

Price : £2.25

THE STATES assembled on Tuesday,  
30th January 1996 at 9.30 a.m. under  
the Presidency of the Deputy Bailiff,  
Francis Charles Hamon, Esquire

---

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

---

All Members were present with the exception of -

Senator Reginald Robert Jeune - out of the  
Island  
Senator Patricia Ann Bailhache - out of the  
Island  
Leonard René Hamel, Connétable of St.  
Clement - ill  
John Nicolle Le Fondré, Deputy of St.  
Lawrence - ill  
Frank Harrison Walker, Deputy of St.  
Helier - out of the Island.

---

Prayers

---

Matters presented

The following matter was presented to the  
States -

Victoria College: Memorandum of  
Understanding - R.C.2/96.  
Presented by the Education  
Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and  
Economics Committee dated 22nd January 1996,  
showing that, in pursuance of Standing Orders  
relating to certain transactions in land, the  
Committee had approved -

(a) as recommended by the Harbours and Airport Committee, the lease to Commodore Shipping Company Limited of offices (Letting No. E22) measuring 681 square feet on the first floor of the Elizabeth Terminal, St. Helier, for a further period of three years (with an option to renew for a further three years) from 15th January 1996, at an annual rent of £5,992.80, based on a rate of £8.80 a square foot subject to annual review on 1st November;

(b) as recommended by the Harbours and Airport Committee, the renewal of the lease to Casters Sea Angling Social Club of the Alcove (Letting No. STC1) on St. Catherine's Breakwater, St. Martin, for a further period of three years from 1st November 1995, at an annual rent of £12, subject to annual review, on the basis that the Club would continue to be responsible to maintain the premises and to pay for repairs and services;

(c) as recommended by the Harbours and Airport Committee -

(i) the annulment of the lease to Messrs. David Neal and Gary Neal Cowburn of 5,776 square feet of accommodation on the first floor of the Victoria Pier Warehouse, St. Helier, (Letting No. V12S) at an annual rent of £17,611 (representing a rate of £3.049 a square foot) for a period of nine years from 1st March 1995; and

(ii) the lease to Messrs. David Neal and Gary Neal Cowburn of 2,888 square feet of accommodation on the first floor of the Victoria Pier Warehouse, St. Helier, (Letting No. V12S) at an annual rent of £8,805.51 (representing a rate of £3.049 a square foot) for a period of nine years from 1st January 1996;

(d) as recommended by the Health and Social Services Committee, the lease from Mr. John Menzies Scarborough of 'Briville', La Rue du Tas de Geon, Trinity, from 1st February 1996 at an annual rent of £14,300, payable quarterly in advance.

## Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Policing of Roads  
(Amendment No. 7) (Jersey) Regulations  
199 - P.17/96.  
Presented by the Public Services  
Committee.
2. Draft Drug Trafficking  
(Miscellaneous Provisions) (Jersey) Law  
199 - P.18/96.  
Presented by the Finance and  
Economics Committee.
3. Draft Drug Offences  
(International Co-operation) (Jersey)  
Law 199 - P.19/96.  
Presented by the Finance and  
Economics Committee.
4. Draft Public Finances  
(Administration) (Amendment No. 8)  
(Jersey) Law 199 - P.20/96.  
Presented by the Finance and  
Economics Committee.
5. Draft The Royal Bank of Scotland  
International Limited (Jersey) Law 1995  
(Appointed Day) Act 199 - P.21/96.  
Presented by the Finance and  
Economics Committee.
6. 9 St. James Street, St. Helier:  
sale - P.22/96.  
Presented by the Health and  
Social Services Committee.
7. Company of Town Pilots: loan -  
P.23/96.  
Presented by the Finance and  
Economics Committee.
8. Waterfront Enterprise Board  
Limited: constitution of Board of  
Directors - P.24/96.  
Presented by Deputy R.E.R.  
Rumboll of St. Helier.
9. Waterfront Enterprise Board  
Limited: appointment of Chairman and  
Directors (P.15/96): second  
amendment - P.25/96.  
Presented by Deputy A.J. Layzell  
of St. Brelade.

The following matter was lodged ``au Greffe" on  
23rd January 1996 -

Waterfront Enterprise Board:  
appointment of Chairman and Directors  
(P.15/96): amendment - P.16/96.  
Presented by Senator R.J. Shenton.

