



**THE STATES assembled on Tuesday,
23rd April, 1985 at 10.15 a.m. under the
Presidency of the Bailiff, Sir Frank
Ereaut.**

All members were present with the exception of –

Senator Ralph Vibert – out of the Island.

Senator Jane Patricia Sandeman – ill.

Senator Peter Geoffrey Kevitt Manton – out of the Island.

John Le Gallais, Deputy of St. Saviour – ill.

Prayers

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. Public Rank Taxis (Fares and Charges) (Amendment) (Jersey) Order, 1985. R & O 7386.
2. Liberation Anniversary Celebrations (Closing of Roads and Public Places) (Jersey) Order, 1985. R & O 7387.
3. Road Traffic (Public Parking Places) (Amendment No. 19) (Jersey) Order, 1985. R & O 7388.
4. Road Traffic (Twenty Miles an Hour Speed Limit) (Amendment No. 8) (Jersey) Order, 1985. R & O 7389.

Island Development Committee – resignation and appointment.

THE STATES noted the resignation of Senator Richard Joseph Shenton from the Island Development Committee and appointed Deputy Bertram Manning Le Maistre of St. Mary to serve on the Committee.

Annual Report and Accounts of the States for 1984.

The Finance and Economics Committee by Act dated 1st April, 1985 and in pursuance of Article 21(3) of the Public Finances (Administration) (Jersey) Law, 1967, as amended, presented to the States the Annual Report and Accounts of the States for the financial year ended 31st December, 1984.

THE STATES ordered that the said Report and Accounts be printed and distributed.

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 15th April, 1985, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Education Committee, the lease from Mrs. Elsie Maud Baudains, née Vibert, of No. 6 Landscape Grove, Mont Cochon, St. Helier – required for use as Teachers' accommodation, for a period of two years commencing 25th March, 1985, at a rent of £55 a week (£2,860 a year);
- (b) as recommended by the Public Works Committee, the ceding to the First Tower Institute of 282.5 square feet of land at Bellozanne which formed part of the land acquired by the Public of the Island from the Overseas Trading Corporation Limited in connexion with the new link road to Bellozanne Valley from St. Aubin's Road, on the payment of a nominal sum of £10.00, subject to the Public of the Island retaining ownership

of the wall between the Institute and the new road now under construction, and retaining right of access over the land to maintain that wall;

- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. James Wilfred Kent and Mrs. Ann Kent, née Le Bleaus, of the Sailor's Rest Café, New North Quay, for a period of three years with effect from 1st April, 1985, at an annual rent of £2,000;
- (d) as recommended by the Harbours and Airport Committee, the renewal of the lease to F. Battrick & Sons Limited of Letting Nos. A2 to A7a, Albert Pier, Port of St. Helier, used as viviers, for a period of three years, with effect from 1st April, 1985, at an annual rent of £3,267, which represented a rate of £1.65 a square foot;
- (d) as recommended by the Public Works Committee, the purchase of land from the undermentioned owners, which had been leased for the construction of the bus lay-by between Beaumont and Bel Royal, at the rate of £2.00 a square foot, with the Public Works Committee assuming responsibility for any costs involved in the preparation of contracts, and clauses in the contracts precluding any other form of building development, namely –

from Mr. Godfray Benett Amy of L'Avenir – 240 square feet, producing a consideration of £480;

from Mr. Cecil Helier Corbin of Thornfield – 756 square feet, producing a consideration of £1,512;

from Mrs. Margaret Murning, née Emmanuel, of Windsor Villa – 876 square feet, producing a consideration of £1,752.

Axminster House, Devonshire Place, St. Helier – lease. P.14/85. Withdrawn.

THE STATES noted that the Public Works Committee had withdrawn the Proposition relating to the lease of Axminster House, Devonshire Place, St. Helier (P.14/85 – lodged on 26th February, 1985) having presented a revised Proposition for consideration at the present Sitting.

Custodial sentence. Questions and answers.

Deputy Dereck André Carter of St. Helier asked Deputy Edgar John Becquet of Trinity, President of the Prison Board, the following questions –

- “1. Could the President give greater details of the figures contained on page 5 of the Report of the Prison Board for 1984 which show that for the past two years over 30% of persons received into the Jersey Prison were subsequently either acquitted or dealt with by other methods than imprisonment?
2. Does the President consider this percentage figure – nearly $\frac{1}{3}$ of all admissions – to be acceptable?
3. Has the President or the Board taken any steps to discover whether the feelings expressed by the Chaplain in the last sentence of the first paragraph of his report, namely that “... many ... custodial sentences ... are quite futile and inappropriate” are shared by the Governor or his staff?”

