

THE STATES assembled on Tuesday,
13th February, 1990 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

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 Reginald Robert Jeune - out of
the Island.
John Pepin Le Sueur, Connétable of St.
John - out of the Island.
Leonard René Hamel, Connétable of St.
Clement - ill.
Francis Hedley Morel, Deputy of St.
Saviour - out of the Island.
Maurice Clement Buesnel, Deputy of St.
Helier - ill.

Prayers

Subordinate legislation tabled

The following enactments were laid
before the States, namely -

1. Control of Borrowing (Amendment
No. 5) (Jersey) Order 1990. R & O
8027.
2. Road Traffic (Grouville)
(Amendment No. 3) (Jersey) Order
1990. R & O 8028.

Actuarial review of the Social Security Scheme as at 30th September, 1988.
R.C.1

The Social Security Committee by Act dated 1st February, 1990, presented to the States the report of the Government Actuary on the financial condition of the Social Security Scheme as at 30th September, 1988.

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 2nd February, 1990, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Works Committee, the sub-lease to the Citizens Advice Bureau of 896 square feet of office accommodation at 15 Broad Street, St. Helier, with effect from the 1st January, 1990 at an annual rent of #7,607.50;
- (b) as recommended by the Resources Recovery Board, the purchase from Mrs. May Marguerite Norman, née Hamon, of an area of land measuring 131.86 square feet in Field 353, St. Brelade, for #131.86, required in connexion with a washout valve chamber as part of the foul sewer extension to Corbiere, with the Board being responsible for all legal fees;
- (c) as recommended by the Agriculture and Fisheries Committee, the lease to the Royal National Lifeboat Institute of an agricultural shed at La Grande Maison, St. Catherine, free of charge, for a period of 21 years, commencing 1st May, 1990, required to house

the Island's new Atlantic 21
lifeboat;

- (d) as recommended by the Agriculture and Fisheries Committee, the renewal of the lease to Mr. Philip Perchard of 9.31 vergées of land at La Grande Maison, St. Catherine for a period of one year commencing 25th December, 1989 at a rent of #116;
- (e) as recommended by the Housing Committee, the granting in perpetuity to The Jersey Electricity Company Limited, free of charge, of a servitude at Le Douet Clement, required for high tension cables;
- (f) as recommended by the Housing Committee, with the support of the Island Development Committee, the purchase from Mrs. Elizabeth Mary Picot, née Pasturel of Field 355A, Grouville, for a consideration of #197,752, required for the construction of 18 Category 'A' houses, and the purchase from Mrs. Elin Dorothy Le Ruez, née Malzard, of an access strip on the western side of Field 355B, Grouville, for a consideration of #32,500, with the Committee being responsible for the payment of legal fees.

Matters noted - financial
transactions

THE STATES noted Acts of the Finance and Economics Committee dated 2nd February, 1990, 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 A.C. Mauger Limited in the sum of #533,734 in a contract period of 45 weeks for the construction of 2 three-bedroomed and 4 two-bedroomed terraced houses and 3 two-

bedroomed flats on the site of 9-
13 Windsor Road, St. Helier;

- (b) the Housing Committee had accepted the lowest of four tenders, namely that submitted by Thatcher Limited in the sum of #2,097,000 in a contract period of 80 weeks for the provision of 40 units of accommodation for the infill scheme at Le Marais, St. Clement.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Building loans: extension of scheme. P.18/90.
Presented by Senator Richard Joseph Shenton.
2. Abbeyfield Jersey Society: further loan. P.19/90.
Presented by the Finance and Economics Committee.
3. Urban sites: purchase for residential development. P.20/90.
Presented by the Policy and Resources Committee.
4. Draft Sea-Fisheries (Size Limits) (Amendment No. 2) (Jersey) Regulations 199 . P.21/90.
Presented by the Agriculture and Fisheries Committee.
5. Draft Public Finances (Administration) (Amendment No. 5) (Jersey) Law 199 (P.15/90): amendment. P.22/90.
Presented by Senator Dereck André Carter.

