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THE STATES assembled on Tuesday,
18th June 1991 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

All Members were present with the exception
of -

Senator Anne Baal - ill.
Robin Ernest Richard Rumboll, Deputy
of St. Helier - out of the Island.
Derek Ryder Maltwood, Deputy of St.
Mary - out of the Island.
David Leon Crespel, Deputy of St.
Helier - out of the Island.

Prayers read by the Greffier

La Caroline, La Grande Rue, St.
Mary: report of the Special Committee

The Bailiff presented to the States
a report of the Special Committee appointed
to inquire into the course of events
which led to the Island Development
Committee's approving an application from
Oak Tree Developments Limited to establish
a haulage, plant hire and demolition
contractors' depot at La Caroline, St.
Mary" (P.15/91).

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

Subordinate legislation tabled

The following enactments were laid
before the States, namely -

1. Motor Vehicles (Driving Licences)
(Amendment No. 4) (Jersey) Order
1991. R & O 8213.

2. Road Vehicles (Registration Marks)
(Amendment No. 6) (Jersey) Order
1991. R & O 8214.
3. Wine and Made-Wine (Revenue Duty)
(Amendment No. 4) (Jersey) Order
1991. R & O 8215.
4. Gorey Fête (Jersey) Order 1991.
R & O 8216.
5. St. Clement Fête (Jersey) Order
1991. R & O 8217.

Establishment Committee: resignation
and appointment of member

THE STATES noted the resignation of
Deputy Thomas James Jordan of St. Brelade
from the Establishment Committee and
approved the appointment of Deputy David
Leon Crespel of St. Helier to that
Committee.

Telecommunications Board report for
1990

The Telecommunications Board by Act
dated 31st May 1991, presented to the
States its report for the year 1990.

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

Probation Service report for 1990

The Prison Board by Act dated 26th
April 1991, presented to the States the
report of the Probation Service for 1990.

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

Jersey Women's Refuge: report and
accounts for 1990

The Defence Committee by Act dated
17th May 1991, presented to the States the
annual report and accounts of the Jersey
Women's Refuge for 1990.

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 10th June 1991, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

(a) as recommended by the Island Development Committee, with the support of the Housing Committee, the purchase from Mrs. Ruth Young née Holmes, of No. 1 Commercial Buildings, St. Helier for the sum of #115,000, plus the payment of all legal fees;

(b) as recommended by the Housing Committee and with the support of the Island Development Committee, the purchase -

(i) from Mrs. Phyllida May Campbell, née Gowing, of No. 74 Colomberie, St. Helier, for the sum of #138,000;

(ii) from Columbus Holdings Limited of No.76 Colomberie, St. Helier, for the sum of #123,000;

(iii) from Mr. Douglas Naidoo, of Nos. 78 and 82 Colomberie, St. Helier, for the sum of #92,000;

(iv) From Mrs. Felisha Le Vesconte, née Naidoo, and Mrs. Marguerite June Dreux, née Naidoo, of No. 80 Colomberie, St. Helier for the sum of #52,500;

plus the payment of all legal fees.

Matters lodged

The following subjects were lodged
"au Greffe" -

1. Draft Sea-Fisheries (Miscellaneous Provisions) (Amendment No. 4) (Jersey) Regulations 199 . P.97/91.
Presented by the Agriculture and Fisheries Committee.

2. Draft Tourism (Amendment No. 6) (Jersey) Law 199 . P.98/91.
Presented by the Tourism Committee.
3. Criminal injuries compensation scheme: amendment. P.99/91.
Presented by the Defence Committee.
4. Golf course, Les Creux, St. Brelade. P.101/91.
Presented by the Finance and Economics Committee.

Social Security contributions.
Question and answer

Senator Corrie Stein asked Deputy Terence Augustine Le Sueur, President of the Social Security Committee, the following question -

``On what grounds are States' Members required to pay full self-employed social security contributions on their States' allowance?''

The President of the Social Security Committee replied as follows -

``As a former member of the Social Security Committee the Senator is no doubt aware of the basic rules of the present social security contribution scheme. However for the benefit of the House as a whole may I remind Members of a few key elements.

All persons living in the Island between the ages of 15 and 65 (or 60 in certain cases) are liable to pay social security contributions, either in Class 1 or in Class 2. Broadly speaking, Class 1 relates to employed persons, while Class 2 relates to the self-employed or non-employed.

