

STATES MINUTES 26th September, 1989

THE STATES assembled on Tuesday,
26th September, 1989 at 10.15 a.m. under
the Presidency of the Greffier of the States,
Edward James McGregor Potter, Esquire.

His Excellency the Lieutenant Governor,
Admiral Sir William Pillar, G.B.E., K.C.B.
,
was present.

All Members were present with the exception
of -

Senator John William Ellis - out of
the Island.
Senator Betty Brooke - out of the
Island.
Iris Medora Le Feuvre, Connétable of
St. Lawrence - absent.
Arthur Philip Querée, Connétable of
St. Ouen - out of the Island.
Enid Clare Quénault, Connétable of St.
Brelade - out of the Island.
Hendricus Adolphus Vandervliet, Deputy
of St. Lawrence - out of the Island.
Ronald Winter Blampied, Deputy of St.
Helier - out of the Island.
Harry Hallewell Baudains, Deputy of
St. Clement - out of the Island.

Prayers

Tribute to the late Jurat Peter
Baker, former Connétable of St. Helier.

The President paid tribute to the
late Jurat Peter Gorton Baker, a former

Connétable of St. Helier.

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

Deputy A.P. Bree of Grouville - welcome.

The President, on behalf of the Members of the States, welcomed to the Assembly the newly elected Deputy of Grouville, Mr. Alan Payn Bree.

Subordinate legislation tabled.

The following enactments were laid before the States, namely -

1. Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 29) (Jersey) Order, 1989. R & O 7951.
2. Wharf Street Food Fair (No. 2) (Jersey) Order, 1989. R & O No. 7952.
3. Emergency Powers (Control of Water) (Amendment) (Jersey) Order, 1989. R & O 7953.
4. Battle of Britain Air Display (Jersey) Order, 1989. R & O 7961.
5. Road Traffic (Saint Brelade) (Amendment No. 14) (Jersey) Order, 1989. R & O 7962.
6. Ancillary Dental Workers (Registration) (Fees) (Jersey) Order, 1989. R & O 7963.
7. Establishments for Massage or Special Treatment (Licence Fees) (Jersey) Order, 1989. R & O 7964.
8. Food and Drugs (Ice-cream Stalls Etc.) (Amendment No. 10) (Jersey) Order, 1989. R & O 7965.
9. Nursing Agencies (General Provisions) (Amendment No. 5) (Jersey) Order, 1989. R & O 7966.

10. Nursing Homes (Registration)
(Fees) (Jersey) Order, 1989. R & O
7967.
11. Old Person's Homes (Registration)
(Fees) (Jersey) Order, 1989. R & O
7968.
12. Health Insurance (Pharmaceutical
Benefit List) (Amendment No. 4)
(Jersey) Order, 1989. R & O 7969.
13. Import and Export (Control)
(Amendment No. 3) (Jersey) Order,
1989. R & O 7970.
14. Road Traffic (Grouville)
(Amendment No. 2) (Jersey) Order,
1989. R & O 7971.
15. Road Traffic (Saint Clement)
(Amendment No. 3) (Jersey) Order,
1989. R & O 7972.

Public Works Committee:
appointment of member.

THE STATES appointed Deputy Alan
Payn Bree of Grouville as a member of the
Public Works Committee.

Contingencies vote of credit:
Public Works Committee.

THE STATES noted an Act of the
Finance and Economics Committee dated 12th
September, 1989 informing the House that it
had made available the sum of #80,000 from
the Contingencies vote of credit for the
cost of installing meters for water
abstracted from boreholes for commercial
purposes, under the provisions of the
Emergency Powers (Control of Water)
(Jersey) Order, 1989.

Report of the Medical Officer of
Health for 1988.

The Public Health Committee by Act
dated 21st June, 1989, presented to the
States a Report of the Medical Officer of
Health for 1988.

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

Welfare benefit: revised rates
from 1st October, 1989. R.C.16.

The Finance and Economics
Committee by Act dated 18th September,
1989, presented to the States a Report
setting out the revised rates of Welfare
Benefit from 1st October, 1989.

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

Matters noted - land transactions.

THE STATES noted Acts of the
Finance and Economics Committee dated 4th
and 18th September, 1989, 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 to the Parish
of St. Helier of 59 square feet of
land in Dorset Street, St. Helier,
shown on Plan 2374/S, in order
that the Parish could maintain the
land as part of the public
footpath, for a nominal
consideration of #10, with each
side being responsible for the
payment of its own legal fees;
- (b) as recommended by the Housing
Committee, the renewal of the
leases to the Jersey New
Waterworks Company Limited of two
sub-station sites at Elysée
Estate, shown on Drawing Nos.
2298/75Y and 751, for a period of
99 years at an annual rent of #1
each site, with all payments
commuted forward to the
commencement of the lease and with
each side being responsible for
the payment of its own legal fees;
- (c) as recommended by the Housing
Committee, the sale to the Parish
of St. Brelade of 282 square feet
of land in Field 213, La Petite
Route des Mielles, St. Brelade,
outlined in red on Drawing No.
1495-07, for a nominal

consideration of #10, with each side being responsible for the payment of its own legal fees;

(d) as recommended by the Housing Committee, with the support of the Island Development Committee, the purchase from Mr. David John Wakeham and Mrs. Judith Wakeham, née Preece, of the property 80, St. Mark's Road, St. Saviour for the sum of #490,000 for the realty and #20,000 for the contents for use for States' rental accommodation;

(e) as recommended by the Resources Recovery Board, the purchase from Mr. Cyril Le Vesconte of 49.45 square feet of land in Field 904, Trinity, as shown on Drawing No. ES.715A, for a consideration of #49.45, with the Board being responsible for the payment of all legal fees involved in the transaction;

(f) as recommended by the Resources Recovery Board, the purchase from Miss Mary Huelin and Miss Margaret Huelin of an additional 2,788 square feet of land at Le Mont de la Greve de Lecq, St. Mary, as shown on Drawing No. WS.717, required in connexion with the construction of a pumping station for the Foul Sewer Extension, for a consideration of #2,788, with the Board being responsible for the payment of all legal fees involved in the transaction;

(g) as recommended by the Establishment Committee, the leasing from Mr. Mark Chinnery of the property No. 1, Clos de Douet, St. John, a fully-furnished three-bedroomed cottage, for a period of three years with effect from 1st September, 1989, at a weekly rent of #160, subject to annual cost of living increases, required for occupation by a contract employee;

(h) as recommended by the Establishment Committee, the

leasing from Mr. Lawrence John Goodall of the property Le Chatelet, Wellington Hill, St. Saviour, a fully-furnished two-bedroomed bungalow, for a period of one year, with effect from 1st August, 1989, at a weekly rent of #143, with an option to renew for a further four years, required for occupation by a contract employee;