States Sitting 3rd April 1990

THE STATES decided to meet on 3rd April, 1990 instead of 10th April, Holy Week.

Arrangement of Public Business for
next Sitting on 27th February, 1990

THE STATES confirmed that the
following subjects lodged au Greffe should
be considered at the next Sitting on 27th
February, 1990 -

Queen's Road/Rouge Bouillon
junction: roundabout. P.13/90.
Lodged: 30th January 1990.
Island Development Committee.

Draft Public Finances
(Administration) (Amendment No. 5) (Jersey)
Law 199 . P.15/90.
Lodged: 30th January 1990.
Finance and Economics Committee.

Building loans: extension of
scheme. P.18/90.
Lodged: 13th February 1990.
Senator R.J. Shenton.

Abbeyfield Jersey Society: further
loan. P.19/90.
Lodged: 13th February 1990.
Finance and Economics Committee.

Urban sites: purchase for
residential development. P.20/90.
Lodged: 13th February 1990.
Policy and Resources Committee.

Draft Sea-Fisheries (Size Limits)
(Amendment No. 2) (Jersey) Regulations
199 . P.21/90.
Lodged: 13th February 1990.
Agriculture and Fisheries
Committee.

Draft Family Allowances (No. 2)
(Jersey) Regulations 199 . P.149/89.
Lodged: 28th November 1989.
Social Security Committee.

Field 232, St. John: rezoning for
residential development. P.14/90

THE STATES acceded to the request
of the Vice-President of the Island
Development Committee that consideration
of the Proposition regarding the rezoning
for residential development of Field 232,

St. John, be deferred from the present Sitting.

Report by Study Group on Benefits to Working Party on Need. Question and answer

Deputy Shirley Margaret Baudains of St. Helier asked Deputy John Le Gallais of St. Saviour, Vice-President of the Finance and Economics Committee, the following question -

``Is it the intention of the Committee to present to the States for debate the recent report of the Study Group on Benefits to the Working Party on Need?"

The President of the Finance and Economics Committee replied as follows -

``The Working Party on Need at its meeting on 19th January completed consideration of the recommendations contained in the report of the Study Group on benefits, having received the comments of various committees and other interested parties on the report. The Working Party has now requested its officers to prepare a draft report to the States for consideration at its next meeting."

Examination fees and independent private schools. Questions and answers

Senator John Stephen Rothwell asked the Connétable of St. Lawrence, President of the Education Committee, the following questions -

Question 1

``Will the President explain to the House why it has been decided that whilst parents of pupils at the Colleges will not in future be required to pay examination fees, this arrangement is not to apply to pupils attending independent private schools, e.g. Beaulieu Convent, De La Salle College?"

The President of the Education Committee replied as follows -

“The grant made by the Education Committee to Beaulieu Convent and De La Salle College already includes an element for the support of payment of examination fees.

As a result of the Committee's decision to remove the charge for examination fees in non fee paying schools and to incorporate charges into the annual fees of Jersey College for Girls and Victoria College, the level of support for examination costs at Beaulieu and De La Salle will be automatically raised to the same level as for Jersey College and Victoria College by 1991. That is to say a pupil in Beaulieu or De La Salle will attract the same support in respect of examination fees as in the two colleges.

The House should understand, however, that it is the governors' prerogative to decide how to spend the grant.

I and some members of the Education Committee had a very constructive meeting with the head teachers of Beaulieu and De La Salle and a representative of the parents on Thursday, 8th February, to see whether there were ways in which the Committee might assist should the governors wish to adopt the policy of the Education Committee in 1990. The governors of the two schools are to consider the matter in the near future.”

Supplementary questions and answers

Senator Rothwell - “Members might find the answer to be very ambiguous and therefore they must try and comprehend what the actual policy is or whether it has changed since the announcement a couple of weeks ago. Do I take it now that although fees are scrapped including the colleges as was announced, that in fact you are now going to compensate by increasing the fees at those colleges?”

