



**THE STATES assembled on Tuesday,
24th May, 1988 at 10.15 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.**

All members were present with the exception of –

Senator Pierre François Horsfall – out of the Island.

Jack Roche, Deputy of St. Saviour – ill.

Prayers

Establishment Committee – resignation.

The Bailiff informed the Assembly that he had received a letter from the President of the Establishment Committee as follows –

“My Committee has given prolonged and careful thought to the response which it should make to the proposition of No Confidence which stands as the first item of public business on the agenda of the States for May 24th.

Before that proposition was tabled I was approached by the President of the Finance and Economics Committee who urged on me most strongly that, rather than contest the proposition, my Committee should resign before it came to debate. My Committee was not attracted by this suggestion, as it seemed to us that it could be interpreted as an acceptance on our part of the validity of the criticism expressed of the pay offer recently made to the Civil Service, and of the way in which we have generally carried out our duties.

My Committee did not and does not accept these criticisms. On the narrow item of the pay offer my Committee sees no grounds for changing its original view that this represents a fair and reasonable basis for negotiation consistent with the Committee's declared policy and specific commitments. As regards the other matters that have been raised, the Committee has never questioned the legitimacy of the questions that have been asked. Nor has it ever doubted its ability to answer them satisfactorily. As I have said, therefore, the Committee was not inclined to follow the suggestion of the President of the Finance and Economics Committee at the time it was made.

My Committee has come to recognise that there are other considerations than that of our desire to defend ourselves which we ought to take into account, notably that lasting damage could well result from a debate on Senator Rothwell's proposition, whether in public or in private. It is a convention respected by most Members of the House that individual public servants should not be identified in the course of a general debate, whether in the House or in the media, for the very good reason that the individual concerned is not in a position to reply. The Establishment Committee is the last body which ought to do anything to weaken that convention, which places my Committee in a dilemma, since we do not feel sure that the limits set by the convention would not be over-stepped in a No Confidence debate.

My Committee also believes that there are grounds for apprehension that, in the course of debate, wounds may be inflicted by Members on each other which could impair the responsibility which we all owe to the public of the Island to comport ourselves as a responsible and cohesive, and therefore, effective body.

After deep – and indeed anguished – consideration my Committee has therefore reached the conclusion that these considerations must outweigh our own initial preference for

replying to our critics in debate. Accordingly at our meeting this afternoon we decided formally and reluctantly – and unanimously – that I should submit our resignation to you, which I hereby do.”

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

- 1. Health Insurance (Pharmaceutical Benefit List) (Jersey) Order, 1988. R & O 7754.**
- 2. Road Traffic (Grouville) (Jersey) Order, 1988. R & O 7755.**
- 3. St. Martin's Fête (Jersey) Order, 1988. R & O 7756.**

Matters noted – land transactions.

THE STATES noted Acts of the Finance and Economics Committee dated 6th and 16th May, 1988, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) the purchase from Dr. John Jarvis Taylor, of the property 1, Don Terrace, Don Road, St. Helier, for use as a community home for the mentally handicapped, for a consideration of £176,000 for the realty and £4,000 for the contents, with each side being responsible for the payment of its own scale legal fees;
- (b) as recommended by the Housing Committee, the sale to The Jersey Electricity Company Limited of the site for electricity sub-station No. 268, Greve D’Azette, St. Clement, for a consideration of £10, and the granting to the company, free of charge, of any

servitudes required for high tension cables, with each side being responsible for the payment of its own scale legal fees;

- (c) as recommended by the Public Works Committee, the cession, free of charge, by Le Riches Stores Limited of 379 square feet of land situated at Red Houses, St. Brelade, required in connexion with a road improvement scheme at the Red Houses junction, with the Committee's being responsible for the payment of scale legal fees;
- (d) as recommended by the Public Works Committee, the leasing from Mr. Anley John Dorey Richardson of a packing/storage shed at Grantez, St. Ouen, for a further period of one year, with effect from 31st March, 1988, at an annual rent of £2,300.

Matters noted – financial transactions.