- (i) as recommended by the Harbours and Airport Committee, the leasing to Aviation Beauport Limited of 1,208 square feet of office accommodation in the Operations Corridor on the first floor of the Airport Terminal Building (Letting Nos. B57, B58, B77, B78, B77A & B79), for a three year period from 31st August, 1989, at an annual rent of #9,244, with annual rent reviews linked to the Jersey Cost of Living Index;
- (j) as recommended by the Harbours and Airport Committee, the leasing to George Troy and Sons Ltd. of 1,970 square feet of floor space on the ground floor at 'E' Store (Letting No. N12), New North Quay, Port of St. Helier, at a rate of #3 a square foot, and 1,050 square feet of floor space on the Upper Floor, at an annual rent of #1.50 a square foot, for a period of three years from 1st July, 1989, at an annual rent of #7,485;
- (k) as recommended by the Harbours and Airport Committee, the assignment of the lease from Les Viviers de Ste Catherine Ltd. to Ross Alcedo Limited of accommodation underneath the walkway at Victoria Pier, Port of St. Helier (Letting Nos. V6-V10 inclusive), for the remainder of the three year lease, effective from 1st September, 1989 to 31st May, 1991, at an annual rent of #3,470;
- (l) as recommended by the Housing Committee, the granting to The Jersey Electricity Company Limited of any wayleaves required for high

tension cables to connect the property Velsheda Cottage, High Street, St. Aubin, St. Brelade, owned by Mr. Robert Henry Edwards and Mrs. Susan Edwards, née Bache, across its land at Le Jardin du Crocquet, for a consideration of #500, with Mr. and Mrs. Edwards being responsible for the payment of all legal fees;

- (m) as recommended by the Housing Committee, the granting to Mr. Robert Henry Edwards and Mrs. Susan Edwards, née Bache, of a contract wayleave, to lay a water pipe across its land at Le Jardin du Crocquet, to service their property, Velsheda Cottage, High Street, St. Aubin, St. Brelade, for a consideration of #500, with Mr. and Mrs. Edwards being responsible for the payment of all legal fees.

Matters noted - financial transactions.

THE STATES, noted Acts of the Finance and Economics Committee, dated 15th May, 12th June, 7th August, 21st August, 4th September and 18th September, 1989, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that -

- (a) the Resources Recovery Board had accepted the lowest of two tenders, namely that submitted by Von Roll Limited in the sum of #8,850,000 for the Third Stream refuse incinerator plant;
- (b) the Housing Committee had accepted the lowest of five tenders, namely that submitted by Peter Cameron Limited in the sum of #1,648,020 in a contract period of 75 weeks for the provision of 26 two-bedroomed and 2 three-bedroomed flats at Le Douet Clement, St. Brelade;
- (c) the Housing Committee had accepted

the lowest of five tenders, namely that submitted by C.A. Mauger Limited in the sum of #153,210 in a contract period of 30 weeks for the conversion of No. 79 Rouge Bouillon, St. Helier, into 4 one-bedroomed flats;

(d) the Housing Committee had accepted the lowest of three tenders, namely that submitted by E. Flaherty and Company Limited in the sum of #94,590 in a contract period of 10 weeks for the construction of a retaining wall on Field 817, St. Lawrence so that development could commence on the construction of 22 two-bedroomed flats on the site;

(e) the Resources Recovery Board had accepted the lowest of four tenders, namely that submitted by D.C. Allen Limited in the corrected sum of #358,497.13 for the Sewage Treatment Works extension;

(f) the Education Committee had accepted the lowest of five tenders, namely, that submitted by R.J. Wilkinson Limited in the sum of #60,278 for an additional classroom at Les Landes School;

(g) the Education Committee had accepted the lowest of four tenders, namely that submitted by Hacquoil and Cook Limited in the sum of #129,117 for the construction of two units of staff housing at Plat Douet School;

(h) the Housing Committee had accepted the lowest of five tenders, namely that submitted by Hacquoil and Cook Limited in the sum of #480,376 in a contract period of 42 weeks for the construction of eleven one-bedroomed flats at Haut du Mont Phase II, Pier Road, St.

Helier.

Matters lodged.

The following subjects were lodged

``au Greffe" -

1. Social Security and health care:
agreement with Norway. P.127/89.
Presented by the Social Security
Committee. The States decided to
take this subject into
consideration on 10th October,
1989.
2. Draft Probate (Amendment) (Jersey)
Law, 19 . P.128/89.
Presented by the Legislation
Committee.
3. Draft Road Traffic (No. 34)
(Jersey) Regulations, 19 .
P.129/89.
Presented by the Defence
Committee.
4. Licensing (Jersey) Law, 1974:
review. P.130/89.
Presented by the Tourism
Committee.

The following subject was lodged on 12th
September, 1989 -

Draft Building Loans (Miscellaneous
Provisions) (Amendment No. 19)
(Jersey) Regulations, 198 . P.126/89.
Presented by the Housing Committee.

Arrangement of Public Business for
the Autumn Session.

THE STATES decided to take the
undermentioned subjects into consideration
on -

26th September, 1989 -

Sheltered Workshop for the
mentally handicapped. P.96/89.
Lodged: 20th June, 1989.
Social Security Committee.

Tenants in private sector:
security of tenure. P.100/89.

Lodged: 27th June, 1989.

Senator J.S. Rothwell.

Draft Health and Safety at
Work (Jersey) Law, 1989 (Appointed
Day) Act, 198 . P.114/89.
Lodged: 8th August, 1989.

Social Security Committee.

Draft Health and Safety at
Work (Appeal Tribunal) (Jersey)
Regulations, 198 . P.108/89.
Lodged: 25th July, 1989.

Social Security Committee.

Draft Health and Safety at
Work (Appeal Tribunal) (Jersey)
Regulations, 198 (P.108/89):
amendment. P.125/89.
Lodged: 29th August, 1989.

Social Security Committee.

Health and Safety at Work
Tribunal: appointment of members.
P.124/89.
Lodged: 29th August, 1989.

Social Security Committee.

Draft Health and Safety at
Work (Improvement and Prohibition
Notices Appeals) (Jersey) Regulations,
198 . P.109/89.
Lodged: 25th July, 1989.

Social Security Committee.

Draft Harbours (Vehicle
Ramps) (Jersey) Regulations, 198 .
P.119/89.
Lodged: 8th August, 1989.
Harbours and
Airport Committee.

10th October, 1989 -

Glasshouse industry: refund of harbour
dues. P.120/89.
Lodged: 22nd August, 1989.
Agriculture and
Fisheries Committee.

Projet de Réglements (198)
sur le tarif des honoraires des Jurés-
Justiciers. P.121/89.
Lodged: 22nd August, 1989.
Finance and Economics
Committee.

Archirondel Cottage, St.
Martin: refurbishment. P.123/89.
Lodged: 22nd August, 1989.
Housing Committee.

Draft Building
Loans (Miscellaneous Provisions)
(Amendment No. 19) (Jersey)
Regulations, 198 . P.126/89.
Housing Committee.

17th October, 1989 -

Draft Bankruptcy (Désastre) (Jersey)
Law, 198 . P.105/89.
Lodged: 18th July, 1989.
Finance and Economics
Committee.