The President of the Prison Board replied as follows –

- “1. Of the 257 dealt with by means other than imprisonment, 95 took up the option of bail, 16 were placed on Probation or Community Service, 20 were placed on Binding Over Orders, 102 were fined, 20 were warned to appear and 4 were dismissed.
2. I am sure it will be realised that many of the persons received into custody are only temporarily remanded

because they cannot initially satisfy the requirements of a fixed address or immediately produce a cash surety. A large proportion granted bail conditions can however satisfy such conditions given time. However, this is properly a matter for the Courts, not the Prison Board to decide.

3. The Chaplain made it quite clear that he was expressing a personal view. The Prison Board accepts that the Prison Chaplain has a difficult task to perform and understands his need to reflect such difficulties in his Report. However, the Chaplain also makes it clear in his Report that his role is a specialised one and his comments must be seen in that context.

In using words such as ‘futile and inappropriate’ the Chaplain had in mind certain alcohol-dependent persons who due to their dependency are frequent offenders. Whether or not such persons would respond to different forms of treatment that are not already available is of course a matter of conjecture and such matters are at present being studied by the Public Health Committee.

The Chaplain was of course thinking of the individuals concerned and not necessarily taking into account other facets of imprisonment such as the protection of the Public and their property. His views are his own and not those of the Prison Governor or the Prison staff, however, there is a feeling that certain offenders – mainly drink-dependent or disturbed – may be better dealt with by means other than imprisonment.”

Allegations regarding ‘laundering’ of Mafia drug funds. Questions and answers.

Senator John Stephen Rothwell asked Senator Reginald Robert Jeune, President of the Finance and Economics Committee, the following questions –

- “1. Would the President inform the House what evidence exists to support the allegations that Jersey is being used to ‘launder’ Mafia drug funds?
2. Is the President satisfied that sufficient support is being provided to local and international law enforcement officers in such matters?”

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

- “1. I have no evidence. But I cannot say that Jersey is definitely not being used to ‘launder’ Mafia drug funds, no more than this could be said about London or many other such finance centres. However, given the stature of the banks established in this Island, I am confident that if these funds are in any way suspected they are not handled. I understand that, in any event, the Channel Islands were not singled out by the American authorities for attention, as a recent press report suggests. Jersey, apparently, was but one of a number of finance centres referred to as places where it was suspected that monies obtained from trafficking in drugs could be being ‘laundered’, although a report of the President’s Commission on Organised Crime entitled ‘The Cash Connection, Organised Crime, Financial Institutions and Money Laundering’ presented in November last year while referring to some Offshore centres makes no mention of the Channel Islands. However, what I can say is that if any evidence is made available to implicate Jersey it will be most thoroughly investigated.
2. There are a number of ways in which support is presently provided. If the transactions can be shown to be drugs-related the Bailiff has the power, under Article 17(2) of the Misuse of Drugs (Jersey) Law, 1978, on information on oath, to issue a warrant, to seize and detain any document, and to quote, ‘directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under the Law, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the Bailiwick, an offence against the provisions of a corresponding Law in force in that place.’

There is also section 5 of the U.K. Extradition Act, 1873, which is extended to Jersey and which enables an order to be made for the taking of evidence and production of documents for the purpose of any criminal matter pending in any court or tribunal in any foreign state. In addition, the Evidence (Proceedings in Other Jurisdictions) Act, 1975, as extended to Jersey by Order in Council enables the Royal

Court to give effect to an application by another Court for assistance by making provision for obtaining evidence in Jersey including the examination of witnesses, production of documents, inspection, photographing, preservation, custody or detention of any property, and the taking of samples and carrying out of experiments, in any case where proceedings have been instituted.

The Legislation Committee, by Act dated 2nd July, 1984, requested the Law Draftsman to draft legislation on the lines of the U.K. Bankers Books Evidence Act, 1879, which provides for Orders to be made enabling parties to proceedings to inspect and take copies of entries in bankers' books for the purpose of those proceedings. Draft legislation has been prepared and commented on, and it is hoped that it will be presented to the States for consideration in the near future.

