



**THE STATES assembled on Tuesday,
6th May, 1986 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.**

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 Ralph Vibert – out of the Island.

Senator Reginald Robert Jeune – out of the Island.

Prayers

Senator J. Le Marquand – welcome.

The Deputy Bailiff, on behalf of Members of the States, welcomed Senator John Le Marquand on his return to the States after his recent illness.

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. **Depositors and Investors (Prevention of Fraud)
(List of Registered Persons) (Amendment) (Jersey)
Order, 1986. R & O 7497.**
2. **Road Traffic (Saint Lawrence) (Amendment No. 3)
(Jersey) Order, 1986. R & O 7498.**

Working Party on Need: appointment of members.

THE STATES appointed Senator Pierre François Horsfall and Leonard René Hamel, Connétable of St. Clement, as members of the Working Party on Need.

Cottage Homes Committee: vacancy in Presidency.

In accordance with Article 28(3) of the States of Jersey Law, 1966, the Deputy Bailiff gave notice that there was a vacancy in the office of President of the Cottage Homes Committee, consequent upon the death of Mr. Leonard James Norman, Connétable of St. Saviour.

Motor Traffic Office: statistics for 1985. R.C.12.

The Defence Committee by Act dated 3rd April, 1986, presented to the States a Report on the Motor Traffic Office Statistics for 1985.

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

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 28th April, 1986, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Resources Recovery Board, the acquisition from Mr. Philip Le Sueur of 130 square feet of land in Field 406, St. Saviour, shown on Plan No. 1483, required in connexion with the construction of the rising main at Maufant, for a total consideration of £325, representing a rate of £1 a square foot for the land and £195 compensation, with the Board being responsible for the payment of all legal fees;
- (b) as recommended by the Education Committee, the sale to the Parish of St. Helier of two strips of land

shown coloured red on Plan No. 1748/51, which lay between the new and old building lines of the new Central Library on both Halkett Place and Don Street, St. Helier, with each party being responsible for the payment of its own legal fees;

- (c) as recommended by the Public Works Committee, the sale to The Jersey Electricity Company Limited of the freehold of the site required by the Company at La Route de Vinchelez, St. Ouen, for the construction of mini-pillar No. 867, shown on Plan 24/T24, for a nominal sum of £10, and the granting, free of charge, to the Company of such wayleaves as might be necessary for the installation of cables below the ground, with the Company being responsible for the payment of all legal fees;
- (d) as recommended by the Public Works Committee, the granting, free of charge, to The Jersey Electricity Company Limited of a contract wayleave over a length of 200 metres of land at Plemont, St. Ouen, shown on Plan No. 27/C/4, required in connexion with the installation of public toilets in an existing outbuilding at Plemont Café, with each party being responsible for the payment of its own legal fees.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **Terms of Employment: legislation. P.60/86.**
Presented by the Industrial Relations Committee.
2. **Gorey Village Development: Phase II – approval of drawings. P.61/86.**
Presented by the Housing Committee.
3. **Airport Departure Hall: buffet area. P.62/86.**
Presented by the Harbours and Airport Committee.

4. **Airport Fire Service: foam tender replacement. P.63/86.**
Presented by the Harbours and Airport Committee.
5. **Air Traffic Control: communications system replacement. P.64/86.**
Presented by the Harbours and Airport Committee.

THE STATES decided to take items 2 to 5 inclusive into consideration on 20th May, 1986.

The following subjects were lodged on 29th April, 1986 –

1. **Draft Social Security (Amendment No. 6) (Jersey) Law, 198 . P.58/86.**
Presented by the Social Security Committee.
2. **Fuel Oil Prices: Committee of Inquiry (P.97/85): amendment. P.59/86.**
Presented by Senator Jane Patricia Sandeman.

Athletics Track at F.B. Fields: supplementary vote of credit. P.57/86.

THE STATES, having rejected the request of the Vice-President of the Finance and Economics Committee that the Proposition regarding the Athletics Track at the F.B. Fields – supplementary vote of credit (lodged on 22nd April, 1986) be taken into consideration at the present Sitting, decided to take it into consideration on 13th May, 1986.

Axminster House, Devonshire Place, St. Helier: supplementary vote of credit. P.56/86.