President, Education Committee -

``Yes. The system that has been for quite some time is that there was in the element of the grant for the non fee paying schools there was always an element that was allowed for for examination fees and whilst we had `O' levels and `A' levels the grant allowed was #4 per subject for each pupil. When we considered the matter earlier after the GCSE was introduced the fees for each examination were substantially higher. The Education Committee decided to continue to allow #4 per subject and we considered it recently and thought that as the non fee paying schools pupils don't pay for any other part of their education and it seemed to us that it was putting a great burden on some of the parents to be expected to pay the increased amount. So we decided that really as the education for the non fee paying schools was free in every other aspect we felt that the examination fees should not be charged. That meant that we then decided that in future the grant made to fee paying schools we look at the total cost of what it costs for each pupil to be educated and we then grant up to 50 per cent of the total cost to the fee paying schools and in that amount we are including the examination fees because its two book-keeping exercises which is costly in administration. For the colleges for instance the Education Committee collects the fees for the school terms and we also then had to bill for the examination fees so we are going to include that as from next year in the whole amount. Now the Committee probably were over generous they decided that having heard all the arguments for doing that they said well let's scrap it this year. Now we met with the heads of both De La Salle and Beaulieu and they understood that up to presently 30 per cent of the grant that we gave them was towards examination fees. Now as has been said and I will repeat, we do not interfere in the way that they run their schools or the charges they make and they have

not been passing on that 30 per cent to the parents so in fact the parents of Beaulieu and De La Salle have been paying the full examination fees and did so even when GCSE was introduced last year so that then parents were paying the whole amount. Now we have said, as I have said in my reply, if these schools decide to adopt the same policy as Victoria College and De La Salle obviously the parents will not be paying the full amount and if the governors of the schools decide to do that we have said that if they state that is their policy we could help them this year because what we are talking about is the difference between 30 per cent and 50 per cent so that it is entirely up to the governors to choose whether they want to continue to charge parents for examination fees or absorb that amount in their school fees."

Senator Rothwell - "I thank the President very much and I am sure that Members have swallowed the clarity in which the President tried to explain the ambiguities contained in the answer. I am still as perplexed as before if not worse. I really can't take this up right now; to say that 30 per cent of the 50 per cent grant was taken up with examination fees seems an extraordinary statement to make. The President appears to have gone to extraordinary lengths to explain what really is a very small problem. Would not the President agree that such a devisive policy is offensive to parents and students and the actual costs involved is about #20,000 in a budget of #50 million. Why can't she simply stand up and say let's scrap the lot, don't charge examination fees, encourage people to take them; they are costing #15 per examination?"

President, Education Committee - "If for instance we were going to scrap education fees we would need to come back to the House to ask the House if they agree that we could increase the grant to the independent fee paying schools. The States decided that the

grant should be at 50 per cent. Now if Senator Rothwell wants us to increase that we would need to come back to the House, and I suggest perhaps that he would like to bring a Proposition to suggest that, but the amount of money we are talking about - we met with the heads of both schools - if they agree that they will adopt the same policy we are talking about probably #2 per examination extra. Now if they want to do that we even said we do believe the amount is so small for this year that we will find the money but as from next year everyone will be treated the same who go to fee paying schools."

Deputy E.J. Becquet - ``In view of the reply of the President of Education the second paragraph of her reply to the original question, would she not agree that the parents of children, especially in view of the publicity which accompanied the decision of that Committee not to charge examination fees, would she not agree that parents of children at the colleges had been misinformed if in fact the amount to which they are going to be allowed is going to be incorporated in their rise next year?"

President, Education Committee - ``We have not had any of the parents of Victoria College or the Girls' College questioning it. The point is the total amount will increase, the grant will be larger because the children who are in the non fee paying schools will not be paying for examination fees so the cost to the Education will increase and then when that cost is worked out 50 per cent of the cost for each pupil in secondary education is grant aided to the fee paying schools so in fact there will be an increased grant."