The provisions I have referred to, other than the power under the Misuse of Drugs Law, apply where proceedings have been commenced. No greater powers exist in the United Kingdom to assist the investigative process.

There are other Laws that also serve to assist in controlling the nature of business undertaken in the Island – the Borrowing Control (Jersey) Law, the Regulation of Undertakings and Development (Jersey) Law, the Depositors and Investors (Prevention of Fraud) (Jersey) Law. However, at the end of the day, it is less statute law than the stature and vigilance of those engaged in the finance centre activities in the Island which counts, and to this end I am proposing to meet with representatives of the financial community to discuss whether there is anything more that reasonably could be done to try and ensure that those engaged in criminal activities find no place of refuge for their funds in this Island.”

Supplementary and Additional Votes of Credit.

THE STATES considered an Act of the Finance and Economics Committee dated 15th April, 1985, presenting Acts of the undermentioned Committees and, acceding to the requests contained therein, granted to the said Committees Supplementary (S) and Additional (A) votes of credit out of the General Reserve as follows –

	S	A
	£	£
Finance and Economics Committee		
Bailiff's Chambers		
0301 Staff	9,800	
Impôts		
0362 Premises	5,700	
Official Analyst's Department		
0383 Supplies and Services	<u>3,000</u>	
	<u>18,500</u>	
Defence Committee		
Miscellaneous		
1008 Grant to Jersey Society for the Prevention of Cruelty to Animals	1,000	
1023 Grant to Royal British Legion		75,000
Civil Emergency Office		
1053 Supplies and Services	4,300	
Fire Service		
1303 Supplies and Services	<u>31,600</u>	
Total request £111,900	<u>36,900</u>	<u>75,000</u>
Public Works Committee		
Highways and Public Land –		
2051 Maintenance and Minor Improvements – Staff	3,300	
2061 Beaches and Toilets – staff	6,600	
2063 Supplies and Services	23,200	
2064 Transport	<u>8,400</u>	
Carried forward	41,500	

		S	A
		£	£
Public Works Committee cont'd.			
	Brought forward	41,500	
2091	Public Parks and Gardens – Staff	2,200	
	Trading Standards Department		
2102	Public Markets – Staff	1,300	
2204	Consumers' Advice and Protection – Transport	100	
	Weights and Measures		
2302	Premises	500	
2304	Transport	<u>300</u>	
	Total request	<u>45,900</u>	

Education Committee

2930	Child Welfare – Children Boarded Out	27,000	
	Cultural Sports and Allied Grants		
3017	Grant for International Youth Year		3,000
3018	Grant to St. John's Sports and Recreation Centre		50,000
3019	Grant to Centre Point Children's Resources Centre		5,000
3060	Transport of School Children	33,500	
3109	Payment to the Commonwealth Institute	<u>2,100</u>	<u> </u>
	Total request £120,600	<u>62,600</u>	<u>58,000</u>

	S	A
	£	£
Public Health Committee		
Grants		
3252 Jersey District Nursing Association	21,500	
Le Geyt Centre		
3271 Staff	14,000	
General Hospital		
3401 Staff	21,100	
3403 Supplies and Services	30,200	
Pathological Laboratory		
3411 Staff	5,000	
Psychiatric Day Centre		
3432 Repairs		25,000
Overdale Hospital		
3442 Premises	<u>19,300</u>	<u> </u>
Total request £136,100	<u>111,100</u>	<u>25,000</u>

Agriculture and Fisheries Committee

Subsidies and Grants

4123 Milk Recording and incentive scheme	140,000	
4139 Financial assistance for the improvement of producer/co-operative marketing	12,000	
4140 Advertising, market research and financial assistance for approved schemes to encourage co-operation among producers	15,000	
4143 Growers – interest subsidy scheme	25,000	
4147 Subsidy to offset Harbour dues on imports	<u>5,500</u>	
Total request	<u>197,500</u>	

	S	A
	£	£
Establishment Committee		
States Personnel Department		
5106 States training schemes	<u>10,000</u>	
Elizabeth House Committee		
5302 Premises	<u>4,900</u>	
Fort Regent Development Committee		
Swimming Pool and Gloucester Hall		
5722 Premises	50,000	
5723 Supplies and Services	<u>14,000</u>	
	<u>64,000</u>	
Gambling Control Committee		
5805 Establishment	<u>200</u>	
Liberation Anniversary Committee		
6600 General Expenses	<u>20,000</u>	
CAPITAL VOTES OF CREDIT		
Defence Committee		
C0131 Replacement Fire Appliance	<u>11,000</u>	
Education Committee		
C0505 Primary School Modernisation		
First Tower)		
St. Lawrence)	25,000	
Les Landes)		
C0513 Remodelling of St. Luke's School	6,000	
C0519 Remodelling of St. Clement's and St. Mark's Schools	<u>6,000</u>	
Carried forward	37,000	

