



**THE STATES assembled on Tuesday,  
18th February, 1986 at 10.15 a.m. under  
the Presidency of the Bailiff,  
Peter Leslie Crill, Esquire, C.B.E.**

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All members were present with the exception of –

Senator John Le Marquand – ill.

Senator Terence John Le Main – ill.

Winter Chevalier de Gruchy, Connétable of St. Martin –  
ill.

Philip George Mourant, Deputy of St. Helier – ill.

Jean Amy Le Maistre – Deputy of St. Helier – ill.

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Prayers

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**Subordinate legislation tabled.**

The following enactment was laid before the States, namely –

**Depositors and Investors (Prevention of Fraud) (List of  
Registered Persons) (Jersey) Order, 1986. R & O 7469.**

**Transport Advisory Council: policy report. R.C.4.**

The Transport Advisory Council by Act dated 5th February, 1986, presented its report on the policies the Council currently pursues in preparing views for submission to the Civil Aviation Authority on air transport licence applications affecting the Island.

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

**Matters lodged.**

The following subject was lodged “au Greffe” –

**Social Security and Health Care: agreement with Sweden. P.18/86.**

Presented by the Social Security Committee. The States decided to take this subject into consideration on 4th March, 1986.

**Queen’s Valley Reservoir: Island Planning (Jersey) Law, 1964. Questions and answers.**

Deputy Sir Martin Le Quesne of St. Saviour asked Philip Martin Bailhache, Her Majesty’s Attorney General, the following questions –

- “1. Arising out of the answers given by the Attorney General to questions by Senator Sandeman on 4th February, 1986 is it the sense of the Attorney General’s first opinion that any person carrying out development within the meaning of Article 5 of the Island Planning Law (1964) in the exercise of a duty arising from a statute which post-dates that Law would be exempt from the requirement to obtain development permission from the Island Development Committee?
2. If the answer to the first question is what are the grounds on which the case of the Waterworks Company is distinguishable?”

The Attorney General replied as follows –

“Yes.”

**Queen’s Valley Reservoir – Injunctions. Questions and answers.**

Deputy Dereck André Carter of St. Helier asked Philip Martin Bailhache, Her Majesty’s Attorney General, the following question –

“Would a contractor or sub-contractor carrying out work as required or authorised by the draft Queen’s Valley Reservoir (Jersey) Law, 198 (P.115/85), and considered by the Social Security Committee to be in contravention of either regulations controlling the carrying out of blasting or Safeguarding of Workers Regulations be immune from being ordered to cease work by the Courts because there could be no question of an injunction even though he could be fined for the contravention?”

The Attorney General replied as follows –

“No. As I have already advised the States it is a general rule of statutory construction that where two statutes conflict it is the duty of the Court to interpret the statutes in such a way as will, if possible, bring about a reconciliation. It is only when there is an unavoidable collision, and the statutes cannot be reconciled, that the Court will apply the rule that the later statute prevails. Article 4 of the Safeguarding of Workers (Jersey) Law, 1956, gives certain powers to inspectors employed by the Social Security Committee to direct remedial action to be taken where work processes are dangerous or injurious to health or dangerous to life or limb. A failure to comply with such a direction, besides being a criminal offence, may give rise to proceedings before the Royal Court. In such proceedings, the Royal Court has the power to order work to stop until the employer or contractor has complied with the direction. In my opinion, that power does not conflict with the authority or the duty to be conferred on the Jersey New Waterworks Company Limited by the draft Queen’s Valley Reservoir (Jersey) Law (projet)”. I assume that the construction of the Queen’s Valley Reservoir does not of necessity involve work processes which are dangerous or injurious to health or dangerous to life or limb. There is no unavoidable collision between the Safeguarding of Workers (Jersey) Law, 1956, and the projet. Any contractor or sub-contractor carrying out work on the project would be obliged to comply with the Safeguarding of Workers Law and regulations made thereunder.”

**Debate on Immigration. Statement.**

The President of the Policy Advisory Committee made a Statement in the following terms –

“Members will be aware, an Economic Debate has been held in recent years as a Committee of the Whole House during the Spring Session. Last year, however, the Policy Advisory Committee promoted instead an In-Committee Debate on Immigration, because of the pressing importance of that issue at the present time.