The only persons between those ages, resident in the Island, who are NOT liable to pay social security contributions are -

- (a) married women who opt out;
- (b) widows in receipt of widow's benefit;
- (c) persons undergoing full-time

education or training;

- (d) persons undergoing imprisonment;
- (e) temporary residents in the Island for less than six months not engaged in employment under Class 1;
- (f) persons with a small income exemption;
- (g) persons in receipt of unemployment credits or certain other benefits;
- (h) persons over the age of 60 not in gainful employment who elect to opt out.

Accordingly, in answer to the Senator's question, all States' Members under the age of 60 are obliged to pay social security contributions, just as the rest of the population, and equally they are entitled to share in the benefits those contributions provide, unless they fall into one of the above eight categories. Whether or not those who receive the States' allowance pay FULL social security contributions on that allowance will depend on the particular circumstances of each Member.

Under the terms of the Social Security Scheme it is clear that Class 1 contributions are payable by employees, i.e. those working for an employer under a master/servant relationship. All other persons are liable under Class 2, and I am confident, as well as being supported by legal opinion, that States' Members are not employees by virtue of their office, and in the absence of any other employer they therefore fall under the Class 2 classification. Those Members who are employees (earning over the current minimum of #307 a month) but who also claim part or all the States' allowance are NOT liable to pay ANY social security contribution on that allowance.

Members may be aware that all persons, including States' Members, liable to pay Class 2 contributions may elect to have their contributions reduced from the full standard rate, in relation to

their annual income as assessed by the Comptroller of Income Tax. These are commonly termed 'earnings related contributions'. (Whilst accepting that the tax information may be somewhat historic, in these inflationary times this normally works to the benefit of the contributor). The States' allowance is regarded as part of a Member's income by the Comptroller of Income Tax, and hence also for Social Security.

It therefore depends on the individual circumstances of each Member whether or not they may be eligible for reduced rate contributions, but in the absence of any claim then clearly the Member is liable at the full rate. These facts were known when the original income support scheme was introduced, and the level of support was presumably intended to reflect this situation, although when that scheme was introduced it was based on the principle that a Member could spend up to half his week in gainful employment.

Members who have read the report of the sub-committee looking into the payment of an honorarium to States' Members will be aware of the recommendation in that report that any such honorarium or allowance be calculated in the knowledge that from such payment Members may have to meet their own responsibilities for social security contributions, extra health cover, secondary pension scheme and any other such costs and, for these reasons (amongst others), recommended that any honorarium or allowance be set at a sufficient level to reflect these costs.

I hope, and I am sure this hope is shared by most Members, that the House Committee will be bringing forward in the near future a report and proposition on the subject of Members' income in order that we may improve on the present anachronistic scheme."

Social Security registration cards.
Questions and answers

Senator Terence John Le Main asked
Deputy Michael Adam Wavell, President of

the Defence Committee the following questions -

- ``1. Will the President confirm that the debate on 14th November 1989 on Projet 43/89 regarding photographs on social security registration cards, came to an end when, in his then capacity as Vice-President of the Defence Committee, he gave an assurance that the Committee would undertake to review the whole question of photographs on Social Security cards?
2. With regard to the answer given by the President, when can the States receive a full report on this issue from his Committee?"

The President of the Defence Committee replied as follows -

- ``1. Yes. Whilst accepting that a full review has not been carried out, nevertheless, I have taken the opportunity to discuss the issue of identity cards with the chief officers of Social Security, Immigration, the States of Jersey Police and the Policy and Resources Committee. Today, I am happy if it is the States' wish to state the consensus of their views and to give you the advice they have given me to date.
2. We are at present in a very fluid state, it needs very, very deep consideration. There are constitutional matters involved in it. It is not just the matter that the Senator is asking for, it is not just photographs on Social Security cards, he effectively is asking for identity cards and for the Island to introduce a system of identification and that has many ramifications and that needs serious in-depth discussions."

Gorey Day Care Centre, Field 77, Le Chemin des Maltières, Grouville: approval of drawings

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

- (a) approved Drawings Nos. 1740/8A, 9,
10, 12, and 14A showing the
construction of a day care centre
for elderly people on Field 77, Le
Chemin des Maltières, Gorey;
- (b) authorized the Greffier of the
States to sign the said Drawings
on behalf of the States.

Category A housing developme
transfer of administration

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

approved the transfer of
administration, to the Housing
Committee, of the properties, listed
in the attached schedule, acquired
specifically to provide Category A
housing accommodation.