	S	A
	£	£
Education Committee cont'd.		
Brought forward	37,000	
C0527 Highlands College – Development – G Block	20,000	
C0536 Extension to La Moye School	5,000	
C0540 Victoria College – Pool Enclosure	<u>33,300</u>	
Total request	<u>95,300</u>	
Harbours and Airport Committee		
C0268 Repairs to Airport Pier Roof	<u>150,000</u>	

The total requests granted for the April Supply Day amounted to £985,900.

The total of the deferred Supply item amounted to £10,000.

**Finance and Economics Committee – Impôts Department.
Deferred Supply. P.36/85.**

THE STATES deferred consideration of the request of the Finance and Economics Committee for a supplementary vote of credit in the sum of £10,000 for additional shift and overtime costs in the Impôts Department – Staff (0361).

The Proposition relative thereto was lodged “au Greffe” by Deputy Ronald Winter Blampied of St. Helier. The States decided to take this subject into consideration on 14th May, 1985.

St. John’s Village Development Scheme: loan to Parish.

THE STATES, adopting a Proposition of the Finance and Economics Committee, referred to paragraph (a) of their Act dated 27th September, 1983, and agreed that the period of the loan granted

to the Parish of St. John for the further development of the St. John's Village Development Scheme should be extended to 31st May, 1985, with all other terms and conditions remaining unchanged.

Rent Control Tribunal: appointment.

THE STATES, adopting a Proposition of the Housing Committee, appointed in pursuance of paragraph (1) of Article 3 of the Dwelling Houses (Rent Control) (Jersey) Law, 1946, as amended, the following persons to act as Chairman and Members of the Rent Control Tribunal until 11th April, 1986, namely –

Philip Arthur Weston, Chairman
Edward Malcolm Pearmain Machon
George Norman Simon

and, in pursuance of paragraph (2) of the said Article 3, the appointment of the following persons to act for the same period in place of members of the Tribunal unable to act by reasons of absence or incapacity, namely –

Alfred Vibert
Derek Le Seelleur.

Suspension of Standing Order No. 18.

THE STATES, adopting a Proposition of the Public Works Committee, suspended Standing Order No. 18 in order to allow the Proposition of that Committee regarding the lease of Axminster House, Devonshire Place, St. Helier, to be considered at the present Sitting.

Axminster House, Devonshire Place, St. Helier: lease.

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

- (a) approved the lease by the Public of the Island from Axminster House (St. Helier) Limited of the property known as Axminster House, Devonshire Place, St. Helier, for the purpose of accommodating the Housing Department, for a period of 21 years with effect from 24th June, 1985, at an annual rent of £31,000 payable half-yearly in advance, with rent reviews every three years, on the basis of prevailing

market rents, on condition that the Public of the Island would be entitled to assign any unexpired portion of the lease;

- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract;
- (c) authorised the Treasurer of the States to debit the rent, rates and other expenses as they became due from the vote of credit granted to the Housing Committee under the heading “Administration – Premises” (Vote 5402).

Dates of Senators’ and Deputies’ Elections.

THE STATES, adopting a Proposition of Deputy Enid Clare Quenault of St. Brelade, requested the Legislation Committee to prepare an amendment to Article 12(1) of the States of Jersey Law, 1966, as amended, to provide for the ordinary elections for Senators and Deputies to be held in the last week of October and November respectively every third year.

Register of financial interests. P.8/85. Withdrawn.

THE STATES commenced consideration of a Proposition of Senator Richard Joseph Shenton that the Legislation Committee be directed to draft a Standing Order requiring every Member of the States to declare, in a register to be available to the Public, such financial interests as the Standing Order shall specify.

After discussion Senator Shenton withdrew the Proposition.

Parish Rate (Jersey) Law, 1985.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Parish Rate (Jersey) Law, 1985.

THE STATES rose at 12.15 p.m.

R.S. GRAY,

Deputy Greffier of the States.