarding the re-use of such secondary space in town. We would very much welcome the opportunity to develop a new policy which encourages such space, where it is suitable and can comply with Building Bye-laws for fire safety, noise etc., to be converted to residential use.”

Reference	Site	Gross Area Square Metres	Year Planning Consent	Year Development Consent	Building Complete	Construction in progress
1531	Claymore Hotel, The Esplanade	3000	1990	1998		
13576	45 - 50 Esplanade	4943		1998		✓
18920-24	Castle Street, Charing Cross/Castle Street	3048	1996	1996	✓	
	Commercial Street/Castle Street	5016	1996	1998		✓
18922	Castle Street Warehouse	342		1996	✓	
8222	Anley Street	1228	1996	1997	✓	
17087	Sand Street	560	1996	1997	✓	
14177	26 New Street	4603	1996	1997		✓
14177	28 New Street	2100	1988	1996		✓
7225	Le Masurers, Stopford Road	1800	1990	1998		✓
4344	Maison Le Pape, Stales	854	1996	1996	✓	
17180	100 Halkett Place	314	1997	1997		
6860	94 Halkett Place - 15/17 James Street	969	1997	1997		
15722	27 Hill Street	736	1998	current		
1134	2/6 Belmont Road - 79 Bath Street	564		1998		✓
18608	Martine House - Stales	2160	1998	1998		✓
5921	Jersey Gas Tunnel Street H.Q.	4510	1997	no permit		
8196	Jersey Gas Offices - Convert existing	400	1996	no permit		
8196	Jersey Gas - New building	720	1996	no permit		
5385	Morrer House, Stales	4529	1994	1997	✓	
14078	Colomberie House	2000	1996	1997		✓
10578	Blues Restaurant	100	1997	1998		✓
5496	Berkshire Hotel, La Motte Street	3964	1997	no permit		
3764	St. Helier Garages, La Motte Street	3360	current			

Reference	Site	Gross Area Square Metres	Year Planning Consent	Year Development Consent	Building Complete	Construction in progress
14305	Nelson House, Victoria Street	1281		1997	✓	
16262	White & Co., Devonshire Place	240	1996	1998		
2718	J.M.T. Workshop, Weighbridge	4311	1996	no permit		
592	Former Power Station, Queen's Road	2376	1997	1998		
2242	Swansons Hotel	8646	1996	1998		
6764	Patent Offices, Seaton Place	500	1996	1996	✓	
4738	27/29 Commercial Street	1340	1997	no permit		
3754	17½ Esplanade	1401	1994	current		
3764	Cleveland Garages	3360	1996	no permit		
17556	Casa Melita	2903	1998	no permit		
8640	17 Hilary Street/6 Wesley Street	1190	1996	1996		

Alpha taxiway – questions and answers – (Tape No. 474)

Deputy Philip John Rondel of St. John asked Deputy James Thomas Johns of St. Helier, President of the Harbours and Airport Committee, the following questions –

- “1. In the publication ‘Licensing of Aerodromes’ produced by the Civil Aviation Authority there are certain physical characteristics to be taken into account before a licence to operate an airport is issued or renewed.
 - (a) Would the President advise members –
 - (i) whether the proposed move of the Alpha taxiway to its proposed new position would require the moving of the Aerodrome Fire Service building, the adjacent hanger and part of the 1937 building?
 - (ii) if the answer to (a) is negative would this arrangement meet the CAA licensing requirements in full?
 - (b) Would the President undertake to produce for members a printed plan showing the proposed route that the Alpha taxiway would take if the relevant recommendations in the Civil Aviation Publication were complied with?
2.
 - (a) In view of the proposed move, at considerable expense, of the Aero Club would the President agree that the Aero Club building is potentially the least serious infringement on the Alpha taxiway route when compared with the Fire Service and 1937 buildings?
 - (b) If the answer to the previous question is affirmative, would the President explain why provision was not made for the required remedial action to be taken during the planning stage of the new Airport development?
3. Has the Harbours and Airport Committee determined the cost of meeting the full recommendation of the C.A.A. in respect of the realignment of the Alpha taxiway and, if so, would the President give the figure to members?”