Newtown Buildings, David Place, St. Helier: sale  
of No. 1 - P.13/96. Withdrawn

THE STATES noted that the President of the  
Health and Social Services Committee had  
withdrawn the proposition relating to the sale  
of No. 1 Newtown Buildings, David Place, St.  
Helier (P.13/96 - lodged `au Greffe on 16th  
January 1996) which had been set down for debate  
at the present meeting.

Arrangement of public business for the next  
meeting on 13th February 1996

THE STATES confirmed that the following subjects  
lodged `au Greffe" would be considered at the  
next meeting on 13th February 1996 -

Television subtitling and bursaries in  
broadcast journalism - P.177/95.  
Lodged: 5th December 1995.  
Broadcasting Committee.

Waterfront Enterprise Board Limited:  
appointment of Chairman and Directors -  
P.15/96.  
Lodged: 16th January 1996.  
Policy and  
Resources Committee.

Waterfront Enterprise  
Board Limited: appointment of Chairman and  
Directors (P.15/96): amendment - P.16/96.  
Lodged: 23rd January 1996.  
Senator R.J. Shenton.

Waterfront Enterprise Board Limited:  
appointment of Chairman and Directors  
(P.15/96): second amendment - P.25/96.  
Deputy A.J. Layzell of St. Brelade.

Draft Airport Dues (Amendment No. 3)  
(Jersey) Law 199 - P.89/95.  
Lodged: 11th July 1995.  
Harbours and Airport Committee.

Draft Policing of Roads (Amendment  
No. 7) (Jersey) Regulations 199 - P.17/96.  
Lodged: 30th January 1996.  
Public Services Committee.

Draft The Royal Bank of

Scotland International Limited (Jersey) Law  
1995 (Appointed Day) Act 199 - P.21/96.  
Lodged: 30th January 1996.  
Finance and Economics Committee.

9 St. James Street, St. Helier:  
sale - P.22/96.  
Lodged: 30th January 1996.  
Health and Social Services Committee.

Company of Town Pilots: loan -  
P.23/96.  
Lodged: 30th January 1996.  
Finance and  
Economics Committee.

Waterfront Enterprise Board Limited:  
constitution of Board of Directors - P.24/96

THE STATES rejected the proposition of Deputy Robin Ernest Richard Rumboll of St. Helier that his proposition regarding the constitution of the Board of Directors of the Waterfront Enterprise Board Limited (lodged ``au Greffe" at the present meeting) be considered before the proposition of the Policy and Resources Committee regarding the appointment of a Chairman and Directors of the Waterfront Enterprise Board Limited (P.15/96 - lodged ``au Greffe" on 16th January 1996).

Decision conferencing - questions and answers  
(Tape No. 322)

Senator Stuart Syvret asked Senator Pierre François Horsfall, Vice-President of the Policy and Resources Committee, the following questions -

- ``1. Is it the intention of the Policy and Resources Committee to use the technique of decision conferencing in determining priorities for public expenditure in 1997?
2. For what types of expenditure will the technique be used?
3. To what extent will States members participate in the decision conferencing process?"

The Vice-President of the Policy and Resources Committee replied as follows -

- ``1. The Policy and Resources Committee will be using the technique of decision conferencing in determining priorities for capital

expenditure covering the capital programme for the period 1997-2000.

Perhaps I might take this opportunity to remind those members who did not attend the seminar on decision conferencing, arranged by the Policy and Resources Committee in November of last year, that decision conferencing is a process whereby a group of individuals meet together in a problem solving workshop and reach a consensus on relative priorities.

2. The Policy and Resources Committee is solely concerned with the capital programme. However, I should like to take this opportunity to tell members that the Finance and Economics Committee is firmly of the view that decision conferencing is a valuable tool which can assist Committees in identifying and assessing the relative priorities of the services they provide. Committees therefore are being encouraged to use the technique in undertaking the 1997 revenue expenditure budget exercise, and a number of Committees have already indicated their willingness to participate in the process. Support will be available from the Finance and Economics Committee and an independent expert.
  
3. One of the criticisms of the decision conference held last year upon which the capital programme for 1996 to 1999 included in the Strategic Policy Review 1995 was based was that the process did not involve politicians. This year the decision conference for the capital programme 1997-2000 will be a political forum involving one member from each of the Committees that have submitted requests for projects to be included in the programme.

As far as the revenue expenditure budgets are concerned, although this does not come within the ambit of the Policy and Resources Committee, I can tell members that within their individual Committees they will need to be involved in the decision conferencing process in evaluating the budgetary options produced by their officers using the technique. Also when

Committees have completed their revenue budget exercise for 1997 the priorities of each Committee will be considered alongside the priorities of others and it is planned that this process will involve politicians in the same way as the capital programme decision conference."