THE STATES noted Acts of the Finance and Economics Committee dated 16th May, 1988, 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 five tenders, namely that submitted by Charles Le Quesne (1956) Limited, in the sum of £665,300.00 in a contract period of 55 weeks for the redevelopment of the Dorset Street/Columbus Street corner (Le Clos du Val), to provide 16 one-bedroom and 2 two-bedroom flats;
- (b) the Public Works Committee had accepted the lowest of four tenders, namely that submitted by M. Dearsley Limited, in the sum of £116,454.00 in a contract period of 30 weeks for the conversion to staff accommodation of the Stable Block/Coach House at Government House, St. Saviour.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **Prison: heating and hot water supplies. P.60/88.**
Presented by the Prison Board.
2. **Police Headquarters: installation of lift. P.61/88.**
Presented by the Defence Committee.
3. **Police Headquarters: additional garage and office space. P.62/88.**
Presented by the Defence Committee.
4. **Airport Runway: reprofiling and resurfacing. P.63/88.**
Presented by the Harbours and Airport Committee.
5. **Resources Recovery Board: capital estimates for 1989. P.64/88.**
Presented by the Resources Recovery Board.

The States decided to take the abovementioned subjects into consideration on 7th June, 1988.

6. **Clairvoyance and astrology for gain: legislation. P.65/88.**
Presented by Senator Peter Geoffrey Kevitt Manton.

The following subject was lodged on 17th May, 1988 –

- Housing: price control and Building Loans Scheme. P.59/88.**
Presented by Senator Richard Joseph Shenton. The States decided to take this subject into consideration on 7th June, 1988.

**North Telephone Exchange: transfer of administration. P.78/87.
Withdrawn.**

THE STATES noted that in pursuance of Standing Order 17(6) the Proposition of the Housing Committee relating to the transfer of administration of the North Telephone Exchange (lodged on 12th May, 1987) had been withdrawn.

Draft Summer Time (Amendment) (Jersey) Act, 198 . P.57/88.

THE STATES acceded to the request of the President of the Legislation Committee that the draft Summer Time (Amendment) (Jersey) Act, 198 (lodged on 10th May, 1988) be considered on 7th June, 1988.

Fire Service: replacement radiocommunication system. P.54/88.

THE STATES acceded to the request of the President of the Defence Committee that the Proposition relating to the replacement radiocommunication system for the Fire Service (lodged on 10th May, 1988) be considered on 7th June, 1988.

**Quarry and rubbish dump on north coast of the Island.
Question and answer.**

Deputy Edgar John Becquet of Trinity asked the Connétable of St. John, President of the Island Development Committee, the following question –

“Will the President of the Island Development Committee explain why his Committee gave consent to the opening and exploitation of a quarry, now also being used as a rubbish dump, on one of the most beautiful sections of the north coast, that is on the west side of the Belle Hougue point in the Parish of Trinity?”

The President of the Island Development Committee replied as follows –

“My Committee has received two applications in the area of Belle Hougue, one on Field 32 and a second on Fields 34 and 53A, Trinity. Both applications sought to return land to agricultural use.

The application on Field 32 was made on 12th February, 1986 by Abbey Plant Limited on land owned by Mrs. G.E.M. Rouillé. The proposals were to build a causeway to the west of Field 32 to the level of the adjoining fields, strip soil from the field and infill to the level of the adjoining fields and replace the soil.

Conditional approval was granted for the works on the 17th March, 1986. The conditions attached to the permit were as follows –

that the bank at the western end of the site is carefully formed, finished and planted, prior to the commencement of earth works, to the satisfaction of the Island Development Committee;

that the intended plant cover for the bank shall be agreed with the Island Development Committee prior to the commencement of works;

that the existing footpath is to be retained at its present location at the south-east corner of the site to enable the public thoroughfare to be continued;

that the top soil which is to be temporarily stripped from the field shall only be stored on the site of the field, within the boundary of operation prior to re-use;

that all machinery and dumps etc., shall be removed from the site on completion of the works, and the land restored to agricultural use, in accordance with the submitted plans, to the satisfaction of the Island Development Committee;

that adequate precautions are taken to ensure that the existing established hedgerow/planting on the western and northern boundaries of the site is retained.