The President of the Harbours and Airport replied as follows –

- “(1)
 - (a)
 - (i) the move of the Alpha taxiway to its new location as proposed by my Committee does not require the movement of the Airport Fire Service/Engineering Hangar or part of the 1937 building at this stage;
 - (ii) the proposed new location of the Alpha Taxiway will meet 64 per cent of the national and international licensing requirements.
 - (b) A large printed plan is in the Members’ Room and in the Chamber. Each member has the details on his/her desk on the Harbours and Airport Committee’s preferred solution to the Alpha Taxiway. This has not yet been approved by the Planning and Environment Committee.
- (2)
 - (a) The Alpha taxiway cannot be relaid in its present location because it is too close to the runway for national and international safety requirements and it is not a practical engineering proposition to simply overlay life-expired concrete with a tarmac surface. The seriousness of the infringement of the Aero Club vis-à-vis the Engineering Hangar is irrelevant because the Aero Club has to move if the Alpha Taxiway is to be relocated.
 - (b) As explained in my Committee’s chronology of the Airport Development, the Committee was informed in 1990 that both the Policy and Resources and Finance and Economics

Committees found the complete masterplan for the Airport too expensive. The Committee took back the Airport Development scheme for passenger facilities to present it later but stated that it would continue to deal with other aspects of the capital programme separately – such as resurfacing the runway. Major civil engineering works at the Airport cannot all be carried out simultaneously and the runway and both taxiways had a different amount of useful life in them. The replacement of the Alpha Taxiway had always been intended to be carried out around 2000 because it has a useful life until that time. I reiterate my remarks at a previous States' meeting that the Airport Development comprised the works required for new and refurbished passenger facilities whilst the other elements of the capital programme would be carried out separately.

3. Not at this stage, although I have no doubt a future Committee may look to removing the engineering hangar/fire station in the next ten years. It is unlikely that the 1937 Building will be removed in the foreseeable future.”

Airport development project – questions and answers – (Tape No. 474)

Senator Stuart Syvret asked Deputy James Thomas Johns of St. Helier, President of the Harbours and Airport Committee, the following questions –

- “1. The chronology of the Airport development 1984 – 1998 states in paragraph 5, page 6 that ‘On 9th November the Design Team discussed with the Steering Group a revised budget. Subsequently, this was presented to the Harbours and Airport Committee and showed that the cost of the Project was estimated at £20,059,000 at 1994 prices and excluding inflation’.

Will the President inform the Assembly if the Cost Management Report No. 1R– 4th October, by Monk Dunstone Associates, and other documents used in the preparation of the revised budget were presented to the Harbours and Airport Committee?

2. Will the President inform members of the general policy adopted by the Project Steering Group in respect of presenting all financially relevant documents to the Harbours and Airport Committee during the Airport Redevelopment Project?
3. The chronology of the Airport development 1984 – 1998 states in paragraph 4, page 5 that ‘a P70 group was formed in November 1994 comprising the Airport Director as chairman, the Treasurer of the States, the Principal Quantity Surveyor to the Public Services Committee and, from time to time, other members?’

Will the President inform the Assembly who these other members were?

4. Will the President inform members when the Harbours and Airport Committee first became aware that it might be necessary to seek the writing-off of the existing capital debt?
5. In a letter to myself dated 28th September 1998 the President states that the States were ‘informed in 1995 of the need to relocate and resurface the Alpha Taxiway’.

Will the President remind members of the precise date upon which this information was imparted to the States?”

The President of the Harbours and Airport Committee replied as follows –

- “1. The Harbours and Airport Committee was advised during its October meeting of progress made by the Airport Development Steering Group but no financial reports were presented. The Committee noted that the Steering Group had met on four occasions with the Project Manager or with the whole Design Team in order to finalise a budget. Cost Management Report No. 1R– 4th October (from Monk Dunstone Associates) was an internal draft document to the Project Design Team and was not presented to the Steering Group. Cost Management Report No. 1R–

18th October from Woodward Burton Associates (our Quantity Surveyors) which showed that the cost of the design had been “value engineered” from £27 million down to £24 million was presented to the Steering Group. The Steering Group rejected the £24 million option and agreed that it would recommend a design costed at about £20 million to the Committee. Documentation to support a budget of £20,059,000 was approved by the Harbours and Airport Committee in November using Cost Plan – Report No. 3 dated 9th November 1994. I would remind members that all budget proposals and presentations considered by the Steering Group or the Committee at this stage were all prior to the document presented to the States for approval with an estimated budget of £20 million of construction costs on 11th July 1995.

2. The general policy was as follows –

1. The Harbours and Airport Committee was fully briefed with the appropriate reports every 2/3 months.
2. The Steering Group is a vital link between the Harbours and Airport Committee and the design professionals and, as such, it sees a great deal more financial information than the Committee.
3. All major contract tender approval documentation was presented to the Committee for approval. On all occasions where a “financial event” occurred such as Russell Wilson going en désastre or the discovery of asbestos which would require extra funding, the Committee was presented with the appropriate information for a decision.