THE STATES acceded to the request of the Vice-President of the Finance and Economics Committee that the Proposition regarding the lease of Axminster House, Devonshire Place, St. Helier – supplementary vote of credit (lodged on 22nd April, 1986) be taken into consideration on 13th May, 1986.

European Convention for the Protection of Human Rights and Fundamental Freedoms. P.14/86.

THE STATES acceded to the request of the President of the Legislation Committee that the Proposition relating to the European Convention for the Protection of Human Rights and Fundamental Freedoms (lodged on 28th January, 1986) be taken into consideration on 17th June, 1986.

Heating Oil: retail prices. P.53/86.

THE STATES acceded to the request of Deputy Corrie Stein of Grouville that the Proposition requesting that the Resources Recovery Board publish at quarterly intervals the current retail prices of all types of heating oil used in the Island (lodged on 8th April, 1986) be deferred from the present Sitting to a later date.

Report of Special Committee to consider request from the United Kingdom for a contribution towards defence and international representation costs.

THE STATES acceded to the request of the Vice-President of the Special Committee that the House should sit “in-Committee” on either 24th or 25th June, 1986, to consider a Report of that Committee regarding the request from the United Kingdom for a contribution towards defence costs, which Report was shortly to be lodged “au Greffe”.

Fuel storage and La Collette premium. Answer.

The President of the Resources Recovery Board replied to question 4(a) asked by Deputy Corrie Stein of Grouville about La Collette oil premium during the States’ Sitting of 18th March, 1986, as follows –

“When in the 1970s the States through the relevant Defence, Land Reclamation and Finance and Economics Committees sought to persuade Shell U.K.

and Esso to undertake the investment in the storage facility at La Collette, what was agreed with the oil companies was –

- (a) the desirability of relocating the oil storage and distribution facilities to a new complex at La Collette, to obtain environmental, security and safety benefits;
- (b) that the relocation would affect the cost of the companies' trading activity in the Island; and
- (c) that the price premium (relative to the United Kingdom mainland) for the companies' products sold on the Island would be increased to provide an adequate return on the proposed investment.

The cost base from which the premium was calculated by the oil companies includes the fixed capital investment and other net costs incurred by the oil companies in moving to La Collette from La Folie.

The price premium so determined by the oil companies, and known as the La Collette Premium, was applied in two phases – 0.25 pence per litre on heating oils and motor spirit from May 1979, and for motor spirits only, the premium was increased to 1.25 pence per litre with effect from the end of January 1980.

Apart from what I have just referred to there is no agreement regarding fuel oil or petrol prices between the States or any Committee of the States and the oil companies concerned.

For the period to the end of February 1986, the total throughput of fuel subject to the price premium multiplied by the rate of premium quoted produces a total figure of £3 million. The oil companies do not separately identify this payment, the cost of La Collette being one of a number of costs the companies take into account when setting the net of rebate price for products sold in Jersey by comparison

with prices charged in the United Kingdom In effect what the oil companies are saying is that the capital cost of the Jersey storage facility is greater than that in, say, Guernsey and the difference is reflected in the net of rebate price. That element has been and continues to be labelled the La Collette Premium.

Over the years since the States first agreed that an oil storage facility should be located at La Collette, there has been a basis of understanding between the Land Reclamation Committee in the first instance and the Finance and Economics Committee latterly with the oil companies to the effect that the cost of the oil storage facilities at La Collette should be met by the two oil companies directly involved. It was not unreasonable to expect that cost would be recovered by the companies in a proper, normal, commercial manner.”.

**Social Security – contributions and access to information.
Questions and answers.**

Senator Terence John Le Main asked Deputy Francis Hedley Morel of St. Saviour, President of the Social Security Committee, the following questions –

- “1. Will the President inform the House whether it is correct that a person who may have come to the Island after January 1980 can go to the Social Security Department, state that he has been ordinarily resident prior to January 1980, and did not know that he ought to have been paying contributions as he was not working, whereupon the Department will accept retrospective payment of contributions on the basis solely of that statement and without checking whether or not it is true?
2. Is it correct that C.I.D. Police Officers investigating attempts to circumvent the provisions of the Housing Law by persons who have given false information to

the Social Security Department are refused access to relevant information?"