In view of the fact that the initial results of the 1986 Census will be available in August, and as the matter of immigration remains the political issue of the day, the Committee has decided that it would be appropriate for the Policy Advisory Committee’s In-Committee Debate again to deal with immigration and to be held during the Autumn Session this year.”

**Draft Queen’s Valley Reservoir (Jersey) Law, 198 . P.115/85.**

Deputy Michael Adam Wavell of St. Helier declared an interest in the subject and withdrew from the Chamber before discussion of the Bill.

Deputy Donald George Filleul of St. Helier, President of the Public Works Committee, laid before the House the plan referred to in Article 10 of the Law.

THE STATES, having acceded to the request of the Public Works Committee that Article 15 of the draft Queen’s Valley Reservoir (Jersey) Law, 198 be withdrawn and Articles 16 and 17 be renumbered accordingly, commenced consideration of the Preamble.

THE STATES adopted a Proposition of Senator Richard Joseph Shenton, and suspended Standing Order 35(9) in order to allow discussion of an amendment of Deputy Sir Martin Le Quesne of St. Saviour, that in the long title of the Law, the words require” be deleted.

THE STATES rejected the amendment and adopted the Preamble in Second Reading.

Members present voted for the Preamble as follows –

**“Pour” (27)**

**Senators**

Vibert, Jeune, Binnington, Horsfall, Ellis, Baal, Rothwell, Manton.

**Connétables**

St. Saviour, St. John, Trinity, St. Brelade, St. Peter, St. Helier, St. Mary, St. Ouen.

**Deputies**

St. Ouen, Morel(S), Quenault(B), Perkins(C), Le Gallais(S), Roche(S), Le Quesne(S), Trinity, Filleul(H), Vandervliet(L), Farley(H), Le Fondré(L), Rumboll(H), St. Mary, Beadle(B), Billot(S), Norman(C), St. John, St. Peter, Mahoney(H), St. Martin.

**“Contre” (9)**

**Senator**

Sandeman

**Connétables**

Grouville, St. Clement, St. Lawrence.

**Deputies**

Le Brocq(H), Grouville, Thorne(B), Blampied(H), Carter(H).

Article 1 was adopted in Second Reading, the States having acceded to the request of Deputy Sir Martin Le Quesne of St. Saviour to withdraw his amendment to Article 1(1) to delete the words required”.

THE STATES having commenced consideration of Article 2 and having acceded to the request of Deputy Sir Martin Le Quesne of

St. Saviour to withdraw his amendments to delete the words “and requirement” in the title of the Article and the words “and required” in paragraph (1), a proposition of the Public Works Committee to amend paragraph (1) by adding after the word the words “of the Island Planning (Jersey) Law, 1964” was lodged “au Greffe” by Deputy Norman Stuart Le Brocq of St. Helier.

Deputy Norman Stuart Le Brocq of St. Helier lodged “au Greffe” an amendment to paragraph (1) to add after the words “Island Planning (Jersey) Law, 1964”, the words “and the ‘Loi (1934) sur la Santé Publique’ ”.

An amendment of Deputy Dereck André Carter of St. Helier to delete from paragraph (2) the words “maintenance and continued operation” was lodged “au Greffe” by the Public Works Committee.

THE STATES then decided to defer further consideration of Article 2, and all the related amendments until 18th March, 1986.

THE STATES also decided to sit on 25th February, 1986, to continue the consideration of the remaining Articles of the Bill in Second Reading.

Members present voted in respect of this decision as follows –

**“Pour” (40)**

**Senators**

Vibert, Jeune, Binnington, Horsfall, Ellis, Baal, Rothwell, Manton.

**Connétables**

St. Saviour, St. John, Trinity, St. Brelade, St. Peter, St. Helier, St. Clement, St. Lawrence, St. Mary, St. Ouen.

**Deputies**

St. Ouen, Morel(S), Quenault(B), Perkins(C),  
Le Gallais(S), Roche(S), Le Quesne(S), Filleul(H),  
Vandervliet(L), Farley(H), Le Fondré(L), Rumboll(H),  
St. Mary, Beadle(B), Thorne(B), Blampied(H), Billot(S),  
Norman(C), St. Peter, Carter(H), Mahoney(H), St. Martin.

**“Contre” (6)**

**Senator**

Sandeman.

**Connétable**

Grouville.

**Deputies**

Le Brocq(H), Trinity, Grouville, St. John.

THE STATES rose at 5.30 p.m.

**R.S. GRAY,**

*Deputy Greffier of the States.*