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THE STATES assembled on Tuesday,  
13th October 1992 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Peter Crill, C.B.E.

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All Members were present with the exception of -

Senator Bernard Thomas Binnington - out of  
the Island  
Senator Pierre François Horsfall - out of  
the Island.  
Iris Medora Le Feuvre, Connétable of St.  
Lawrence - out of the Island  
Leonard Picot, Connétable of Trinity - out  
of the Island  
John Le Gallais, Deputy of St. Saviour -  
out of the Island  
Margaret Sylvia Rose Beadle, Deputy of St.  
Brelade - out of the Island  
Leonard Norman, Deputy of St. Clement - out  
of the Island  
Maurice Clement Buesnel, Deputy of St.  
Helier - ill  
Richard Peter Clarke-Halifax, Deputy of St.  
Saviour - out of the Island  
Margaret Anne Le Geyt, Deputy of St.  
Saviour - out of the Island.

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Prayers

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Mrs. E.M. Pullin, Deputy of St. Saviour -  
welcome

The Bailiff, on behalf of the Members of the  
States, welcomed to the Assembly the newly-  
elected Deputy of St. Saviour (No. 1 District)  
Mrs. Evelyn Mabel Pullin.

Subordinate legislation tabled

The following enactment was laid before the States, namely -

Petty Debts Court (Jersey) Rules  
1992 R & O 8152.

Legislation Committee - appointment of President and Members

THE STATES, on the proposition of Senator Reginald Robert Jeune, appointed Deputy Robin Ernest Richard Rumboll of St. Helier as President of the Legislation Committee.

THE STATES, on the proposition of Deputy Rumboll, appointed the following as members -

Senator Reginald Robert Jeune  
Iris Medora Le Feuvre, Connétable of St. Lawrence  
Enid Clare Quénault, Connétable of St. Brelade  
Derek Ryder Maltwood, Deputy of St. Mary  
Percy John Le Masurier, Deputy of St. Ouen.

Etat Civil Committee - appointment of members

THE STATES appointed Leonard René Hamel, Connétable of St. Clement and Robert Lester Le Brocq, Connétable of St. Helier, as members of the Etat Civil Committee.

Le Hougue Grange Farm development: report of the Committee of Inquiry. R.C.27/92

The Committee of Inquiry set up to investigate the events that had affected the development at La Hougue Grange Farm, La Route de Câtillon, Grouville, presented to the States its report.

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

Matters noted - financial transactions

THE STATES noted an Act of the Finance and Economics Committee dated 5th October 1992, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Housing Committee had accepted the lowest of six tenders, namely that submitted by D.C. Allen Limited in a contract period of 36 weeks, in the sum of £253,954 for the proposed housing development at La Grande Maison, St. Martin;
- (b) the Housing Committee had accepted the lowest of four tenders, namely that submitted by Regal Construction (Jersey) Limited in a contract period of 48 weeks, in the sum of £286,490 for the proposed housing development at 73 Colomberie, St. Helier;
- (c) the Public Health Committee had accepted the tender submitted by A.C. Mauger and Son (Sunwin) Limited in a contract period of 52 weeks, in the sum of £603,004 for the construction of an extension to the Pathology Laboratory at the General Hospital; and
- (d) the Housing Committee had accepted the tender submitted by J.P. Mauger Limited in a contract period of 28 weeks, in the sum of £417,998 for the proposed housing development at Le Parcq de la Belle Fontaine, St. Martin.

#### Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Companies (Amendment) (Jersey) Law 1992 (Appointed Day) Act 1992. P.152/92  
Presented by the Finance and Economics Committee
2. Draft Companies (Jersey) Law 1991 (Appointed Day) (No. 2) Act 1992. P.153/92  
Presented by the Finance and Economics Committee
3. Draft Companies (Transitional

Provisions) (Repeal) (Jersey)  
Regulations 1992. P.154/92  
Presented by the Finance and  
Economics Committee

4. Homes for first-time buyers:  
private development. P.155/92  
Presented by Senator Richard  
Joseph Shenton
5. Mobility allowance (P.139/92):  
amendments. P.156/92  
Presented by Deputy Stuart  
Syvret of St. Helier
6. Draft Dentists (Registration)  
(Amendment No. 2) (Jersey) Law 199 .  
P.157/92  
Presented by the Public Health  
Committee
7. Draft Restriction on Smoking  
(Sales of Cigarettes to Children)  
(Jersey) Regulations 199 . P.158/92  
Presented by the Public Health  
Committee
8. Voting and employment rights of  
non-British E.C. citizens. P.159/92  
Presented by Senator Dereck  
André Carter
9. Draft Island Planning (Amendment  
No. 5) (Jersey) Law 199 . P.160/92  
Presented by the Island  
Development Committee.

The following subject was lodged on 6th October  
1992 -

Golf course: Wheatlands, St. Peter  
P.151/92  
Presented by the Island Development  
Committee.

Mobility allowance. P.139/92

THE STATES acceded to the request of the  
President of the Social Security Committee that  
consideration of the proposition regarding a  
mobility allowance for certain disabled persons  
(P.139/92 - lodged on 22nd September 1992) be  
deferred from the present Sitting.

Arrangement of Public Business for the next  
Sitting on 27th October 1992

THE STATES confirmed that the following subjects  
lodged ``au Greffe" should be considered at the  
next Sitting on 27th October 1992 -

Haut de la Garenne: development of site in  
Green Zone P.88/92  
Lodged: 9th June 1992  
Island Development Committee

An Archives Service for Jersey  
P.99/92  
Lodged: 14th July 1992  
Policy and Resources Committee

Manpower returns: residential  
qualifications P.120/92  
Lodged: 11th August 1992  
Senator R.J. Shenton

Parish Rate Appeals P.135/92  
Lodged: 15th September 1992  
Senator R.R. Jeune

Draft Wills and Successions (Jersey)  
Law 199 P.143/92  
Lodged: 29th September 1992  
Legislation Committee

Draft Companies (Amendment) (Jersey)  
Law 1992 (Appointed Day) Act 1992 P.152/92  
Finance and Economics Committee

Draft Companies (Jersey) Law 1991  
(Appointed Day) (No. 2) Act 1992 P.153/92  
Finance and Economics Committee

Draft Companies (Transitional  
Provisions) (Repeal) (Jersey) Regulations  
1992 P.154/92  
Finance and Economics  
Committee.

Compensation orders. Question and answer (Tape  
No. 154)

Senator Terence John Le Main asked Deputy  
Robin Ernest Richard Rumboll of St. Helier,  
President of the Legislation Committee the  
following question -

“Will the President bring forward proposals to rectify the unsatisfactory state of the law whereby, if the Police Court makes an order for compensation against a convicted person, the person in whose favour the order is made has no right to sue the convicted person civilly for damages, yet, if the convicted person fails to pay the compensation, the law provides no other means of enforcing the order?”

The President of the Legislation Committee replied in the following terms -

“The Legislation Committee, when considering the inclusion of a provision for the enforcement of compensation orders in the draft Criminal Justice (Young Offenders) (Jersey) Law, was mindful of the fact that no such provision existed in the Police Court (Miscellaneous Provisions) (Jersey) Law 1949 and that the Royal Court, whilst having power of enforcement by use of contempt proceedings, did not have statutory powers.

Therefore, following consultation with the Royal Court, it decided that new legislation should be proposed to give statutory power of enforcement to all Courts.

A draft Criminal Justice (Compensation Orders) (Jersey) Law 199 was therefore drafted. The purpose of which is to make new provision to empower the courts to order persons convicted of crimes to pay compensation for injury, loss or damage to their victims.

My Committee will shortly be considering this draft law and will discuss with the Royal Court, the Judicial Greffier and the Magistrates before seeking the approval of the States.”