1. The Project Manager – Mr. Miziolek.
2. The Principal Architect – Mr. Kempster.
3. A Treasury Accountant – Mrs. Burst.

3. A previous Harbours and Airport Committee discussed writing-off the existing States’ capital borrowings when the incorporation of the Airport was proposed to the States by the Policy and Resources Committee in 1995. Subsequently, a meeting of Presidents, a number of members and officers of the Policy and Resources Committee, Finance and Economics Committee, Committee for Postal Administration, Telecommunications Board and Harbours and Airport Committee met to discuss how incorporation might be achieved and writing-off existing capital borrowings was again discussed. The present Committee discussed writing-off the existing States’ borrowings but not that associated with the Airport Development during early 1998 when a draft of the BAA Service Review was being proposed.
4. I am unable to be precise but I am given to understand that the Decision Conferencing process changed the way that the States are informed of Capital Programmes. The Harbours and Airport Committee inserted the resurfacing and relocation of the Alpha Taxiway into its Capital Programme in late 1995 and sent its requests to the Policy and Resources Committee for inclusion in the 1996 Decision Conferencing Programme. The Project was removed from that process in mid-1996 for further and more detailed information and costings. The Finance and Economics Committee approved the Planning Vote in the sum of £150,000 in August 1996 and the Project was evaluated in some detail and resubmitted for the 1997 Decision Conferencing process where it was ranked highly. Those members that took part in the Decision Conferencing process will have been advised but the States’ Assembly may not have been advised formally until the presentation of the Policy and Resources Capital Programme in 1997.”

Legal aid – question and answer – (Tape No. 474)

Senator Stuart Syvret asked Senator Wendy Kinnard, Vice- President of the Legislation Committee, the following questions –

“As a result of recent revisions to the legal aid system it has been suggested that some defendants may be denied legal aid. Will the President please provide members with a full explanation of the present situation in respect of legal aid?”

The Vice-President of the Legislation Committee replied as follows –

“The legal aid system in Jersey is operated under the supervision of the Bâtonnier. Anyone who requires the services of a lawyer, but has difficulty in getting them because he cannot pay, or does not know how to find a lawyer, or for any other reason, may apply for legal aid to the Acting Bâtonnier (an advocate appointed by the Bâtonnier to administer the legal aid scheme). If he is satisfied that legal aid ought to be granted, the Acting Bâtonnier nominates a lawyer to act. The lawyer so appointed is obliged to act. He is entitled to charge such fee as is reasonable having regard to the clients means but, in most cases, no fee or a much reduced fee is payable. Subject to certain minor exceptions, the system operates at no cost to the public purse. On the contrary the cost is borne by the legal profession.

The operation of the legal aid scheme was reviewed by the Legal Practice Committee chaired by Sir Godfray Le Quesne, QC (R.C.35/93). Amongst other matters it pointed out that the scheme as operated did not contain any check on the merits of cases which were granted legal aid, nor was there any consistency in the pattern of charging by lawyers appointed on legal aid.

The Bâtonnier has recently issued guidelines in order to clarify these and other issues. In relation to criminal cases, to which the question is directed, the guidelines state that legal aid will not normally be granted for criminal cases which do not carry a substantial risk of a prison sentence or the risk of loss of livelihood or are unlikely to attract a fine exceeding £500. Examples of offences which would be excluded are speeding or careless driving (except where loss of a driving licence might lead to loss of employment), drunk and disorderly, urinating in a public place, etc.

We were informed by the Bâtonnier that legal aid has never been available for all criminal offences, no matter how minor, and the guidelines are intended simply to lay down clear and public criteria. The Bâtonnier has made it clear that he retains a discretion to grant legal aid in any case if he thinks that the circumstances require it, even if it is one which would not normally attract legal aid.

The guidelines also make it clear that it is the duty of a lawyer acting on legal aid to obtain full details of the client’s financial position and to inform the client of the fees (if any) which may be payable in a letter of engagement to be sent within two weeks of receiving the financial information. In general no fee may be charged before the letter of engagement is sent. The Bâtonnier retains the power to consider the reasonableness of any proposed fees.

The Legal Practice Committee also made a number of other suggestions, including that the States should contribute towards the funding of the legal aid scheme. On taking office the Legislation Committee established a discussion group to examine these recommendations in conjunction with representatives of the Law Society.