Rights of a natural father in respect of his children born outside marriage - questions and answers (Tape No. 322)

Deputy Shirley Margaret Baudains of St. Helier asked the Connétable St. Saviour, President of the Health and Services Committee, the following questions -

1. Would the President advise members -
  - (a) what are the parental rights of the natural father in regard to children born within a `common law marriage'?
  - (b) to what extent would those rights change in the event of the relationship between the children's father and mother ending (for example, by the mother's death or desertion from the relationship)?
2. In what circumstances may a natural father of children born outside a marriage be eligible to adopt those children?
3. What are the parental rights of a natural father in regard to children born outside marriage, if he subsequently marries the children's mother?
4. In what way, if any, do the rights of a natural father in Jersey, of children born outside marriage, differ from the rights of a similar person in the United Kingdom?
5. Would the President advise members whether the rights of the natural father in Jersey of children born outside marriage are to be changed by the proposed Child Custody Law and, if so -
  - (a) what the changes are likely to be;

(b) will those changes give the natural father equal rights to those provided in other jurisdictions?

6. Is the President able to advise members when the Child Custody Law is likely to be presented to the States for debate?"

The President of the Health and Social Services Committee replied as follows -

1.(a) The Law of Jersey does not recognise the concept of a common law marriage. Either the parents of the child are married to one another or they are not. If they are not married to one another, the mother may be single or she may be married to a third party who is not the natural father of the child.

If the child is born or conceived while the mother is married to some other person who is not the natural father, that other person is, in the eyes of the law, the father of the child and has all rights and duties of a father.

If the mother is unmarried, she is the sole legal guardian of the child and parental rights are vested in her alone. The natural father has no legal rights, although he may, if he and the mother agree, be registered as the father. He can be required to pay maintenance for the child, and the Court may entertain an application from him for access to the child, but it does so on an equitable basis and not by way of enforcing a legal right.

If the mother is unmarried, but subsequently marries a person who is not the father of the child, the husband becomes sole legal guardian of the child.

(b) The situation with regard to parental rights does not alter solely by reason of a change in the relationship between the parents.

2. In the event of the mother's death the natural father could apply to adopt his natural child if the child has been in



his care for a minimum of three months. Through the process of adoption he would acquire parental rights. If the mother is alive and consents to the adoption of a child by the natural father it may also be possible for the natural father to adopt the child. The natural father could also adopt the child if he or she is in his care for the required period and the Court considered that the consent of the mother could be dispensed with for a prescribed set of reasons, for example - the court was satisfied that the mother -

- (a) had abandoned, neglected or persistently ill-treated the infant;
- (b) could not be found or was incapable of giving consent or was withholding consent unreasonably.

The Court may also dispense with the mother's consent if it is satisfied that she 'has persistently failed to discharge the obligations of a parent'.

3. If the mother was not married to some other person at the time of the child's birth or conception, the marriage of the father and the mother legitimates the child by operation of law. In such a case, either -

- (a) the parents may, and if the natural father has already been registered as the father must, make a declaration to the Superintendent Registrar, who will re-register the birth of the child in the same way as if it had been born legitimate;

or

- (b) the child may apply to the Royal Court for a declaration that he has become a legitimated child.

If at the time of the birth or conception of the child the mother was married to some person other than the father, and she is subsequently divorced or widowed and married the [5natural father, the child may apply to the Royal Court for a declaration -

- (i) that it was born illegitimate, and

(ii) that it has been legitimated by the subsequent marriage of its true parents.

When a child which was born illegitimate has been legitimated by the subsequent marriage of the parents, the natural father becomes the sole legal guardian of the child.

4. Under the terms of the Children's Act, 1989 the natural father in England may by agreement with the mother share parental responsibility of their children. If the parents separate and cannot agree upon arrangements for the care of the children the father may apply to the court for a range of orders including a parental responsibility order, a residence order and a contact order. This is not possible under current Jersey Law. The natural father would be entitled to access to his children but could not obtain parental responsibility for them except through the means outlined in the answer to question 2.

5.(a) The changes would enable the natural father to enjoy the same rights of access to the Court to be considered in matters of contact, parental responsibility and residence arrangements in respect of a child as natural fathers in England enjoy.

(b) As indicated in the answer to Question 5 (a) he would have the same rights as those enjoyed by natural fathers in England under the terms of the Children's Act 1989.

