

Price : #1.00

THE STATES assembled on Tuesday,
9th October, 1990 at 10.00 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.,
was present.

All Members were present with the exception
of -

Senator Bernard Thomas Binnington -
out of the Island.
Edwin Le Gresley Godel, Connétable of
St. Mary - out of the Island.
Margaret Sylvia Rose Beadle, Deputy of
St. Brelade - out of the Island.
Michael Adam Wavell, Deputy of St.
Helier - ill.
Henri Leon Dubras, Deputy of St.
Martin - out of the Island.
Derek Ryder Maltwood, Deputy of St.
Mary - out of the Island.
Richard Peter Clarke-Halifax, Deputy
of St. Saviour - out of the Island.

Prayers

Distinguished visitor - welcome

The Bailiff welcomed to the House
Mr. Tim Devlin, Member of Parliament for
Stockton South.

Subordinate legislation tabled

The following enactments were laid
before the States, namely -

1. Road Traffic (Grouville)
(Amendment No. 5) (Jersey) Order

1990. R & O 8111.

2. Road Traffic (Saint Helier)
(Amendment No. 12) (Jersey) Order
1990. R & O 8112.
3. Road Racing (Motor Vehicle Rally)
(Jersey) Order 1990. R & O 8113.

Contingencies vote of credit: Public
Health Committee

THE STATES noted an Act of the Finance and Economics Committee dated 1st October 1990, informing the States that it had made available to the Public Health Committee the sum of #50,000 from the contingencies vote of credit to carry out remedial work to the concrete frame in the south-west wing of the Nurses' Home at the General Hospital.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 1st October 1990, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Health Committee, the leasing from Macpor Development Limited of Flat 5, 29 Midvale Road, St. Helier, for a period of three years, commencing 1st July 1990, at a weekly rent of #85, with annual increases linked to the Jersey Cost of Living Index, required to provide emergency accommodation for nursing and medical staff;
- (b) as recommended by the Harbours and Airport Committee, the renewal of a lease to St. Helier Port Services Limited of 241 square feet of office accommodation on the New North Quay, St. Helier, for a period of three years commencing 1st October 1990, at an annual rent of £2,290, to be increased annually in line with the Jersey Cost of Living Index;
- (c) as recommended by the Housing Committee, with the support of the Island Development Committee, the

purchase from Mrs. Ruth Popejoy, née Randegar, and Mr. Lee Arthur Popejoy, of 2 St. Clement's Road, St. Helier, for a consideration of £82,500, with each party being responsible for the payment of its own legal fees;

(d) as recommended by the Housing Committee, with the support of the Island Development Committee, the purchase from Harven Property Company Limited, of 2b St. Clement's Road, St. Helier, for a consideration of £260,000 with the Committee being responsible for the payment of all legal fees;

(e) as recommended by the Housing Committee, with the support of the Island Development Committee, the purchase from Mr. Aime Robin and Mrs. Melanie Marie Robin, née Guyader, of the property, Westview, Plat Douet Road, St. Saviour, for a consideration of £155,000 with the Committee being responsible for the payment of all legal fees;

(f) as recommended by the Public Services Committee, the cession, free of charge, by J.H. Barette and Sons Limited of an area of land situated at Route du Mont Mado, St. John, shown on Drawing No. 486/02A, together with the tight tanks constructed thereunder, and to the acceptance by the Public Services Committee of a right of access, including the right to park one vehicle, over the existing forecourt in order to maintain the pumping station, with the Committee being responsible for the payment of all legal fees.

Matters lodged

The following subjects were lodged
"au Greffe" -

1. No. 3 Hue Street, St. Helier:
purchase. P.154/90.
Presented by the Island
Development Committee.
2. Gluten-free foods: financial

assistance. P.155/90.
Presented by the Social Security
Committee.

The following subjects were lodged on 2nd
October 1990 -

1. Draft Policing of Roads, Parks and
Sea Beaches (Application of Fines)
(Amendment No. 3) (Jersey) Law
199 . P.150/90.
Presented by the Legislation
Committee.
2. Social Security pension scheme:
extra benefits. P.151/90.
Presented by Senator Richard
Joseph Shenton.
3. Elections for Senator or Deputy:
age disqualification. P.152/90.
Presented by Senator Richard
Joseph Shenton.
4. Commercial radio station.
P.153/90.
Presented by the Broadcasting
Committee.

Arrangement of Public Business at
this present Sitting

THE STATES confirmed that the
following subjects lodged au Greffe should
be considered at the present Sitting -

Public Employees
Contributory Retirement Scheme - 1990
amendments: additional vote of
credit. P.144/90.
Lodged: 25th September 1990.
Finance and Economics
Committee.

General Hospital development -
phase III ward upgrading:
supplementary vote of credit.
P.145/90.
Lodged: 25th September 1990.
Finance and Economics
Committee.

General Hospital development -
fees phase III completion phases:
supplementary vote of credit.
P.146/90.
Lodged: 25th September 1990.
Finance and Economics

Committee.

Edinburgh Guest
House - alteration: supplementary vote
of credit. P.147/90.
Lodged: 25th September 1990.
Finance and Economics
Committee.

Post Office automated sorting
equipment: supplementary vote of
credit. P.148/90.
Lodged: 25th September 1990.
Finance and Economics
Committee.