The President of the Social Security Committee replied as follows –

- “1. On the basis that this is a hypothetical question the answer is no. The general position is that where a person has registered for Social Security purposes and subsequently does not pay contributions because he has not taken up employment or has left the Island and on returning or of his own volition approaching the Department to pay outstanding contributions, generally these will be accepted at the rate applicable at the time of payment.

The Committee seeks to ensure that people pay contributions to cover themselves and encourages people to come forward voluntarily to do so. On the other hand those who deliberately seek to avoid paying contributions must accept the legal consequences. The Committee accepts that it is dealing with honest people except when shown to the contrary. A person voluntarily coming forward to pay contributions possibly of quite a substantial nature would not be moved against.

2. Police officers do not investigate infractions of the Housing Law or the Social Security Law. The only circumstances under which they would investigate such infractions would be if a criminal offence was also alleged, i.e. forgery or conspiracy.

Should officers receive information indicating that infractions of either law may have been committed, the procedure is for that information to be given to a Senior Officer of the Department concerned for whatever action is deemed necessary by that Department.

As an aside to the questioner, I would advise him that it is for the Housing Committee to decide what range of evidence it requires to satisfy itself concerning residence in the Island. So far as Social Security is concerned contributions would be accepted from, say, a Jersey missionary who was in another country that did not have a Social Security system so as to safeguard that person's position on return to the Island. Similarly contributions can be paid on behalf of another person and some employers do choose to do this."

Continuation of prohibition on the importation of live animals. Statement.

The President of the Agriculture and Fisheries Committee made a statement in the following terms –

"The House will be aware that the importation into the Island of cattle and cattle semen has been prohibited for almost two centuries. This has preserved the disease-free status of the local herd and maintained the purity of the breed. I should perhaps add that imports of fresh meat and meat products have also been subject to certain restrictions. When Her Majesty's Government joined the European Economic Community and negotiated special arrangements for the Channel Islands, it succeeded in getting the Community's acceptance of this closed-herd situation. A similar arrangement was also obtained for Northern Ireland. However, given the Community's commitment to remove barriers to trade in whatever form they might take, it was evident that this matter would be kept under review.

In due course, the Community produced draft legislation to harmonise animal health legislation in Europe and in April 1984 a draft Directive appeared which, if implemented in its original form, would have effectively removed the Island's right to maintain the prohibition.

In response to this serious threat to the domestic herd, the Agriculture and Fisheries Committee immediately consulted the Constitution Committee and a joint paper was drawn up to support the continuation of the prohibition. The governments of the Isle of Man and Guernsey were also deeply concerned about the implications of the draft Directive although none of these areas possessed a case quite as sound as that of Jersey. Nevertheless, in subsequent discussions at the Home Office, it was agreed that the Channel Islands and the Isle of Man should go forward with a joint representation to Brussels.

This duly transpired and an expansive meeting was held in Brussels in May 1984 with the Community's Commissioners, at which a most sympathetic hearing was received. Almost two years later, in February 1986, a proposal for a Council Directive appeared and this effectively endorsed the continuation of the controls operated by the Islands concerned. However, in March 1986, when the proposal was discussed by the Community representatives, the Republic of Ireland and France both objected to the continuation of the derogation and hence the matter was once again in the melting pot.

Fortunately, the Irish withdrew their objection once they were fully acquainted with the uniqueness of the Island situations and the French opposition similarly subsided. In consequence, Council Regulation (EEC) No. 1174/86 was introduced on 21st April of this year and this effectively preserves the Island's animal health controls and indeed those of Guernsey and the Isle of Man. This I can only describe as a wonderful achievement and I would wish to express my own and my Committee's appreciation of the contribution made by the Bailiff, Senator Vibert and the Constitution Committee, the Greffier of the States and the senior officers in my own Department. Similar thanks are also due to the Animal Health Division of the Ministry of Agriculture, Fisheries and Food and the Home Office."

Radiological Monitor Site, Gorey: purchase.