On the 3rd February, 1988, the contractors wrote to the Department stating that they were unable to complete the works by 17th March, 1988 and requested an extension for a further period of two years. In the event, my Department wished to retain stricter control over the matter and only extended the life of the permit by a further period of one year, i.e. 17th March, 1989.

The application on Fields 34 and 53A was submitted on 19th September, 1985 to extract shale from the site in order to return the land to agricultural use. These proposals were fully supported by the Department of Agriculture and Fisheries and consent was granted on 14th November, 1985 with conditions regarding the working of the shale and the landscaping of the site. The file shows that some problems occurred and that the Department was involved with ensuring that the works were completed in accordance with the permit during 1987. I am informed that these problems have been resolved and works are almost completed.

I trust that the Deputy will appreciate that the final result of both applications will be to restore this land to agricultural use. The removal of the shale on Fields 53A and 34 will improve their productivity and a similar result will occur on Field 32.

In order to ensure that the works on Field 32 were taking place in accordance with the permits which had been given, my Enforcement Officer visited the site on 6th May. He found that

work was proceeding in an orderly manner and that loads of builders' rubble were being sorted before filling took place.

The company, Abbey Plant, have only started filling on this site in earnest fairly recently. Completion of all the works is anticipated before the expiration of the permit in March 1989. The Chairman of the company has informed me that covering of the levels will start to take place in order that the general appearance of the site will improve. This company has successfully filled other sites and restored them to agricultural use.

While agreeing with the Deputy that the process of land fill is an unsightly one during the period of operation, this particular site will be restored and appropriately landscaped. Already the company and Doctor Romeril, the Conservation Officer, have discussed the matter of suitable planting.

The Deputy of Trinity has highlighted the problems, which are mainly visual ones that occur when land filling takes place. My Committee is aware of similar problems which are associated with shale extraction as part of land improvement and with the construction of reservoirs. I would like to assure the House that when any future applications are made for such works, my Committee will examine them in great detail."

Clairvoyance. Questions and answers.

Senator Terence John Le Main asked Her Majesty's Attorney General the following questions –

- “1. Will the Attorney General give the House details of his decision regarding payment for services received by persons doing clairvoyance?”

2. Does the Attorney General intend to do anything about people who conduct water diving for gain?
3. Can the Attorney General tell this House if any payments or expenses were paid to the medium from Guernsey recently employed by the States Police in the search for the missing Newalls?"

The Attorney General replied as follows –

- “1. For some months complaints have been made by members of the public that the law relating to the practice of clairvoyance was not being observed. I accordingly instructed the police to investigate and I recently received a report from them. The report showed that at least one clairvoyant was practising in the Island and that several clairvoyants came to the Island from time to time from the United Kingdom to practise their trade.

The law on this subject is in my opinion quite clear and was laid down in the case of Thomas which came before the Royal Court in 1954. Thomas had been convicted by the Police Court Magistrate of attempting to obtain money by false pretences, namely by claiming to foretell the future. She appealed to the Royal Court on the ground (inter alia) that no evidence had been brought to prove that the alleged pretence was false. Argument was heard before a court presided over by the Bailiff, Sir Alexander Coutanche (as he then was). The judgment of the Court was that the exercise of the trade of fortune-telling was contrary to the customary law of the Island and that the accusation was in effect one of having practised as a fortune-teller. The appeal was accordingly dismissed.

Faced with that clear decision of the Royal Court as short a time ago as 1954 it did not appear to me that I

had any option but to enforce the criminal law. I accordingly instructed the police to warn all those clairvoyants who appeared to be practising their trade in the Island that they risked prosecution if they continued to do so. It is unfortunate that at least one clairvoyant appears to have been exercising her trade without hindrance for several years and that the law had not, until recently, been enforced. I accept responsibility for that omission which I regret.