6. The proposed changes to the local child custody laws are 19th on the current law drafting schedule and it is hoped that the Law Draftsman will be able to begin work on the proposed Law by the end of this year."

Sound enhancement in the States Chamber - statement

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

``During the debate on the Simultaneous Voting/Enhanced Sound Systems, States

Chamber (P.115/95) on 24th October 1995, the enhancement of the sound system was welcomed by members as there would be a significantly improved audio quality for States' members, broadcasters and the general public.

Members will recall that it is proposed that provision for sound enhancement can be achieved by incorporating a fixed stem microphone and a 'Microphone Enable' button on each member's desk. Prior to speaking, a member will have to press the button to activate his/her microphone and will also have to switch it off once he or she has finished. Whilst any microphone is live, its integral warning light will remain lit. The Bailiff will be provided with an over-ride button which will give him priority over any other speaker. The advantages of this system will be the significant improvements in the quality of the audio feed to the broadcasters and the sound reinforcement system in the Chamber as the proposal also provides for the installation of small loudspeakers in each member's position and others in the public galleries.

The validity of the quotation from Auditel in the sum of £30,541 has been extended to 21st February 1996 and I am pleased to tell members that the Finance and Economics Committee at its meeting on 22nd January 1996 agreed to make these funds available to the Public Services Committee in order that the quotation can be accepted. It is proposed that the work will be undertaken during August this year when the States are not due to meet.

I wish to thank the Finance and Economics and Public Services Committee for their continued support and also the Department of Electronics for their advice and assistance."

La Route des Quennevais/Don Farm Road, St. Brelade: transfer of administration of land

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved the transfer of the administration from the Housing Committee to the Public Services Committee of an area of land at the junction of La Route des Quennevais and Don Farm Road, St. Brelade, as shown in red, on drawing No. 351/20;

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

Janvrin School, Mont Cantel, St. Helier:  
approval of drawings

THE STATES, adopting a proposition of the  
Education Committee -

- (a) approved drawings Nos. 2072-01C, 02C, 03B, 04A and 05B, showing the remodelling and enlargement of the Key Stage 1 (infants) area of Janvrin School, Mont Cantel, St. Helier; and
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Field 1007, St. John: petition - P.8/95

THE STATES, adopting a proposition of Senator Vernon Amy Tomes, requested the Planning and Environment Committee to approve an application by Mr. David Ronald Manning, under Article 6 of the Island Planning (Jersey) Law 1964, as amended, to allow the building of a house and store on Field 1007, St. John.

Members present voted as follows -

``Pour" (28)

Senators

Shenton, Rothwell, Le Main, Le Maistre,  
Stein, Qu  r  e, Chinn, Syvret, Tomes.

Conn  tables

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

Deputies

Wavell(S), St. Peter, St. Ouen, St. Mary,  
S. Baudains(H), Le Geyt(S), Crespel(H),  
Trinity, Routier(H), Dorey(H), Breckon(S),  
Grouville.

``Contre" (19)

Senator

Horsfall.

Conn  tables

St. Lawrence, St. Mary, St. Saviour, St.

John.

## Deputies

Rumboll(H), Norman(C), H. Baudains(C), Le Sueur(H), Coutanche(L), Huelin(B), Pullin(S), Carter(H), Johns(H), Matthews(B), Layzell(B), Huet(H), St. Martin, St. John.

## Change in Presidency

The Deputy Bailiff informed members that as he was a member of the Victoria College Board of Governors he would not preside over the debate on the proposition of Deputy Frederick John Hill of St. Martin concerning the Board.

The Deputy Bailiff retired from the Chamber and the Greffier of the States, Geoffrey Henry Charles Coppock, Esquire, took over the Presidency.

Victoria College: Board of Governors - P.126/95

THE STATES rejected a proposition of Deputy Frederick John Hill of St. Martin to -

- (a) charge the Education Committee to prepare legislation -
  - (i) to repeal the Loi (1994) (Amendement No. 3) sur le Collège Victoria;
  - (ii) to provide for the Board of Governors of Victoria College to be constituted on the same basis as the four non fee paying secondary schools, Hautlieu and the Jersey College for Girls;
- (b) request the Policy and Resources Committee to cause the necessary evaluations to be undertaken to determine whether the preparation of the necessary legislation might be added to the 1995/96 States Law Drafting Programme.

Members present voted as follows -

``Pour" (10)

Senator

Syvret.

Connétables

St. Helier, Trinity.