31st October, 1989 -

Rezoning of land for Category A
housing. P.57/89.
Lodged: 9th May, 1989 and on 29th
August, 1989, sub-paragraphs (i)-(v)
of paragraph (a) debated, the
remainder deferred.
Island Development Committee.
(Petitions regarding rezoning of
land - P.94/89, P.106/89, P.107/89
P.122/89 refer).

7th November, 1989 -

Social Security registration cards.
P.43/89.
Lodged: 18th April, 1989.
Senator T.J. Le Main.

Social Security
registration cards: amendment.
P.48/89.
Lodged: 25th April, 1989.
Senator T.J. Le
Main.

No dates were fixed for the
following -

Public property: Estates
Management Division. P.136/88.
Lodged: 1st November, 1988.
Public Works Committee.

Fields 14, 14A and 18, La Rue
de Maupertuis, St. Clement: compulsory
purchase. P.152/88.
Lodged: 22nd November, 1988.
Housing Committee.

Entry controls for visitors
to Jersey. P.16/89.
Lodged: 14th February, 1989.
Deputy M.C. Buesnel of St.
Helier.

West of Albert Pier
Reclamation Site: development: sub-
paragraph (a). P.53/89.
Lodged: 2nd May, 1989, sub-paragraphs
(b) and (c) adopted on 30th May, 1989,
sub-paragraph (a) deferred.
Public Works Committee.

Draft Residential Care
Homes (Registration) (Jersey) Law,
198 . P.98/89.
Lodged: 27th June, 1989.
Public Health Committee.

Draft Sea-Fisheries (Fishing
Nets) (Amendment No. 2) (Jersey)
Regulations, 198 . P.112/89.
Lodged: 1st August, 1989.
Agriculture and
Fisheries Committee.

Awaiting report -

Housing needs: Committee
of Inquiry. P.97/89.
Lodged: 20th June, 1989 and referred
to Policy and Resources Committee on
25th July, 1989.
Senator J.S. Rothwell.

Matters lodged ``au Greffe"
withdrawn.

THE STATES noted that in pursuance
of Standing Order 17(6) the following
subjects, which were lodged ``au Greffe",
had been withdrawn -

Dental Benefit and Services:
introduction. P.115/87.
Lodged: 16th June, 1987 and referred
to Social Security Committee.
Deputy C. Stein of Grouville.
(Report of Social Security Committee
refers - P.60/89).

Rezoning of land for States
Loan development. P.112/88.
Lodged: 13th September, 1988.
Housing Committee.

Budget 1990.

The President of the Finance and
Economics Committee informed the States
that the debate on the 1990 Budget would be
held on 28th November, 1989.

Legislation with regard to
homosexuals. Question and answer.

Deputy Maurice Clement Buesnel of
St. Helier asked Deputy Edgar John Becquet
of Trinity, President of the Legislation
Committee, the following question -

``Would the President say on what
grounds the Legislation Committee
based its decision not to introduce
legislation to conform to the European
Convention on Human Rights with regard
to Homosexuals?''

The President of the Legislation Committee
replied as follows -

``There is no specific provision with
regard to homosexuals in the European
Convention for the Protection of Human
Rights and Fundamental Freedoms.

The Convention provides that certain
basic rights and freedoms should be
secured. These include the right to
life; freedom from torture or inhuman
or degrading treatment or punishment;
freedom from slavery or compulsory
labour; the right to liberty and
security of person; fair trials in the
matter of civil rights; respect for
private and family life; freedom of
thought, conscience and religion;
freedom of expression and

associations; and peaceful assembly.

The only part of the Convention which can be construed as dealing with matters of homosexual behaviour is contained in Article 8 which at paragraph (i) is in the following terms - 'Everyone has the right to respect for his private and family life, his home and his correspondence'.

I would, however, draw the Deputy's attention to paragraph (ii) of the Article which provides exceptions and which is as follows -

'There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the Law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'. (the underlines are mine).

Homosexuality itself such as acts of indecency committed in private between consenting adults is not an offence under Jersey Law but sodomy and bestiality are.

Because of the incidence of AIDS during the last few years and because of the relationship which sodomy has to this dreaded affliction and because of the necessity of protecting the population of this Island my Committee is of the opinion, after consultation with the Public Health Committee, that it should not bring in legislation to repeal the 1938 Law on sodomy and bestiality as it considers that in the matter of the rights of individuals to indulge in unnatural practices the question of the health of the population of this Island must take precedence.

However, following recent discussions

with H.M. Attorney General on the interpretation of paragraph (ii) of Article 8 of the Convention and in the light of the possible constitutional implications my Committee considers that it would be desirable to hold discussions on these matters with the Home Office and the Policy and Resources Committee respectively."

Supplementary questions and answers.

Deputy M.A. Wavell - ``Sir, can I ask a supplementary on that one? Sir, the President underlines the defence of his decision being that of the protection of health and morals. Would he not agree that the moral issue in the absence of European recognition of his theory on health should be that this House honours its commitment to the European Convention it has signed, and either accepts it or makes representations to the Convention for a change in that agreement and to stop trying to interpret agreements in a way that is out of step with the other signatories?"

President, Legislation Committee - ``It would be helpful if the Deputy would repeat more clearly - I had very great difficulty in understanding what he was saying, Sir; but nevertheless, Sir, I know the gist of what he has said, and I will answer that question by quoting part of a letter which he wrote to me on the 1st June, 1989, in his capacity at that time as Chairman of the AIDS Advisory Committee. I will read the concluding paragraph, Sir.

‘It would be detrimental to the AIDS Advisory Committee's campaign, and in fact, I believe would put it back several years, if we were to give the impression that the Laws should be changed on the back of our AIDS problem. This would infer that AIDS is only a gay problem and therefore further stigmatise the condition.’

That, Sir, is a letter which he wrote to me because I consulted the Public Health Authorities at the time and I

consulted the Medical Officer of Health at the time. I don't know whether the Deputy himself wrote this letter Sir, but certainly it is a very comprehensive letter and there are many other facets to the letter; but if the House wishes me to read that then I will do so."

Deputy Wavell ``Sir, on a point of order, I must challenge that. I think, if you read on, I said that I didn't think it should be changed solely on the back of the AIDS issue, but did state that on moral grounds and other grounds, there was every indication that it should be changed."

Legislation that affects the rights of homosexuals. Questions and answers.

Deputy Maurice Clement Buesnel of St. Helier asked Her Majesty's Attorney General the following questions -

Question 1

``Would the Attorney General confirm that Jersey has a legal obligation under the European Convention on Human Rights to rescind legislation that affects the rights of homosexuals?"

Her Majesty's Attorney General replied as follows -

``The European Convention on Human Rights was extended to the Island with the agreement of this House and it follows that we are under an obligation to comply with the terms of that Convention.

Article 8 of the Convention provides as follows -

- (i) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with

the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The European Court of Human Rights has twice given consideration to this Article in the context of homosexuality. The first case was brought in 1981 by a Mr. Dudgeon who lived in Northern Ireland. The law of Northern Ireland at that time prohibited both gross indecency between males and the act of sodomy. Mr. Dudgeon had been questioned, during the course of an investigation into other offences, by the police at length about his sexual practices. No prosecution had been brought but Mr. Dudgeon complained that there had been an interference with his right to respect for his private life.