I emphasize that the law does not prohibit the exercise of spiritual gifts of healing. Nor indeed does it prohibit the practice of astrology, fortune-telling or clairvoyance provided that there is no payment of money or other valuable consideration. It is the practice of fortune-telling or clairvoyance as a trade which is prohibited by the customary law of the Island.

The dividing line between law and morality is not always easy to draw. A balance has to be struck between the natural desire for personal freedom on the one hand and the desirability of discouraging occult practices which have a potential for evil on the other. The law draws that line at present in permitting the practice of clairvoyance by amateurs but in prohibiting its practice for commercial gain. Whether that line is correctly drawn is naturally a matter upon which people will have strongly opposing views. Ultimately it is a matter for this House to decide.

2. No. Water-divining for gain is not in my opinion contrary to the law of the Island.
3. It is not accurate to suggest that the States of Jersey Police employed a medium in the search for the missing Newalls. A brief history of the involvement of a medium/clairvoyant from Guernsey is as follows.

On 9th November, 1987 a message was received at Police Headquarters to the effect that, according to the Guernsey clairvoyant, one body was in the sea at Portelet and the other was about to be washed up in France. The message was noted but no action was planned to be taken on it. Two or three days later the clairvoyant's theories were communicated by BBC Radio Guernsey to BBC Radio Jersey and Police Headquarters. The police telephoned the clairvoyant in Guernsey but again intended to let the matter rest. Unfortunately the story was broadcast by the local radio stations and reported elsewhere as a result of which the family of the missing couple, understandably distressed, brought pressure on the police to take action. As a result on the 14th November, 1987 a police officer was despatched to Guernsey with some personal belongings of the couple which the clairvoyant had intimated would assist him in his deliberations. Contrary to the requests of the police the clairvoyant continued to speak to the media about his theories. Media interest developed to the extent that the family and friends of the missing couple planned to bring the clairvoyant to Jersey. Unwilling to contemplate the spectacle of the clairvoyant, accompanied by reporters, photographers and cameramen, searching for the bodies, the police intervened. The clairvoyant was brought to Jersey subject to the condition that the media were not informed and he searched the areas in question without success. Further theories were advanced by him at a later stage, no doubt with the best of motives, but unfortunately those theories did not accord with forensic evidence by that time in the possession of the police. The clairvoyant's return ticket from Guernsey and lunch in a public house were purchased for him by the police. No fees nor any other expenses were paid to him."

Liberation Day. Personal statement.

Senator Richard Joseph Shenton made a personal statement in the following terms –

“On Tuesday, April 26th, the States voted unanimously for the retention of May 9th Liberation Day as a special date in the Island’s calendar. It was generally agreed that nothing could be done for this year 1988, but that a Committee should be formed to look into ways of celebrating this historic event.

Members will have seen the extent to which the Guernsey authorities went to ensure that their Liberation Day was celebrated by Islanders and, at the same time, how little was done by authorities in our Island.

Apart from the Education Committee looking at the question of educating in the schools and special events to mark the occasion, there was also the need for the States to consider ways and means of remembering that special time in our Island’s history. With this in mind Members have volunteered their services in order that research might be undertaken and proposals brought to the House. The terms of reference of this Committee should be as wide as possible and allow discussions to take place with the Jersey Heritage Trust, the Occupation Society, the Internees Society and other interested groups.

Apart from the actual day, consideration should be given to the establishment of a memorial in a prominent part of our town, to remember the number of people who remained in the Island during the Occupation, the number of people who were deported and the number of Jersey residents who did not return from the camps. In every English town there are memorials to the dead of the two Great Wars but we, along with the other Channel Islands, are in the unique position of being the only part of the British Isles which were occupied by enemy forces.

It is time that we remembered our past with pride and showed to the visitor the history which laid the foundations of our present success. Members who have volunteered to serve on the Committee and report back to the House are –

Senator Peter Manton, Deputies Margaret Beadle, Cynthia Horne and Graeme Rabet.

If the House is in agreement I would be more than happy to place a proposition before the States asking that those Members should be nominated to form an Occupation and Liberation Committee in order that they may report back with their proposals at some future stage.