Senator Rothwell - ``The President in reply stated that she had no reaction from the colleges - would that be because perhaps the parents of pupils attending the colleges perhaps have more money than those hard working parents, seriously, there are an awful lot of hard working parents who are furious at the discrimination as a

result of this policy decision?"

President, Education Committee -

``That is not the impression we got from the heads. The head teachers of both De La Salle and Beaulieu said that the Evening Post had misrepresented the whole thing and caused this problem. They were very concerned. They said they understand perfectly that they are in receipt of a grant when it might interest Members to know that the fees currently at De La Salle and Beaulieu are #1,080 and the grant that they receive is #1,086 per pupil. Now as I have said and I will repeat we met both the heads who were going back and were going to call meetings with their governors and they were hoping to be able to come back very quickly to tell us that they could see their way forward so as to treat the parents of their schools exactly the same as the other fee paying schools and if they do that we are able to assist the difference this year but as I repeat next year every pupil in fee paying schools will be treated exactly the same."

Senator B. Brooke - ``If I have a daughter at the Girls' College do I understand that the examination fees for my daughter at the Girls' College will not be billed to me?"

President, Education Committee -

``That's right. The grant will allow for 50 per cent, now what the schools decide to do will I hope be that they will not be charging. Obviously there will be some parents who will be concerned if for instance their children are not sitting these examination fees they will be paying slightly more in school fees to accommodate those that do. But I believe that the parents that send their children to the colleges or De La Salle or Beaulieu hope that their children will be sitting exams and so it will be spread over the whole school fees."

Senator Brooke - ``So that if I have a daughter at the Girls' College I will

have an extra added to my school fees to pay for the fees of all children sitting examinations at the Girls' College. Secondly, if I have a daughter at Beaulieu I may or may not be billed for my school fees according to what the governors decide. Whether they decide to take the additional grant and use it for the payment of school fees from the school or else they will decide to bill me for my daughter at Beaulieu and therefore it is up to the parents, teachers of Beaulieu and the Girls' College to see the position with their head teachers. Is that what the position is? It was not clear to me but now if the President would confirm that, I am happy?"

President, Education Committee - ``What we are hoping, Senator, is that the governors both of De La Salle and Beaulieu will adopt the same procedure which will apply at the colleges. Now if they can come back and say that is their decision we have to be able to help them this year with the small amount of money that is involved."

Senator R.J. Shenton - ``The statement by the President is that it has been misinterpreted and interpreted in a way which has caused a great deal of concern Senator Rothwell is right. I believe that the President of Education's policy is heading in the right direction and I think that a statement to the paper not in the public notices but spend a bit of money and get it in a prominent place outlining what is your policy on this matter should be done. My view has always been and I say this to the President, would she not agree that parents who pay fees are in some ways helping the finances of the States because they are paying something out towards to the education. I believe and I ask the President if she will not consider perhaps that that sum rather like BUPA should be allowable for a tax refund, bearing in mind the use that was made of that money. But equally on this matter I share and support her that what she is trying to

do is be fair to both sides and to provide that both sides will pay examination fees and bearing in mind that the grant is based on half of the cost then next year they will get half the cost of those examination fees whether they are at De la Salle, Beaulieu or anywhere else. Is that not right?"

President, Education Committee -
"Yes Senator, thank you, you have understood what I have been trying to explain and I am grateful. When we met with the teachers we met with a representative of the parents and he promised in his newsletter to give the full explanation to the parents but certainly I hope that we will be able to clear this matter up and if we can get the Evening Post perhaps to clearly state what our intention is I will be grateful because I don't think what was in the Evening Post on Friday was helpful to anyone."

Senator Rothwell

Question 2

"Will the President inform the House of the percentage of the Island's school pupils who attend independent private schools."

President, Education Committee

"The percentage of the Island's school pupils attending independent private schools as at 20th January 1990 was 20.74 per cent."

Royal Hampshire Regiment -
authority to march "with colours flying, drums beating and bayonets fixed" in Jersey

THE STATES, adopting a Proposition of the Defence Committee, agreed to give authority to the Royal Hampshire Regiment to exercise the privilege of "marching with colours flying, drums beating and bayonets fixed" in Jersey.