The Court noted the formulation of the issues by the Wolfenden Committee in a report in 1957 which had led to a change in the law of England and Wales. The report stated that the function of the criminal law in this field was -

`to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others, particularly those who are specially vulnerable because they are young, weak in body or mind, inexperienced, or in a state of special physical, official, or economic dependence',

but not

`to intervene in the private lives of citizens, or to seek to enforce any particular pattern of

behaviour, further than is necessary to carry out the purposes we have outlined'.

The Wolfenden Committee concluded that homosexual behaviour between consenting adults in private was part of the 'realm of private morality and immorality which is, in brief and crude terms, not the law's business'.

The United Kingdom Government defended the case on the grounds that then existing state of the law in Northern Ireland was 'necessary in a democratic society' to protect morals and the rights and freedoms of others. The Court accepted that there was in Northern Ireland a strong body of opposition stemming from a genuine and sincere conviction shared by a large number of responsible members of the community that a change in the law would be seriously damaging to the moral fabric of society. The Court could not overlook however the marked changes which had taken place in attitudes towards homosexuality and the increased tolerance of homosexual behaviour. There was no evidence of any public demand for a stricter enforcement of the law against homosexuals.

The Court went on to rule against the United Kingdom. It decided that the word 'necessary' in paragraph 2 was stronger than 'reasonable' or 'desirable' and implied some pressing social need for the interference in question. It could find no such need. 'Decriminalisation' did not imply approval. The Court concluded that Mr. Dudgeon had suffered an unjustified interference with his right to respect for his private life.

The second case was brought in 1988 by a Mr. Norris who lived in the Republic of Ireland. Mr. Norris was a lecturer at Trinity College, Dublin and a Senator in the Irish Parliament. During one of a series of hearings before the Irish Courts Mr. Norris gave evidence that he had suffered deep depression and loneliness on

realising that he was irreversibly homosexual and that any overt expression of his sexuality would expose him to criminal prosecution. He also claimed to have suffered what Mr. Justice Henchy, in a dissenting judgment in the Supreme Court, described in the following terms -

`.....fear of prosecution or of social obloquy has restricted him in his social and other relations with male colleagues and friends: and in a number of subtle but insidiously intrusive and wounding ways he has been restricted in or thwarted from engaging in activities which heterosexuals take for granted as aspects of the necessary expression of their human personality and as ordinary incidents of their citizenship.'

The majority of the Supreme Court of Ireland however had refused Mr. Norris a declaration that the laws in question were unconstitutional. The Supreme Court based its judgment on (inter alia) the following considerations -

`(1) Homosexuality has always been condemned in Christian teaching as being morally wrong. It has equally been regarded by society for many centuries as an offence against nature and a very serious crime.' and

`(4) Male homosexual conduct has resulted, in other countries, in the spread of all forms of venereal disease and this has now become a significant public health problem in England.'

Mr. Norris accordingly complained to the European Commission of Human Rights and the case was in due course heard by the Court. The Court found that the case was in essence indistinguishable from the Dudgeon Case and that there was a breach of Article 8 of the Convention. The Irish Government had argued that, whilst the criterion of `pressing social need'

was a valid yardstick for testing restrictions imposed in the interest of national security, public order or the protection of public health, it could not be applied to determine whether an interference was 'necessary in a democratic society' for the protection of morals. The Irish Government argued that the moral fibre of a democratic nation was a matter for its own institutions, and that it should be allowed a degree of tolerance in its compliance with Article 8. The Court did not agree. It decided that it had to make an assessment of the reality of the pressing social need which was said to justify the restriction. The Court repeated what it had said in the Dudgeon case that this concerned 'a most intimate aspect of private life. Accordingly there must exist particularly serious reasons before interferences on the part of public authorities can be legitimate for the purposes of paragraph 2 of Article 8'.

The House will have noted that neither in the Dudgeon case nor in the Norris case did the European Court of Human Rights expressly pronounce upon the 'public health' exception in the context of AIDS. Although the Supreme Court of Ireland thought that the public health aspect was a relevant factor, the Irish Government clearly did not agree because the point was conceded in argument before the European Court of Human Rights.

I am asked whether Jersey has a legal obligation to rescind legislation affecting the rights of homosexuals. The answer to that is clearly in the affirmative unless it can be shown that there are 'serious reasons' founded on public health for the interference with the human rights of homosexuals. Put another way, it would be necessary to show that the decriminalisation of the act of sodomy between consenting adults in private would seriously affect the health of the community. I am aware of no evidence that such is the case."

Supplementary questions and answers.

Senator D.A. Carter - ``A supplementary to that - I take it from what the Attorney General has said, that the Law of Jersey prohibits sodomy between consenting adults regardless of whether it is a homosexual or a heterosexual relationship. Is that correct?"

H.M. Attorney General - ``That is correct."

Senator Carter - ``So, Sir, would the Attorney General then agree that this is not in fact a law about homosexuality at all, that in fact acts which have been committed in public would amount to indecency or gross indecency may be committed under the Law of Jersey in private between homosexuals, but is an act solely of sodomy, and that is equally illegal for either homosexuals or heterosexuals?"

H.M. Attorney General - ``I agree with what the President of the Legislation Committee has said during the course of his answer, that the Law of Jersey does not prohibit homosexual acts in private between consenting adults, but does prohibit the act of sodomy. I agree with the Senator that the law prohibits sodomy equally between male and male and male and female. The European Convention of Human Rights has been concerned only with the rights of homosexuals and although the law in England and Wales has been changed so that the act of sodomy committed between consenting males in private is not a criminal offence, it remains a criminal offence in England and Wales for the act of sodomy to be committed between male and female."

Deputy M.R. Billot - ``Sir, I'm surprised at the final sentence - 'I'm aware of no evidence that such is the case.' Perhaps I've misunderstood it, but is not AIDS sufficient evidence and the fact that it is caused by this sort of behaviour?"

H.M. Attorney General - ``If the Deputy would look at the preceding sentence, to the final sentence of the answer, I said that it would be necessary if we were to be able to rely upon the public health exception to show that the decriminalisation of the act of sodomy between consenting adults in private would seriously affect the health of the community. It is not a question of whether the act of sodomy is in itself desirable or undesirable. In order to rely upon the public health exception, one would have to show that which I have said in the answer. I'm aware of no evidence that such is the case, because having conferred with the Medical Officer of Health, it is his view that the decriminalisation of the act of sodomy between consenting adults in private is irrelevant, from the point of view of the question of public health."

Deputy Sir Martin Le Quesne - ``I think I've told the House before that I was one of those who took part in and contributed in the drafting of this Convention, and I can assure the House that in those innocent days, none of us who took part in it thought that Paragraph 1 of Article 8 had anything to do with homosexual relations."

Deputy J. Roche - ``Can I ask the Attorney General if in fact he might have the date that the Convention was extended to the Island?"