Finally, the Very Reverend B.A. O’Ferrall, Dean of Jersey, has expressed a desire to liaise with the Committee in order that the spiritual side of any remembrance may not be forgotten.”

Housing Committee: administration of the price control regulation. Statement.

The President of the Housing Committee made a statement in the following terms –

“All States’ Members should have received a letter from Mr. Clifford E. Jones, Managing Director of Broadland Estates Limited, criticising the Housing Department for delays in responding to applications to lease and purchase property. I consider it important that I comment on the content of that letter for Members’ information.

First, I cannot support the manner in which Mr. Jones aired his grievances. At no time did he attempt to raise his problems with the Department’s Chief Officer, or myself as President, or indeed with the Committee itself. For reasons best known to himself, he opted instead to copy a letter addressed to me at home to all States’ Members and the

Jersey Evening Post. In fact, although the letter was addressed to me personally, its content was such common knowledge that I knew of it before actually receiving the letter; the Department's Chief Officer has never been given a courtesy copy of the letter and learned of its content from the Press. In my own view, a much more reasonable way of proceeding would have been for Mr. Jones to raise his grievances with the Chief Officer, or at least myself or my Committee, and only in the event of feeling dissatisfied at that stage, taking the clearly political step of writing to all States' Members.

In his letter, Mr. Jones refers to 'simple applications taking a month or more for consent to be granted'. I can assure the House that it does not take a month for a consent on a 'simple' application to be granted. Delay of that nature is rare, but where it occurs it is almost certainly due to a problem over price, or number of units comprising a property, or whether or not the purchaser is qualified under the Housing Regulations. Mr. Jones chose not to inform Members of the many applications submitted by his Company which are handled by my Department within a few weeks at the most – for example, his Company's application received in the Department on 5th May, 1988, and which was ready for the Royal Court on 13th May, i.e. after five working days only!

Mr. Jones refers to his personal case in which he alleges that consent was obtained only after his Advocates wrote to the Department, threatening legal action. I have personally read this file and can assure the House that there had been no necessity for such a course of action. Even Mr. Jones' Advocates, when writing to say that they had been instructed by their client to take proceedings, acknowledged that consent had already been promised in time for Court on the following Friday.

The thrust of Mr. Jones' allegations is that the Department may be deliberately delaying his applications because of his

political views on price control. Nothing could be more unlikely. The fact is my Department finds the administration of price control very cumbersome and unpleasant, and in all honesty would give a sigh of relief if it were to be abandoned. But as long as the Regulation remains in existence, it must be applied and it is the lot of my Department to do so.

Price control does often cause delays with applications to sell property, especially where appeals involving comparisons with other properties are made to the Committee. Members will appreciate the research such appeals involve.

I have already advised the House that my Committee is currently reviewing whether there is a continuing need for price control and a report will be presented in due course. My Committee proposes to place an early advertisement in the Jersey Evening Post, seeking the opinions of individuals and organisations who may wish to comment on the subject. Our report will be accompanied by a Proposition which, whilst offering a recommendation to the States, will seek clear guidance from the House one way or the other, on the future of this Regulation.

Returning to the matter of Mr. Jones' complaints, I can advise Members that I have written to him, reassuring him that there is no question of 'malice' (to use his word) against him or his Company and that he is welcome to discuss any grievances he may have, either current or future, with my Chief Officer or myself whenever he wishes. I have also, however, advised him that my Committee and I fully support the Department in the difficult task of administering complex and often very restrictive Housing Laws and Regulations, which sometimes provoke understandable resentment by people who are disappointed."

Bellozanne Sewage Treatment Works: extension into Green Zone.

THE STATES, adopting a Proposition of the Island Development Committee, authorised that Committee to grant development permission for the extension to Bellozanne Sewage Treatment Works to provide new sludge treatment facilities on land opposite the Resources Recovery Board Treatment Plant, La Vallée de Bellozanne, St. Helier, as shown on Map 1, notwithstanding its location in the Green Zone.