Guard House, Government House:

extension

THE STATES, adopting a Proposition of the Public Works Committee -

- (a) approved Drawings Nos. 894514 and 894515 showing the demolition of the extension to the Guard House, Government House, St. Saviour's Hill, St. Saviour and the construction of a new extension;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Rents of commercial property:
control P.143/89

THE STATES commenced consideration of a Proposition of Senator Corrie Stein regarding the control of rents of commercial property.

THE STATES, having accepted amendments of Deputy Edgar John Becquet of Trinity that after the words "to consider", there should be inserted the words "the advisability or not" and the deletion after the word "ways" of the words "and means", adopted the Proposition as amended and asked the Policy and Resources Committee to consider the advisability or not of ways of controlling commercial rents and to report to the States with recommendations in due course.

Sea-Fisheries (Fishing Nets)
(Amendment No. 2) (Jersey) Regulations
1990. P.9/90

THE STATES, in pursuance of Articles 2 and 5 of the Sea Fisheries (Jersey) Law 1962, as amended, made Regulations entitled the Sea-Fisheries (Fishing Nets) (Amendment No. 2) (Jersey) Regulations 1990.

Public Works Committee and
Resources Recovery Board (Amalgamation)
(Jersey) Act 1990. P.10/90

THE STATES commenced consideration

of a Proposition of the Policy and Resources Committee and adopted paragraph (a), and in pursuance of Article 29 of the States of Jersey Law 1966, made an Act entitled the Public Works Committee and Resources Recovery Board (Amalgamation) (Jersey) Act 1990. Consideration of paragraph (b) was deferred until the next Sitting.

Members present voted for paragraph (a) as follows -

``Pour" (36)

Senators

Shenton, Binnington, Horsfall, Ellis,
Baal, Rothwell, Le Main, Le Maistre,
Carter, Stein.

Connétables

St. Peter, St. Helier, St. Lawrence,
St. Ouen, Trinity, St. Martin,
Grouville.

Deputies

de la Haye(H), le Gallais(S),
Roche(S), Trinity, Vandervliet(L), R.
Rumboll(H), Wavell(H), Blampied(H),
Billot(S), Norman(C), St. Martin,
C. Rumboll(H), Le Sueur(H),
Coutanche(L), Jordan(B), St. Mary,
Bailhache(H), Rabet(H), Baudains(H).

``Contre" (10)

Senator

Brooke.

Connétables

St. Mary, St. Brelade.

Deputies

Beadle(B), St. John, St. Peter,
Baudains(C), St. Ouen, Huelin(B),
Grouvillle.

Bus service: free travel for pensioners. P.11/90

THE STATES, adopting a Proposition of the Defence Committee, approved the continuation of financial assistance to J.M.T. (1987) Limited so as to provide free

travel on the buses for Jersey residents of pensionable age and Health Insurance Exception (H.I.E.) card holders, such assistance to be altered annually in accordance with the Jersey Cost of Living Index.

Draft Health and Safety at Work (Inquiries Procedure) (Jersey) Regulations 1990. P.12/90

THE STATES commenced consideration of the draft Health and Safety at Work (Inquiries Procedure) (Jersey) Regulations 1990 (lodged on 30th January 1990) and adopted the Preamble and Regulations 1 to 7.

Regulation 8 was adopted, the States having accepted an amendment of the Social Security Committee that the following paragraph be substituted for Regulation 8 -

``Powers of inspection

8. The appointed person, and any persons appointed to assist him in the inquiry, may, where necessary for the purposes of the inquiry, at any reasonable time enter any premises to which the inquiry relates and for those purposes inspect the premises and any thing on or in them."

Regulations 9, 10 and 11 were adopted.

The Regulations were adopted, as amended, and lodged in Second Reading (P.23/90).

THE STATES rose at
4.15 p.m.

R.S. GRAY

Deputy Greffier of the States.