H.M. Attorney General - ``No, but I can certainly advise the Deputy in due course. I believe it was last approved by the House some two years ago."

Deputy E.J. Becquet - ``Mr. President, in view of the reply made on that question by the learned Attorney General, may I ask him, Sir, whether, in point of fact, the Medical Officer of Health did not say that the question of sodomy was not relevant in the matter of the detection of AIDS and not in the question of public health?"

H.M. Attorney General - ``I'm quite clear that what the Medical Officer of Health told me was that the decriminalisation of the act of sodomy between consenting homosexuals in private was not a relevant factor in so far as the health of the community was concerned. Whether or not the act was criminal or not criminal made not the slightest difference to the health of the community. That was the advice which the Medical Officer of Health gave to me."

Deputy Becquet - ``Could I ask another question on that? Did the Medical Officer of Health in point of fact say that the act of sodomy was not injurious to health? That is the crux of the matter, Sir."

H.M. Attorney General - ``I don't think that I have suggested, and I'm sure that the Medical Officer of Health has not suggested that the act of sodomy was not potentially injurious to health. That is not the question which the House has to address. If the Island wishes to rely upon the public health exception, it must show that the health of the community would be adversely affected if the House were to decriminalise the act of sodomy between consenting adults in private. It is that which, according to the Medical Officer of Health, cannot be sustained."

Deputy Buesnel

Question 2

``If the answer to question 1 is in the affirmative, does the Attorney General consider that the Legislation Committee in not complying with the obligation is thereby creating the possibility that the United Kingdom, being ultimately responsible for the Island's international affairs, will legislate for the Island in this matter?"

Her Majesty's Attorney General

``Jersey is not a sovereign state but

is a dependency of the United Kingdom. While the Island has a substantial measure of autonomy in domestic affairs and it is a well established constitutional convention that the United Kingdom Parliament does not legislate for Jersey on a domestic issue without the consent of the States, Her Majesty's Government, as the Deputy correctly states, is responsible for our international relations. If the Island maintained a refusal to alter its domestic law so that, as a result, the United Kingdom was itself in breach of its international obligations, I have little doubt that Her Majesty's Government would, in the last resort, with or without the consent of the States legislate to alter that domestic law. This would, in my opinion, be a matter of grave constitutional significance."

Supplementary questions and answers.

Deputy Becquet - "May I ask a supplementary on that, Sir? Would the Attorney General not agree that this Island is not the only dependency of the British Crown which has refused to legalise sodomy, and that the Isle of Man is in exactly the same position as this Island is at the moment?"

H.M. Attorney General - "I would agree, Sir."

Senator Carter - "Sir, the Attorney General's answer to a previous question would appear to indicate that Her Majesty's Government are already in breach of its international obligations, in that I assume a heterosexual has just as much right to privacy as a homosexual, and the Attorney General informed us earlier that the act of sodomy between heterosexuals is still illegal in the United Kingdom. In that case, is not the British Government already in breach of its obligations?"

H.M. Attorney General - "I am not aware that any heterosexual has complained to the European Commission

of Human Rights about the prohibition on the act of sodomy between male and female, nor that the European Court of Human Rights has ever addressed this issue. The European Court of Human Rights has only addressed the issue in the context of homosexual relations, and so far as heterosexuals are concerned, I'm not aware that the prohibition has ever been considered."

Deputy R.E.R. Rumboll - ``Would not the Attorney General agree that the best way forward is in fact as was suggested by the President of the Legislation Committee in his earlier reply that discussions should now proceed both with the Home Office and with the Policy and Resources Committee, that Committee having the responsibility for constitutional matters?"

H.M. Attorney General - ``I entirely agree with the Deputy that that is the practical and sensible way forward."

Deputy Roche - ``Could I say, Sir, in view of the health situation, that I would hope that the Policy and Resources Committee would look at it and report on it before it goes to the Home Office. I think that this is a very serious step, and if I may be permitted, Sir, I know this is not a question, but I must tell the House of the great concern of the Public Health Committee, in as much as to date in the United Kingdom, there have been 1,259 male deaths from AIDS, and out of that number, 1,051 have been homosexuals."

Deputy Sir Martin Le Quesne - ``Mr. President, I'm sure that the Attorney General's replies were drafted with the utmost care, which makes me wonder about the penultimate sentence in his second reply. I would like to ask the Attorney General whether he is sure that `would' is the right word in that sentence or whether it should be `could'. `would' is going pretty far."

H.M. Attorney General - ``I think, Sir, that that is a matter for which, no doubt, discussions with the Home Office will clarify in due course."

Senator J.S. Rothwell - ``Sir, could I just put one, hopefully final, question to the Attorney General, if I may, to enlighten us all; that under various conventions and international laws, occasionally, this Island is allowed the leisurely examination of various clauses: occasionally those which it might wish to opt out of. Does the Attorney General then suggest that this Convention is not such a convention, that we cannot, in fact, opt out of any of the clauses in it? Although, I am aware that in the past, although this is an international convention, Britain itself has opted out of several of its clauses."

H.M. Attorney General - ``I think I would like to have notice of that question, Sir. It is certainly true that some of the clauses have been the subject of derogations but whether this particular clause could be the subject of a derogation is a matter which I would like to consider."

States Manual Workers pay offer.
Questions and answers.

Deputy Sir Martin Le Quesne of St. Saviour asked Senator Richard Joseph Shenton, President of the Establishment Committee, the following questions -

``Will the President inform the House, with reference to the pay offer to the States Manual Workers reported in the Jersey Evening Post on 4th September, 1989 -

Question 1

``What is the value, expressed as a percentage of annual pay calculated over the calendar year 1st June 1988 to 31st May, 1989, of the combined awards of 9.9% with effect from 1st June 1989 and a further 2% with effect from 1st January, 1990?"

The President of the Establishment
Committee replied as follows -

``My Committee took over from Sir
Martin Le Quesne's Committee in June,
1988. It will be of interest to States
Members to have regard to the
background of negotiated settlements
over the last four years in order that
comparison may be made.

Year	Cost of Living	Value of Award
June 1986	4.8%	6.8%
June 1987	4.5%	10.7%
June 1988	5.4%	7.4%
June 1989	7.9%	9.9% + 0.9% *

* (Linked to a 2 year deal and a
review of the grading structure).

These figures show an increase in the
two years under Sir Martin's Committee
of eight per cent above Cost of Living
plus a one-off payment of #3.8M to buy
out the Bonus Scheme. My Committee
feels that our achievement in securing
an increase of only 3.8 per cent above
Cost of Living for the last two years
with the knowledge of an agreed sum
for 1990 bears favourable
comparison."

Deputy Sir Martin Le Quesne

Question 2

``What are the grounds on which the
Establishment Committee considered
increases greater than the rise in the
cost of living represented by these
amounts reasonable?"