Schedule

Norman's Timber Yard, Pier Road,
St. Helier
3 and 7 Wesley Street, St. Helier
36½ Belmont Road, St. Helier
The Halt, St. Clement
Mal Assis Mill, Grands Vaux, St.
Helier
6, 11, 12 and 13 Lempriere
Street, St. Helier
57 Great Union Road, St. Helier
Eastleigh, Plat Douet Road, St.
Saviour
Pierson Court, St. Helier
2, 2a and 2b St. Clement's Road,
St. Helier
Westview, Plat Douet Road, St.
Saviour
Edinburgh Guest House, St. Helier
24, 26, 28 and 28½ Albert Street,
St. Helier
3 Clearview Street, St. Helier
Cleveland Garages, David Place,
St. Helier
Beau Vallon Hotel, St. Helier
C.T.V. site, St. Helier
Ritz Hotel, St. Helier
Fields 769/770, Longueville, St.
Saviour
Field 1367, La Route du Petit
Clos, St. Helier
Field 355A, Grouville

Fields 553/554, La Moye, St.
Brelade
Fields 14/14A, St. Clement
25-27 St. James Street, St.
Helier.

Amendment (No. 13) of the Standing
Orders of the States of Jersey. P.84/91

THE STATES, in pursuance of Articles
16 and 27 of the States of Jersey Law 1966
as amended, made a Standing Order entitled
Amendment (No. 13) of the Standing Orders
of the States of Jersey.

Continental Hotel and adjoining
properties, St. Helier: purchase. P.87/91

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

- (a) agreed to purchase on behalf of
the public from The Continental
Hotel Limited the property known
as the Continental Hotel, St.
Saviour's Road, No. 22, St.
Saviour's Road, a passageway nine
feet in width, Nos. 1, 2, 3, 4 and
5 Brook Cottages, garage (formerly
a stable), Nos. 8, 10, 10½, 12,
14, 14A, 14B, 18, 18A and 20 Ann
Street, and their appurtenances,
in the Parish of St. Helier, shown
on Drawing No. 288/1, for the sum
of #2,600,000, with each party
being responsible for the payment
of its own legal fees, the
purchase to be subject to a
satisfactory ground survey being
undertaken to confirm the site's
suitability for the construction
of Category A housing;
- (b) authorized the payment or
discharge of the expenses to be
incurred in connexion with the
acquisition of the said land from
the Island Development Committee's
vote of credit "Acquisition of
Land - Major Reserve" (Vote No.
C0904);
- (c) authorized the Attorney General
and the Greffier of the States to
pass, on behalf of the public, any
contracts which it is found
necessary to pass in connexion

with the said properties and any interest therein.

Act establishing a scheme to subsidise certain dental care. P.90/91

THE STATES, adopting a proposition of the Social Security Committee approved an Act establishing a scheme to subsidise certain dental care.

Jersey Dental Scheme Board of Management: appointment of chairman. P.91/91

THE STATES, adopting a proposition of the Social Security Committee, in accordance with Article 5 of the Act of the States of 18th June 1991, establishing a scheme to subsidise certain dental care, appointed Mr. James Shaw as chairman of the Board of Management.

Dental care for priority groups. P.96/91

THE STATES, having adopted an amendment of Senator Corrie Stein that after the words "and single parents" there should be inserted "and persons on low incomes", adopted the proposition of Senator Richard Joseph Shenton, as amended, and instructed the Social Security Committee, as a matter of urgency, to present to the States proposals for a further scheme to subsidise dental care and making provision for "priority" groups including, in particular, pregnant and nursing mothers, the elderly and single parents and persons on low incomes.

Amendment (No. 9) of Standing Orders Relating to Certain Transactions in Land. P.92/91

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, as amended, made a Standing Order entitled Amendment (No. 9) of Standing Orders Relating to Certain Transactions in Land.

Draft Merchant Shipping (Deck Officers) (Jersey) Regulations 199 .

P.93/91

Draft Merchant Shipping (Marine Engineer
Officers and Marine Engine Operators)
(Jersey) Regulations 199 . P.94/91

THE STATES acceded to the request of
the President of the Harbours and Airport
Committee that the draft Merchant Shipping
(Deck Officers) (Jersey) Regulations 199
(lodged on 4th June 1991) and the draft
Merchant Shipping (Marine Engineer
Operators and Marine Engine Operators)
(Jersey) Regulations 199 (lodged on 4th
June 1991) be deferred from the present
Sitting to a later date.

27 Hill Street/16 Queen Street, St.
Helier: supplementary vote of credit.
P.70/91

THE STATES, adopting a proposition
of the Finance and Economics Committee
acceded to the request for the following
supplementary vote of credit to be voted
out of the general reserve -

Public Services Committee
2082 - Public buildings 27 Hill
Street/
16 Queen Street #111,000.

THE STATES rose at 11.25 a.m.

R.S. GRAY

Greffier of the States.