We have recently been informed that the Law Society has voted against the proposal that the States should be asked to administer and fund the legal aid scheme. I would like to take this opportunity of acknowledging publicly the substantial contribution made by the legal profession to the administration of justice through the legal aid scheme and to the sense of public responsibility shown by the Law Society in voting to continue to operate a scheme which enables legal aid to be provided without substantial expenditure of public funds.

The Law Society acknowledges that there are still a number of matters to be addressed in connection with the operation of the scheme and has established a new Legal Aid Sub-Committee to take this forward. The Legislation Committee looks forward to working with the Law Society and the Bâtonnier to consider the points raised by the Legal Practice Committee and the recent report of the Jersey Consumer Council on Legal Charges and Practices (R.C.43/98).”

Weighbridge to Town Centre surface water link and storage tank – questions and answers – (Tape No. 474)

Senator Stuart Syvret asked Senator Vernon Amy Tomes, President of the Public Services Committee, the following questions –

“In response to a question posed by myself on Tuesday 6th October, the Vice-President of the Public Services Committee informed members that the average cost per month of the technical, legal and contractual advisors retained in connection with the Weighbridge to town centre surface water link and storage tank was £20,000.

The Minutes of the Public Services Committee dated 21st September 1998, which refer to the Weighbridge to town centre surface water link, state that the costs include ‘the ongoing monthly expenditure of £34,000 for advisors and staff working on the Engineer’s team’.

Would the President explain to members the reasons for the discrepancy between these two monthly cost figures?”

The President of the Public Services Committee replied as follows –

“In answer to Senator Syvret’s question, I would like to explain that there is not a discrepancy between these two monthly cost figures, because the two figures are answers to two different but related questions.

The question which was asked by Senator Syvret on 6th October 1998 referred to the monthly costs of the technical, legal and contractual advisers on the project. This was seen as a specific question to obtain that specific information, which has been referred to in the reports to my Committee, including the report for the meeting of 21st September 1998.

At that meeting, a full report on these matters was requested by my Committee for a subsequent meeting. It was at this point that Senator Syvret submitted questions for 6th October.

The report which was being prepared for my Committee for 12th October 1998 was used to provide the answers to Senator Syvret’s questions. This report explained that the costs of the technical, legal and contractual advisers was about £20,000 per month, and that in addition the cost of the site staff retained by the Department was about £14,000 per month, giving the total figure of £34,000 per

month.

There has always been a clear distinction between the advisers, who are independent consultants employed on a part-time basis as required, and the site staff, who have been retained as employees of the Department. These site staff have been involved throughout the cavern and related contracts, and their experience and knowledge is essential in examining the contractor's claims.

Therefore, there was no reason for us to think that Senator Syvret's question referred to anything other than the costs of the technical, legal and contractual advisers.

The Minutes of the Committee Meeting of 21st September refer, as Senator Syvret has said, to the monthly expenditure of £34,000 for advisers and staff, but this is an abbreviated version of the full report which referred to advisers on technical, contractual and legal issues, and site staff – as two different groups.

Had Senator Syvret contacted me, or the Department, he could have had these matters explained to him in more detail, such that he would have been able to obtain the information he required.

I repeat the invitation which was extended to Senator Syvret in the States by my Vice-President on 6th October, to come and talk to the Committee and the officers. It will then be possible to explain to him the full implications of the issues involved, and that discussion of some of these matters in public can be prejudicial to the position of the States during sensitive negotiations.”

Purchase of Le Coie Hotel, Janvrin Road, St. Helier– statement

The President of the Finance and Economics Committee made a statement in the following terms –

“The States on 6th October 1998 approved a proposition of the Planning and Environment Committee and agreed the purchase of Le Coie Hotel for £4.2 million. The proposition did not specify the source of the funding for the purchase. However a note of the Finance and Economics Committee indicated that the necessary funds should be voted from the general reserve. Due to a misunderstanding the wrong note was attached to the proposition. The note should have indicated that bridging finance (i.e. cash balances) would be the initial source of funding for the purchase. Discussions are continuing with a number of interested Committees in connection with the future funding of social housing projects.”

Cantrade: 1996 investigation – statement

The President of the Finance and Economics Committee made a statement in the following terms –

“The Jersey Financial Services Commission has today issued a statement regarding the conclusions it has reached following a review it conducted into Cantrade Private Bank Switzerland (Channel Islands) Limited.