2 Roseville Villas, Roseville Street, St. Helier: acquisition and transfer of administration

THE STATES, adopting a proposition of the Island Development Committee -

(a) authorised the purchase of the property  
2 Roseville Villas, Roseville Street,

St Helier (as shown on Drawing No. 360/1) from Mr George Lawrence Fowler for the sum of £210,000 with each party being responsible for its own legal fees;

(b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, the necessary contracts;

(c) authorised the payment of the amount specified from the Island Development Committee Capital Vote of Credit C.0904 - Acquisition of Land (Major Reserve);

(d) authorised the transfer of the property to the administration of the Public Health Committee.

Elizabeth Harbour: lease of warehouse. P.161/92

THE STATES commenced consideration of a proposition of the Harbours and Airport Committee regarding the leasing of the new warehouse at Elizabeth Harbour, St. Helier. After discussion, and on the proposition of Senator Corrie Stein, the proposition was lodged ``au Greffe".

Chief Executive Officer to the States of Jersey: appointment (P.127/92) and amendment (P.133/92)

THE STATES, commenced consideration of a proposition of the Establishment Committee regarding the appointment of Mr. Geoffrey Colin Powell, M.A. (Cantab), Economic Adviser, as Chief Executive Officer to the States of Jersey.

THE STATES accepted an amendment of Deputy Derek Ryder Maltwood of St. Mary that for the words ``Executive Officer" there should be substituted the word ``Adviser".

Members present voted as follows -

``Pour" (23)

Senators

Baal, Le Maistre, Carter, Qu  r  e.

Conn  tables

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

#### Deputies

Blampied(H), H. Baudains(C), Coutanche(L),  
Huelin(B), Jordan(B), St. Mary,  
Bailhache(H), Rabet(H), Le Fondré(L), St.  
Martin, Syvret(H).

``Contre" (19)

#### Senators

Shenton, Jeune, Rothwell, Le Main, Stein,  
Chinn.

#### Connétables

St. John, St. Saviour.

#### Deputies

Rumboll(H), Wavell(S), St. John, St. Peter,  
Le Sueur(H), St. Ouen, S. Baudains(H),  
Grouville, Walker(H), Crespel(H),  
Pullin(S).

THE STATES, adopting the proposition, as amended  
appointed Mr. Geoffrey Colin Powell, M.A.  
(Cantab), Economic Adviser, as Chief Adviser to  
the States of Jersey.

Members present voted as follows -

``Pour" (40)

#### Senators

Shenton, Jeune, Baal, Rothwell, Le Main, Le  
Maistre, Carter, Stein, Quérée,  
Chinn.

#### Connétables

St. Clement, St. Mary, St. Ouen, St.  
Brelade, St. Martin, St. Peter, Grouville,  
St. Helier, St. Saviour.

#### Deputies

Rumboll(H), Wavell(S), Blampied(H), St.  
John, St. Peter, H. Baudains(C),  
Le Sueur(H), St. Ouen, Coutanche(L),  
Huelin(B), Jordan(B), St. Mary,



Bailhache(H), Rabet(H), S. Baudains(H),  
Grouville, Le Fondré(L), St. Martin,  
Walker(H), Crespel(H),  
Pullin(S).

``Contre" (2)

Connétable

St. John.

Deputy

Syvret(H).

Mental Health (Jersey) Law: reform. P.200/91

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

1. supported the principle that mentally disordered people should be treated in such a way as to facilitate their integration or re-integration into the community;
2. supported the principle that mentally disordered people should, wherever possible, enjoy the same legal rights as everyone else;
3. supported the principle that detention and compulsory treatment for mental disorder should be permitted to take place, but only when it is necessary and in such a way that it imposes the minimum limitations on the patient's freedom which are needed to preserve his welfare and that of others;
4. supported the principle that mentally disordered offenders should have access to psychiatric treatment in hospital;
5. agreed to revise the procedure for compulsory admission to hospital and reception into guardianship with improved safeguards for the protection of patients' best interests and civil rights;
6. agreed to provide for a system of substitute decision-making in defined circumstances where it is proposed to treat a psychiatric patient without

consent and for reference to the Royal Court in a limited class of contentious cases;