President, Establishment Committee

``Bearing in mind that a manual
worker's basic pay at the conclusion
of the 1988 agreement ranges from
#144.59 per week (#7,545 per annum) to
#164.58 per week (#8,588 per annum) at
the top of Grade F, my Committee felt

that it was not unreasonable for these workers to share in the Island's prosperity. The top of Grade F equates with Grade 4 in the Civil Service and our policy with regard to the lower paid members of the public sector, be it manual worker or civil servant, reflects our concern as a fair and just employer."

Deputy Sir Martin Le Quesne

Question 3

``Why has the President not followed the procedure enunciated in his statement to the House on 26th July, 1988, namely -

`For the future we will be looking to the States for approval of any agreements made prior to their acceptance by the Committee?'

President of the Establishment Committee

``The Manual Workers' Joint Council is empowered by Act of the States dated 9th November, 1961 to determine terms and conditions of employment for manual workers. The settlement for manual workers is therefore a Manual Workers' Joint Council matter and not an Establishment Committee responsibility."

Supplementary question and answer.

Deputy Sir Martin Le Quesne - ``In supplementary, may I ask the President, in that case, why, in the answers to my questions 1, 2 and 4, he refers to actions as having been taken by my Committee?"

President, Establishment Committee - ``Because the questions were asked by my Committee, and as the Manual Workers Joint Council was drawn in the main from my Committee, I stand and answer them in order that the House may have a proper indication of how the negotiations went and how well we did with the negotiations."

Deputy Sir Martin Le Quesne

Question 4

``Does the President expect the new rates to be reflected in pay demands for groups of comparable workers in the private sector?"

President of the Establishment Committee

``I cannot comment on pay demands in the private sector for groups of comparable workers as this is a matter for individual negotiation. What I could present to the House is the actual settlements for 1988/1989 in the private sector, but this would embarrass many private sector employers who obviously do not practice what they preach. Without mentioning names I can state quite categorically that, with only one or two exceptions, the awards made in the private sector have been in excess of that agreed by the Manual Workers' Joint Council. In the construction industry, for example, awards as high as 20 per cent have been made and at least two of the public utility companies have certainly exceeded two per cent above Cost of Living, and members will therefore appreciate that it is the private sector that needs to be constrained."

Supplementary question and answer.

Deputy Sir Martin Le Quesne - ``As a supplementary to that last answer, if this is the case, has the President and his Committee or the Manual Workers Joint Council, or whoever is responsible, noted any tendency for there to be a drift as one would expect from the public sector to the private sector on the part of manual workers, such as we found a year or two ago in the civil servants?"

President, Establishment Committee - ``I'm not aware of movements from the Civil Service nor indeed from the manual workers. All I know is that we have dealt with the negotiations and looked at our employees and found that they are doing their work in a

satisfactory manner and the award that we have made we feel fair and just. What I do consider is that the States look long and hard at the high increases in the construction sector, which must have a bearing on our immigration policies and our policies with regard to restraint. On the other matters, the matter of the public utilities, on one of those companies there is certainly a majority of States Members on the board. Perhaps they would care to answer that one.

Island Police Force - members of Masonic Order. Questions and answers.

Deputy Sir Martin Le Quesne of St. Saviour, asked Senator Richard Joseph Shenton, President of the Defence Committee, the following questions -

``Will the President of the Defence Committee inform the House -

Question 1

``What view the Defence Committee takes of the appropriateness of a member of the Island Police Force's being at the same time a member of a Masonic Order?

The President of the Defence Committee replied as follows -

``The Defence Committee as it is presently constituted has never discussed the matter of a member of the Island's Police Force also being a member of a Masonic Order. If it is that the Deputy knows of circumstances which may cause concern I should like to receive his comments in order that any complaint may be properly investigated.

Speaking personally I had been concerned with regard to this matter bearing in mind that when I took over as President the previous Defence Committee had a majority of Members who were members of a Masonic Order. This fact, coupled with the knowledge that two of the Senior Officers facing

prosecution at the time were also members of a Masonic Order showed a lack of regard for political standards. I am pleased to say that no evidence of impropriety has been discovered and obviously this was a matter of innocent error on the part of the Members concerned."

Supplementary questions and answers.

Deputy Sir Martin Le Quesne - ``A supplementary, Mr. President. Surely, the President of the Defence Committee is aware that there is quite widespread worry about the possibility of a conflict of obligation or duty facing a person who is a member both of a Masonic Order and, most notably, of the Police Force, but there could be other branches of public service in which the problem arises. Is the President not aware that there is anxiety about this? I have been surprised at the number of communications I have received over the past week, since I put this question down, from people who have this anxiety. And, is the President, furthermore, not aware that it is not very many years since the senior Officer of the Metropolitan Police Force issued a very well-publicised directive to his force, making it quite clear that he thought that there was a conflict of interests, and he wished members of the Metropolitan Police Force not to be members of a Masonic Order? Is it not very surprising against the background of this evidence of anxiety that the Defence Committee as it is presently constituted had never discussed the matter?"

President, Defence Committee - ``No, Sir. I believe my political career has been based on a belief in the honesty and integrity of others, and certainly, having investigated and not discovered any impropriety, there I let the matter rest. I think it would be terribly wrong if we all went around believing that there were sinister undertones in any actions that people may take. I am satisfied

that promotion and other appointments are made on the basis of merit and nothing to do with whatever Lodge, Association or indeed whatever friendships may obtain. I can only say that the answer to my last question poses in my opinion, more concern, because it is in the matter of appointments that very often in the past, people have felt that the members of a Masonic Order (maybe quite erroneously) that members of a Masonic Order received certain favouritism in the way appointments were made; and therefore one should be more concerned with the presence of people in high office in a position where appointments in the Civil Service could be made. So, we are not in disagreement on this matter, but suffice it to say that I would not wish to spread concern to the public, because I believe that we are aware of, in the main, those members who are members of a Masonic Order, and as far as the Police is concerned, I can only do that which I've already stated, is at the time investigated and found no impropriety, and in fact, appointments are made purely on merit. May I say here and now that as someone who has had something to say about the Masonic Order quite publicly, may I say about it that their attitude more recently, in the way that they have come out publicly to explain their society to the public, I think shows good and shows a correct approach to this matter, and the more that this matter is aired in an open manner, the more that I think that we can all learn to be tolerant of one another and their respective views."

Deputy T.J. Jordan - ``May I ask a supplementary question, Sir. I'm sorry, I didn't see the President of Defence, but I'd like to ask a question, Sir. It's just a reaffirmation: is it true, can the President of Defence confirm that the Defence Committee appoints all promotions on the Police Force and that the Defence Committee has not got, I don't believe, any members of a Masonic Order on the Defence Committee

at this present time?"

President, Defence Committee - "I cannot say that with all certainty Sir. I can only restate what I said. I believe quite sincerely - I serve on committees where members are Masons, and they make no secret of the fact, I respect them for that in the same way that they recognise that I'm a Catholic and it would be entirely wrong for me to load my Committee with Catholics, in case an appointment was made which would look as though influence was used. I think we must live in a society where we should try to impress upon the public the fact that people in the main are not irresponsible, do not act in a sinister way, and although I've had calls, both, shall we say, expressing their names, and doing so anonymously, I would like to assure the public that I do not believe that in the case of the Island Police Force, that this matter is a problem."