#### Deputies

Carter(H), Johns(H), Duhamel(S),  
Matthews(B), Breckon(S), Huet(H), St.  
Martin.

``Contre" (37)

#### Senators

Shenton, Horsfall, Rothwell, Le Main, Le  
Maistre, Stein, Qu  r  e, Chinn.

#### Conn  tables

St. Lawrence, St. Mary, St. Brelade, St.  
Peter, Grouville, St. Saviour, St. Martin,  
St. Ouen, St. John.

#### Deputies

Rumboll(H), Wavell(S), Norman(C), St. Peter,  
H. Baudains(C), Le Sueur(H), St. Ouen,  
Coutanche(L), Huelin(B), St. Mary,  
S. Baudains(H), Le Geyt(S), Crespel(H),  
Pullin(S), Trinity, Routier(H), Dorey(H),  
Layzell(B), Grouville, St. John.

#### Change in Presidency

The Deputy Bailiff resumed the Presidency of the  
States.

Criminal Procedure (Conn  tables and Centeniers)  
(Jersey) Law 199 - P.180/95

THE STATES, subject to the sanction of Her Most  
Excellent Majesty in Council, adopted a Law  
entitled the Criminal Procedure (Conn  tables and  
Centeniers) (Jersey) Law 199 .

Jersey Airport: lease to Esso Petroleum  
Limited - P.9/96

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

- (a) approved the lease to Esso Petroleum  
Limited of an area of land at the fuel  
compound at Jersey Airport, St. Peter  
(Letting No. B6), measuring  
2,762 square yards, together with  
accommodation in the adjacent building

(Letting No. B6A) measuring 776 square feet, at an annual rent of £17,763.00, for a period of 20 years from 1st September 1994, with rent reviews as set out in the report of the Harbours and Airport Committee, dated 14th December 1995;

- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public; and
- (c) authorised the Treasurer of the States to receive the rent as it became due.

Elysée Estate redevelopment - Phase I: approval of drawings - P.11/96

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved drawings Nos. 3798/24 and 3798/40 to 56 showing the redevelopment of Phase I, Elysée Estate, St. Helier;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

St. Ouen - homes for the elderly: financial assistance - P.12/96

THE STATES, adopting a proposition of the Finance and Economics Committee -

- (a) authorised the granting of a loan to the Parish of St. Ouen for the purpose of assisting with the construction of nine units of sheltered accommodation for elderly people;
- (b) agreed that the loan should not exceed 50 per cent of the cost of the project (including professional fees), up to a maximum of £200,000, bearing interest at four per cent a year and repayable in equal annual instalments over a period of 15 years; and
- (c) agreed that the loan should be subject to the condition that only residentially qualified persons, approved by the Housing Committee, would be allowed to occupy the units of accommodation.

Environmental Adviser to the States of Jersey:  
extension of contract - P.14/96

THE STATES, adopting a proposition of the Establishment Committee, referred to their Act dated 31st January 1995 in which they approved the appointment of Dr. Michael George Romeril as Environmental Adviser to the States of Jersey for a contract period of three years with effect from 1st February 1995, and approved the extension of that contract for a further year to expire on 31st January 1999.

Jersey Airport: lease to International Energy Group Limited and Spellbound Limited - P.10/96 (Revised). Withdrawn

THE STATES granted leave to the Vice-President of the Harbours and Airport Committee to withdraw the proposition relating to the lease of land at Jersey Airport to the International Energy Group Limited and to Spellbound Limited (lodged "au Greffe" on 16th January 1996).

Jersey Airport: lease to Shell U.K. Limited - P.8/96

THE STATES commenced consideration of a proposition of the Harbours and Airport Committee regarding the lease of land, office accommodation and related car parking to Shell U.K. Limited at Jersey Airport, St. Peter.

After discussion, Senator Richard Joseph Shenton proposed that the debate be adjourned until the next meeting.

#### Adjournment

THE STATES then adjourned, having agreed that the following matters should be considered as the first items of matters lodged under Public Business at the next meeting on 13th February 1996 -

Stopford Road/Gas Works Gyratory Road Scheme: purchase and sale of land - P.183/95.  
Lodged: 12th December 1995.  
Planning and Environment Committee.

Draft Island Planning (Amendment No. 7) (Jersey) Law 199 - P.173/95.  
Lodged: 28th November 1995.  
Planning and Environment Committee.



THE STATES rose at 6.07 p.m.

G.H.C. COPPOCK

Greffier of the States.