THE STATES, adopting a Proposition of the Defence Committee –

- (a) approved the purchase from Mr. James Mervyn Davies of a bunker and surrounding land situated to the east of Field 806, Mont de St. Nicholas, St. Martin, measuring approximately 6,407 square feet and shown coloured red on Drawing No. 7/D/13, for a consideration of £6,000, the public of the Island to be responsible for the payment of all legal fees involved in the transaction and the payment of costs involved in any “contrats de bornement” which may be found to be necessary;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts;
- (c) authorised the Treasurer of the States to make the appropriate payments as they became due out of the Vote of Credit No. 1052 (Premises).

Draft Amendment (No. 10) to the Standing Orders of the States of Jersey. P.84/80.

THE STATES rejected the draft Amendment (No. 10) to the Standing Orders of the States of Jersey.

Draft Customary Law (Amendment No. 3) (Jersey) Law, 198 . Preamble rejected. P.48/86.

THE STATES, having commenced consideration of the draft Customary Law (Amendment No. 3) (Jersey) Law, 198 , rejected the Preamble thereto.

Gorey Village Development: exchange of land. P.105/85.

THE STATES, adopting a Proposition of the Island Development Committee –

- (a) approved an exchange of land at the Gorey Village Development as follows –
 - (i) the cession free of charge by the public of the Island to the Parish of Grouville for community purposes of the Hilgrove School site (8,900 square feet) and building (1,850 square feet) (Site A) shown on Drawing No. 05.170.1;
 - (ii) the cession free of charge by the Parish of Grouville to the public of the Island for use as a public car park of an area of land measuring approximately 6,500 square feet (Site B) shown on Drawing 05.170.1;
- (b) agreed that the land so acquired by the public under (a)(ii) above be transferred to the administration of the Public Works Committee;
- (c) authorised the Treasurer of the States to pay all legal and other costs involved from the Capital Vote of Credit “Acquisition and Servicing of Land” (Vote No. C.0903);
- (d) authorised the Attorney General and the Greffier of the States to pass the necessary contracts in the matter.

**Shell-Fish (Underwater Fishing) (Jersey) Regulations, 1986.
P.54/86.**

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April, 1884, made Regulations entitled the Shell-Fish (Underwater Fishing) (Jersey) Regulations, 1986.

Property Speculation and Monopolies. P.13/86 and 37/86.

THE STATES, having rejected an amendment of Deputy Robin Ernest Richard Rumboll of St. Helier that for the words “Policy

Advisory Committee” there should be substituted the words “Legislation Committee”, adopted a Proposition of Senator Richard Joseph Shenton and requested the Policy Advisory Committee to report to the States, as a matter of urgency, whether the public interest is being, or could be, adversely affected by the present position which allows –

- (a) an individual to acquire with little or no control many areas of commercial property for speculative purposes;
- (b) a significant proportion of goods of a particular description to be produced by one and the same person;

and, if so, to recommend what action (if any) should be taken to remedy or prevent those adverse effects.

Members present voted as follows –

“Pour” (48)

Senators

Le Marquand, Shenton, Binnington, Sandeman, Horsfall, Ellis, Baal, Rothwell, Manton.

Connétables

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

Deputies

Mourant(H), St. Ouen, Morel(S), Le Maistre(H), Quenault(B), Perkins(C), Le Gallais(S), Roche(S), Le Brocq(H), Le Quesné(S), Trinity, Filleul(H), Vandervliet(L), Le Fondré(L), Rumboll(H), Grouville, St. Mary, Beadle(B), Thorne(B), Wavell(H), Blampied(H), Billot(S), Norman(C), St. John, St. Peter, Carter(H), Mahoney(H), St. Martin.

“Contre” (0)

Le Rondin Farm, Trinity: purchase. P.55/86.

THE STATES, adopting a Proposition of the Agriculture and Fisheries Committee –

- (a) authorised the acquisition of Le Rondin Farm and associated land, namely fields numbers 865, 864, 853, 851, 849, 848, 828 and 823, in the Parish of Trinity, by the public of the Island from Mr. Douglas Wilfred Pinel for a consideration of £270,000 for the realty, plus the payment of all legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract in the matter;
- (c) authorised the Treasurer of the States to make the appropriate payments from the Capital Vote of Credit granted to the Island Development Committee, “Acquisition of Land – Major Reserve” (Vote No. C.0904).

THE STATES rose at 4.20 p.m.

E.J.M. POTTER,

Greffier of the States.