Deputy Sir Martin Le Quesne - "I don't think I'll put up the other two questions. The second question is in the notes, and I think the President has fairly well answered that."

President, Defence Committee - "Well, I think Sir, in fairness, I don't want anything to be hidden. I would like to answer the question."

Deputy Sir Martin Le Quesne - "You don't need to answer my question, 'What instructions have been given to the Police Chief?' because obviously, if the Committee hasn't considered it, it hasn't given any instructions, so I'll repeat my third question."

President, Defence Committee - "Yes, I must, I think, if I'm allowed to, I must say that all I clarified in Question 2 was whilst I've answered 'no instructions have been given to the Chief Officer, I cannot speak on

behalf of the other Island Police authorities, namely, the Honorary Police'. I'm not aware - I cannot speak for them."

Deputy Sir Martin Le Quesne

Question 3

``To the best of his knowledge how many members of the Police Force are currently members of a Masonic Order?"

President, Defence Committee

``I am unaware of the number of members of the Police Force who are currently members of a Masonic Order. All I would say in answer to this question is that at the time of my previous investigation there appeared to be more Members of the States who were members of a Masonic Order than there were members of a Masonic Order in the States Police Force."

Civil Service pay. Statement.

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

``The Establishment Committee is pleased to announce that a settlement has been reached with the Civil Service. A two year deal has been achieved the details are as follows -

1. Increases with effect from 1st June, 1989 -

Grades 1 - 7	10%
Grades 8 - 15	7.25%
A Grades	6%.

This has the overall effect of increasing the Civil Service wage bill by 7.9% - Cost of Living only.

2. An increase of two per cent on all rates with effect from 1st January, 1990.

3. An increase by Cost of Living only on all rates with effect from 1st June, 1990.

The Establishment Committee is particularly heartened by the approach taken by the Civil Service Staff Side Executive in distributing the 7.9 per cent increase for June, 1990. The Executive has taken on board the view expressed by myself and other members of the States concerning the lower paid employees and given 10 per cent to those with the higher paid making the sacrifice in receiving less than Cost of Living, 7.25 per cent for most grades and 6 per cent in the case of the highest paid.

The Establishment Committee sees this as the beginning of a new era in terms of its relationship with its workforce. My Committee believes that for the most part it has employees who work hard and provide a service to the Island that compares very favourably with any in the world. My Committee and Civil Service Staff Side have agreed to set up a Working Party to develop this new relationship and also fundamentally review such aspects as the pay structure and negotiation and arbitration procedures.

My Committee is obviously fully aware of pressures on local employers in a situation of a labour shortage, but we are also employers and will have to have regard in the future to levels of pay being offered by our competitors in the private sector.

This settlement means that the Establishment Committee's objective of not increasing the Civil Service wage bill for 1989 by more than the Cost of Living has been achieved. It is true that the settlement means two per cent above Cost of Living for 1990 but the Committee regards this as a very modest increase when set against the situation over the three years 1988, 1989 and 1990. My Committee since taking office has now achieved Cost of Living only for 1988 and 1989 and Cost

of Living plus 2 per cent for 1990. We believe that in so doing we have set a target for private sector employers to follow. Private sector employers have been very ready to criticise any settlement in the public sector as inflationary while they have continued to agree awards to their own employees consistently above Cost of Living, sometimes as high as 15 per cent or more.

We will now be seeking the most effective way of monitoring increases and levels of pay in the private sector in the hope that our challenge will be taken up and a more stable approach on pay to local employees can be achieved in the future."

Supplementary and Additional Votes of Credit.

THE STATES considered an Act of the Finance and Economics Committee dated 18th September, 1989, presenting Acts of the undermentioned Committees and, acceding to the requests contained therein, granted to the said Committees supplementary (S) and additional (A) votes of credit out of the General Reserve as follows -

S	A
#	#

Finance and Economics Committee

Bailiff's Chambers

0301	Staff	12,000
0302	Premises	300
0303	Supplies and services	300
0305	Establishment	1,000

Police Court

0342	Premises	400
0343	Supplies and services	200
0345	Establishment	1,100

carried forward 15,300

S	A
#	#

Finance and Economics Committee
(cont'd)

brought forward 15,300

Official Analyst's Department

0385 Establishment 1,000

States Greffe

0393 Supplies and services 3,100

0395 Establishment 2,600

0396 Publications and binding 2,900

States Greffe Printing Section

0403 Supplies and services 11,900

Total request 36,800

Defence Committee

Immigration and Nationality Department

1105 Establishment 8,900

Motor Traffic Office

1122 Premises 11,300

1123 Supplies and services 2,300

1125 Establishment 1,000

Police

1202 Premises 4,900

1203 Supplies and services 30,200

1204 Transport 12,500

1205 Establishment 32,400

1206 Dogs 200

1211 Police canteen 4,800

carried forward 108,500

S A
#

Defence Committee (cont'd)

brought forward 108,500

Fire Service

1302 Premises 2,100

1303 Supplies and services 6,400

1304 Transport 3,100

1305 Establishment 3,000

Total request 123,100

Public Works Committee

Public Buildings

2088 Capital servicing 450,000

Education Committee

Child Welfare

2912 Staff 31,300
2913 Premises 9,000
2915 Supplies and services 3,600
2917 Transport 200
2918 Establishment 600

3070 Teachers' pension increases
and pensions for recognised
services 55,000

Total request 99,700

S A
#

Public Health Committee

Community Health Services

3202 Premises 6,300
3203 Supplies and services 12,100
3204 Transport 1,600
3205 Establishment 3,600
3207 Health and Social
Services - Miscellaneous 62,80
0

Grants

3211 Jersey Family Nursing
Services 41,200
3212 Jersey Home Helps
Society 4,400

General and Acute Services

3221 Staff 20,700
3222 Premises 102,100
3223 Supplies and services 238,100
3224 Transport 1,500
3225 Establishment 50,400

St. Saviour's Hospital

3241 Staff 1,500
3242 Premises 29,600
3243 Supplies and services 50,000
3244 Transport 800
3245 Establishment 4,500

Care of the Elderly

3252 Premises 41,000
3253 Supplies and services 48,000
3255 Establishment 3,000

carried forward 723,200

S A
#

Public Health Committee (cont'd)

brought forward 723,200

Ambulance Service and Transport

3261	Staff	800	
3262	Premises	1,600	
3263	Supplies and services	8,300	
3264	Transport	9,000	
3265	Establishment	1,000	

Laundry Trading Account

3272	Premises	400	
3273	Supplies and services	1,200	
3275	Establishment	40	
0			

Total request 745,900

Agriculture and Fisheries Committee

Administration

4101	Staff	10,100	
4102	Premises	6,000	
4103	Supplies and services	5,900	
4104	Transport	1,800	
4105	Establishment	9,500	
4106	Disposal of agricultural and horticultural waste	700	
4109	Sea Fisheries	4,000	