The statement reveals for the first time the extent of the regulatory action taken by the previous Finance and Economics Committee. In particular, it reveals that, as long ago as 1996 an investigation was conducted by Arthur Andersen into all aspects of the bank's treasury operation.

Successive Finance and Economics Committees have hitherto unfortunately been prevented from disclosing this investigation as a result of a legal interpretation at the time that to do so would put it in breach of Article 41 of the Banking Business (Jersey) Law 1991. The Finance and Economics Committee is pleased that this interpretation has been revised and that disclosure of the full extent of

the action taken is now possible.

The Finance and Economic Committee welcomes the Jersey Financial Services Commission statement, copies of which are available in the members' room."

Community Provisions (Provisions relating to the introduction of the Euro) (Jersey) Regulations 1998 – P.194/98

THE STATES, in pursuance of Article 2 of the European Communities (Implementation) (Jersey) Law 1996 made Regulations entitled the Community Provisions (Provisions relating to the introduction of the Euro) (Jersey) Regulations 1998.

Companies (Amendment No. 5) (Jersey) Law 199 – P.195/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Companies (Amendment No. 5)(Jersey) Law 199 .

Assemblée Internationale de Parlementaires de Langue Française: Executive Committee – P.199/98 and P.200/98

THE STATES, having accepted an amendment of Deputy Philip John Rondel of St. John that after the name "Deputy Jeremy Laurence Dorey of St. Helier" there should be inserted the name "Deputy Terence John Le Main of St. Helier", adopted a proposition of Senator Jean Amy Le Maistre, and appointed the following to the Executive Committee of the Jersey Branch of the Assemblée Internationale de Parlementaires de Langue Française –

Senator Jean Amy Le Maistre, Chairman
Senator Pierre François Horsfall
Mrs. Iris Medora Le Feuvre, Connétable of St. Lawrence
Mrs. Enid Clare Quenault, Connétable of St. Brelade
Kenneth Priaulx Vibert, Connétable of St. Ouen
Carlyle John Le Hérisier Hinault, Connétable of St. John
Deputy Jeremy Laurence Dorey of St. Helier
Deputy Terence John Le Main of St. Helier.

Road Transport Lighting (Repeal) (Jersey) Law 1998 (Appointed Day) Act 1998 – P.202/98

THE STATES, in pursuance of Article 2 of the Road Transport Lighting (Repeal) (Jersey) Law 1998, made an Act entitled the Road Transport Lighting (Repeal) (Jersey) Law 1998 (Appointed Day) Act 1998.

Road Traffic (No. 50) (Jersey) Regulations 1998– P.203/98

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851 and Article 49 of the Road Traffic (Jersey) Law 1956, as amended, made Regulations entitled the Road Traffic (No. 50) (Jersey) Regulations 1998.

Members present voted as follows –

“Pour (27)”

Senators

Le Maistre, Tomes, Norman, Kinnard.

Connétables

St. Brelade, St. Martin, St. Ouen, St. John, St. Saviour.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), S. Baudains(H), Le Geyt(S), Trinity, Pul (S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Huet(H), Vibert(B), de la Haye(B), St. Peter Dubras(L), St. Ouen.

“Contre” (2)

Deputies

St. Martin, St. John.

Policing of Parks (Amendment No. 13) (Jersey) Regulations 1998– P.204/98

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December 1851, Article 49 of the Road Traffic (Jersey) Law 1956, as amended, and the Policing of Roads Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, as amended, made Regulations entitled the Policing of Parks (Amendment No. 13) (Jersey) Regulations 1998.

Child care tax relief and child care allowance – P.208/98 and amendment

THE STATES, having accepted an amendment of Deputy Michael Edward Vibert of St. Brelade that at the end of paragraph (1) of the proposition there should be inserted the words“the proposals in sub-paragraphs (a) and (b) to be effective from 1st January 1999”, adopted a proposition of the Finance and Economics Committee and –

- (1) received the joint report of the Finance and Economics Committee and the Employment and Social Security Committee dated 1st October 1998 and –
 - (a) approved the proposals with regard to the Child Care Tax Relief;
 - (b) approved the proposals with regard to the Child Care Allowance;the proposals in sub-paragraphs (a) and (b) to be effective from 1st January 1999;
- (2) charged the Finance and Economics Committee to prepare the necessary legislation to implement sub-paragraph (1)(a);
- (3) charged the Employment and Social Security Committee to prepare the necessary Act of the States to implement sub-paragraph (1)(b).

THE STATES rose at 12.55 p.m.

G.H.C. COPPOCK

Greffier of the States.