7. agreed to empower the Royal Court to sentence mentally disordered offenders to detention in a psychiatric hospital and to empower the Bailiff to direct the transfer of mentally disordered offenders from prison to hospital, with an option to impose restrictions on discharge in either case;
8. agreed to provide for the compulsory transfer of patients to psychiatric hospitals in England and Wales where a detained patient cannot effectively be cared for in Jersey;
9. agreed to provide for increased appeal opportunities to Mental Health Review Tribunals, revised composition of Tribunals and an appropriate body for the review of offender-patients' cases;
10. agreed to provide for closer statutory supervision by the Public Health Committee in defined circumstances;
11. agreed to protect and extend in-patients' rights with regard to mail, access to courts and voting;
12. agreed to provide for the more effective management of incapable patients' property and affairs with statutory safeguards for their dependants and estates;
13. agreed to clarify the offence of unlawful sexual intercourse with female patients;
14. agreed to provide for the alternative registration of premises formerly known as "Mental Nursing Homes" under the description "Residential Care Homes" at the option of the proprietors; and
15. agreed to make further statutory changes in connexion with related and consequential matters.

THE STATES adopting a proposition of the Social Security Committee approved in principle the introduction of a dental scheme, to be funded from general revenues, for persons who are excepted from liability to pay Health Insurance contributions.

Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 1992. P.141/92

THE STATES in pursuance of Article 18 of the Drug Trafficking Offences (Jersey) Law 1988 made Regulations entitled the Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 1992.

Administration of Justice (Interim Payments and Provisional Damages) (Jersey) Law 1992. P.142/92

THE STATES subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Administration of Justice (Interim Payments and Provisional Damages) (Jersey) Law 1992.

88 and 90 Great Union Road, St. Helier: approval of drawings. P.144/92

THE STATES adopting a proposition of the Housing Committee -

- (a) approved Drawings Nos. 109/4A, 5A, 5B, 6A, 6B, 7A and 8A, showing the redevelopment of 88 and 90 Great Union Road, St. Helier, to provide two one-bedroomed and five two-bedroomed dwellings;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Family Allowances (Jersey) Law 1972 (Amendment No. 2) (Jersey) Regulations 1992. P.145/92

THE STATES, in pursuance of Article 21 of the Family Allowances (Jersey) Law 1972, as amended, made Regulations entitled the Family Allowances (Jersey) Law 1972 (Amendment No. 2) (Jersey) Regulations 1992.

Family Allowances (Jersey) Regulations 1992.  
P.146/92

THE STATES, in pursuance of Article 7 of the Family Allowances (Jersey) Law 1972, as amended, made Regulations entitled the Family Allowances (Jersey) Regulations 1992.

Road Traffic (No. 42) (Jersey) Regulations 1992.  
P.147/92

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. 42) (Jersey) Regulations 1992.

Sea-Fisheries (Amendment No. 5) (Jersey) Law 1992 (Appointed Day) Act 1992. P.148/92

THE STATES in pursuance of Article 5 of the Sea-Fisheries (Amendment No. 5) (Jersey) Law 1992 made an Act entitled the Sea-Fisheries (Amendment No. 5) (Jersey) Law 1992 (Appointed Day) Act 1992.

Building Loans (Amendment No. 11) (Jersey) Law 1992 (Appointed Day) Act 1992. P.149/92

THE STATES in pursuance of Article 2 of the Building Loans (Amendment No. 11) (Jersey) Law 1992 made an Act entitled the Building Loans (Amendment No. 11) (Jersey) Law 1992 (Appointed Day) Act 1992.

Building Loans (Miscellaneous Provisions) (Amendment No. 22) (Jersey) Regulations 1992.  
P.150/92

THE STATES in pursuance of Article 15 of the Building Loans (Jersey) Law 1950, as amended, made Regulations entitled the Building Loans (Miscellaneous Provisions) (Amendment No. 22) (Jersey) Regulations 1992.

THE STATES rose at 4.20 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.