Howard Davis Farm

4112	Premises	5,300	
4113	Supplies and services	8,500	
4114	Transport and plant	1,200	

carried forward 53,000

S A
#

Agriculture and Fisheries Committee
(cont'd)

brought forward 53,000

Slaughterhouse

4122	Premises	1,400	
4123	Supplies and services	3,100	
4124	Transport	900	

4125 Establishment 200

Subsidies and Grants

4131 Anti-blight and Colorado beetle 6,100
4132 Aid to dairy industry 10,000
4135 Subsidy on control of potato root eelworm 17,000
4139 Financial assistance for the improvement of producer/co-operative marketing 16,300
4140 Advertising, market research etc. 9,500
4143 Growers - interest subsidy scheme 6,400

Artificial Insemination and Semen Bank Scheme

4152 Premises 700
4153 Supplies and services 1,800
4154 Transport and plant 100
4155 Establishment 20
0

Total request 126,700

S A
#

Social Security Committee

Benefits of a non-contributory nature

4812 Family allowances 321,000

Cottage Homes Committee

4901 Staff 2,200
4902 Premises 11,200
4903 Supplies and services 200

Total request 13,600

Establishment Committee

States Personnel Department:
Personnel and Organisation Divisions

5131 Employment of the disabled 12,500

Computer Services Division

5121	Staff	1,300
5122	Premises	5,400
5123	Supplies and services	51,400
5125	Establishment	3,000

Pension and Pension Fund
Contributions

5111	Pension and gratuities payable under the Civil Service (Administration) (Jersey) Rules 1963	3,800
5113	Pensions to retired public service employees	16,900

Total request #94,300 81,800 12,500

S	A
#	#

Island Development Committee

Administration

5202	Premises	1,200
5203	Supplies and services	5,600
5204	Transport	200
5205	Establishment	5,400
5206	Preparation of surveys, development plans, consultation fees, etc.	25,000
5207	Expenses in respect of laws operated by the Committee	15,400

Total request 52,800

Elizabeth House Committee

5301	Staff	3,600
5302	Premises	2,600
5303	Supplies and services	300
5305	Establishment	200

Total request 6,700

Housing Committee

States Houses

5412	Maintenance of States' Dwellings	135,100
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S A
#

Fort Regent Development Committee

Main complex

5742 Premises 43,800
5743 Supplies and services 26,900
5745 Establishment 15,600

External amenities

5752 Premises 10,100
5753 Supplies and services 3,600

Swimming pool

5783 Supplies and services 2,700

Total request 102,700

Telecommunications Board

4500 Operating Expenses 230,100

CAPITAL VOTES OF CREDIT

Education Committee

C2519 Primary School
improvements -
St. Lukes 6,700

Public Health Committee

C0644 General Hospital Phase II
- design fees 19,000
C0660 General Hospital Phase II 27,0
00
C0688 General Hospital Phase
III - Theatres and Wards 52,00
0

carried forward 98,000

S A
#

Public Health Committee (cont'd)

brought forward 98,000

C2725 General Hospital Phase
III - ward upgrading 117,000
C2731 Ambulance Station -
Extension 45,000

Total request 260,000

Resources Recovery Board

C0418 Sewer replacement -
St. Martin's rising main 31,50
0

C0452 Sewer extensions -
Le Rondin 620,000
Corbière 348,000

Total request 999,500

Postal Committee

C1303 Automated sorting
equipment 500,000

The total requests granted for the
September Supply Day amounted to
#4,304,700.

Agent of the Impôts: appointment.

THE STATES, adopting a Proposition
of the Finance and Economics Committee,
approved the appointment of Mr. Anthony
Leonard Renouf as Agent of the Impôts with
effect from 1st October, 1989.

Les Quennevais School: staff
houses.

THE STATES, adopting a Proposition
of the Education Committee -

(a) approved Drawings Nos. 2302/184,
2302/185 and 2302/110 showing the
construction of two detached
houses at Les Quennevais School;

(b) authorised the Greffier of the
States to sign the said Drawings
on behalf of the States.

Airport: Administration Building
No. 2 - lease of accommodation.

THE STATES, adopting a Proposition
of the Harbours and Airport Committee -

(a) approved the leasing to OSL Channel Island Travel Service Limited of 3,095 square feet of accommodation in the Airline Administration Building No. 2 at the Airport (designated Letting Nos. B67A and B67B) for a period of three years, with effect from 1st September, 1989, at a rent of #21,665.00 a year;

(b) authorised the Greffier of the States to sign the necessary agreement;

(c) authorised the Treasurer of the States to receive the rent as it becomes due.

Sheltered Workshop for the mentally handicapped. P.96/89.

THE STATES, adopting a Proposition of the Social Security Committee, approved in principle the setting up of a sheltered workshop for the mentally handicapped.

Tenants in private sector:
security of tenure: P.100/89.

THE STATES, adopting a Proposition of Senator John Stephen Rothwell, requested the Legislation Committee to review the "Loi (1946) concernant l'expulsion des locataires réfractaires" with a view to providing greater security of tenure for tenants in the private sector.

Health and Safety at Work (Jersey) Law, 1989 (Appointed Day) Act, 1989. P.114/89.

THE STATES, in pursuance of Article 30 of the Health and Safety at Work (Jersey) Law, 1989, made an Act entitled the Health and Safety at Work (Jersey) Law, 1989 (Appointed Day) Act, 1989.

Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations, 1989. P.108/89 and P.125/89.

THE STATES commenced consideration of the draft Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations,

1989 and adopted the Preamble and Regulation 1.

Regulation 2 was adopted, the States having accepted an amendment of the Social Security Committee that for the word ``advocate" there should be substituted the words ``advocate or solicitor" in both places where it occurs.

Regulations 3, 4, 5, 6, 7 and 8 were adopted.

THE STATES, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law, 1989, made Regulations entitled the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations, 1989.

Health and Safety Appeal Tribunal:
appointment of members. P.124/89.

THE STATES, adopting a Proposition of the Social Security Committee, appointed the undermentioned as members of the Health and Safety Appeal Tribunal, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law, 1989 and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations, 1989, for a period of three years commencing 1st November, 1989 -

Advocate Geoffrey Le Vesconte Fiott,
Chairman

Advocate Charles Malcolm Belford
Thacker, Deputy Chairman

Mr. David Le Marquand

Mr. John William Gollop.

Health and Safety at Work
(Improvement and Prohibition Notices
Appeals) (Jersey) Regulations, 1989.
P.109/89.

THE STATES, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law, 1989, made Regulations entitled the Health and Safety at Work (Improvement and Prohibition Notices Appeals) (Jersey) Regulations, 1989.

Harbours (Vehicle Ramps) (Jersey)
Regulations, 1989. P.119/89.

THE STATES, by virtue and in
exercise of the powers conferred on them by
the Order in Council of the fourteenth day
of April, 1884, made Regulations entitled
the Harbours (Vehicle Ramps) (Jersey)
Regulations, 1989.

THE STATES rose at 3.10 p.m.

R.S. GRAY

Deputy Greffier of the States.