Consular Conventions (Amendment) (Jersey) Law, 1988. P.50/88.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted a Law entitled the Consular Conventions (Amendment) (Jersey) Law, 1988.

Parish Rate (Jersey) Law, 1988. P.51/88.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted a Law entitled the Parish Rate (Jersey) Law, 1988.

Airport Navigational Aids: power supply enhancements – Phase II. P.53/88.

THE STATES, adopting a Proposition of the Harbours and Airport Committee, approved in principle the purchase and installation of a second 750 KVA standby generator and the associated switchgear, distribution panels and cabling to guarantee power supply to the Airport's navigational aids.

Collective Investment Funds (Jersey) Law, 1988 (Appointed Day) Act, 1988. P.55/88.

THE STATES, adopting a Proposition of the Finance and Economics Committee, approved the Collective Investment Funds (Jersey) Law, 1988 (Appointed Day) Act, 1988.

Devonshire Mews development, St. Helier: exchange of land. P.56/88.

THE STATES, adopting a Proposition of the Housing Committee –

- (a) referred to their Act dated 26th January, 1988 and agreed to the sale by the Housing Committee to Oakleaf Properties Limited of Nos. 1, 4 and 5 Waverley Place, St. Helier, shown coloured yellow on Drawing No. 1500/SK1A, required in connexion with the Devonshire Mews development, for the consideration of £101,000, with each party being responsible for their own legal fees;
- (b) accepted the cession, free of charge of 488.5m (5,256 square feet) of land by Oakleaf Properties Limited to the Housing Committee, shown coloured pink on Drawing No. 1500/SK1A, required in connexion with the Devonshire Mews development, with each party being responsible for their own legal fees.

Weighbridge Area and Albert Pier reclamation site: first phase. Discussion continued. P.37/88.

THE STATES continued discussion of the Proposition of the Island Development Committee regarding the first phase of development of the Weighbridge area and Albert Pier reclamation site and rejected the proposition of Senator Reginald Robert Jeune that paragraphs (c), (d) and (e) of the Proposition be referred back to the Committee.

Members present voted as follows –

“Pour” (21)

Senators

Shenton, Jeune, Binnington, Baal, Rothwell, Le Main, Le Maistre.

Connétables

Grouville, St. Peter, St. Clement, St. Lawrence, St. Brelade,
St. Martin.

Deputies

Morel(S), Le Quesne(S), Rumboll(H), Blampied(H),
Buesnel(H), Horne(H), Coutanche(L), Rabet(H).

“Contre” (27)

Senators

Manton, Brooke, Carter.

Connétables

St. John, St. Helier, St. Mary, St. Ouen, Trinity.

Deputies

Mourant(M), de la Haye(H), Le Gallais(S), Trinity,
Vandervliet(L), Grouville, Beadle(B), Billot(S), Norman(C),
St. John, St. Peter, St. Martin, Baudains(C), Le Sueur(H),
St. Ouen, Huelin(B), Jordan(B), St. Mary, Bailhache(H).

THE STATES then commenced consideration of an amendment proposed by Senator Betty Brooke that in paragraph (c) the words “a new Postal Administration and Sorting Office” should be deleted.

THE STATES, after further discussion agreed to defer debate of the Proposition to the first item of Public Business on Tuesday, 7th June, 1988.

Suspension of Standing Order No. 41A(2).

THE STATES, adopting a proposition of Senator John Stephen Rothwell, agreed to suspend Standing Order No. 41A(2) in order to allow the appointment of a President of the Establishment Committee.

Establishment Committee: appointment of President and Members.

THE STATES, on the proposition of Senator John Stephen Rothwell, appointed Senator Richard Joseph Shenton as President of the Establishment Committee.

THE STATES, on the proposition of Senator Shenton appointed the following as members, namely –

Senator Reginald Robert Jeune, O.B.E.
Senator John Stephen Rothwell
Robin Ernest Richard Rumboll, Deputy of St. Helier.

THE STATES rose at 5.35 p.m.

R.S. GRAY,

Deputy Greffier of the States.