Arrangement of Public Business for
the next Sitting on 23rd October 1990

THE STATES confirmed that the
following subjects lodged au Greffe should
be considered at the next Sitting on 23rd
October 1990 -

Draft Sea-Fisheries (Fishing Nets)
(Amendment No. 3) (Jersey) Regulations
199 . P.126/90.
Lodged: 11th September 1990.
Agriculture and Fisheries
Committee.

Draft Christmas Bonus (Jersey)
Law 199 . P.128/90.
Lodged: 11th September 1990.
Social Security Committee.

Draft Aerodromes
(Administration) (Amendment No. 3)
(Jersey) Law 199 . P.133/90.
Lodged: 11th September 1990.
Harbours and Airport Committee.

Defective produ
compensation. P.136/90.
Lodged: 11th September 1990.
Deputy S.M. Baudains of St.
Helier.

Mal Assis/Nicholson Park
redevelopment: Phase 1. P.138/90.
Lodged: 25th September 1990.
Housing Committee.

Draft Housing (General
Provisions) (Amendment No. 9) (Jersey)
Regulations 199 . P.103/90.
Lodged: 31st July 1990.
Housing Committee.

Draft Housing (General Provisions) (Amendment No. 9) (Jersey) Regulations 199 : amendment.
Housing Committee.

Draft Housing (General Provisions) (Amendment No. 9) (Jersey) Regulations 199 : second amendment.
Deputy F.H. Morel of St. Saviour.

Field 1257, La Grande Route de St. Jean, St. Helier: rezoning and purchase of land. P.140/90.
Lodged: 25th September 1990.
Island Development Committee.

St. Ouen's Bay sand extraction. P.112/90.
Lodged: 31st July 1990.
Island Development Committee.

Commercial radio station. P.153/90.
Lodged: 2nd October 1990.
Broadcasting Committee.

Postal Headquarters. P.119/90

THE STATES acceded to the request of the President of the Committee for Postal Administration that the proposition regarding new Postal Headquarters be deferred from the present Sitting to a later date.

Balleine Close, St. Clement (formerly The Halt): approval of drawings. P.149/90

THE STATES acceded to the request of Senator Corrie Stein that the proposition regarding the redevelopment at Balleine Close, St. Clement (lodged on 25th September 1990) be considered at the present Sitting.

Gas Works site: rescission to build multi-storey car park. P.131/90

THE STATES acceded to the request of Senator Terence John Le Main that the proposition regarding the rescission of the States' Act of 10th November 1987 opposing the building of a new multi-storey car park

at the Gas Works site be deferred from the present Sitting to a later date.

Breath testing. Questions and answers

Deputy David John de la Haye of St. Helier asked Senator Richard Joseph Shenton, President of the Defence Committee, the following questions -

Question 1

“During the debate on 12th December 1989, I withdrew my amendments to the new Article 16B contained in Regulation 3 of the draft Road Traffic (No. 34) (Jersey) Regulations 198 , as the result of certain assurances given by the President of the Defence Committee.

Can the Committee confirm that the instructions given to the States of Jersey Police are still to the effect that motorists are not to be subjected to random breath testing as stated by the President during that debate?”

The President of the Defence Committee replied as follows -

“Yes.”

Supplementary questions and answers

Deputy M.C. Buesnel of St. Helier -
“Could the President say whether the number of people being stopped by the Police since the introduction of the breathalyser is greater than in a similar period before the introduction of the breathalyser?”

President, Defence Committee - “If the Deputy read the report which has recently been sent to all Members regarding the breathalyser, he will see that no records were kept prior to that so there is no comparison to be made. What I would say to the Deputy is if one listens to the media and if one listens to the Saturday morning radio broadcast in particular, one will notice that the old statistics which took place prior to the breathalyser of so many motorists being arrested and charged and put in

the cells on a Friday night, etc., has certainly dried up. The effect of the breathalyser is to deter people from drinking and driving, of that I have tried very hard to influence the House that we should set an example and show that we support the Police in this action and not at every attempt listen to idle gossip and try to put a false picture before those people who will readily use it to advantage. There is no doubt in my mind that the breathalyser has changed drinking and driving habits in this Island. If any Member does not feel that to be the case then he can do as I would do and put forward a proposition for the breathalyser law to be rescinded."

Deputy Buesnel - "Would the President tell me whether each stoppage is recorded in the appropriate notebook that the constable carries with him?"

President, Defence Committee - "As President of Defence I, unlike my predecessors, have tried to keep absolutely away from policing in this Island. I am aware of the small nature of our community and the insular nature and I can say that as a Jerseyman. Therefore, I try not to interfere in any way unless there is a complaint against the Police, that matter is investigated by a Member of this House, Senator Mrs. Betty Brooke, and she has not cut down in her own way that the investigation procedure and the complaints that we receive are minimal compared to what they were previously. Now if a matter is brought to my attention, which does by its implication imply that the Police have acted wrongly, then rest assured those matters are taken up and dealt with in the same way as I am trying to deal with these questions today. They are dealt with in a forthright, honest and a manner which would bring credit to this House, it brings no credit to spread these exaggerated reports to the public at large and cause them to, shall we say, have less confidence in the Police in this Island. We have a very good Police Force both the professional and honorary system are behaving in a way which is a credit to this Island and I hope that any of them listening will learn that we have been complimented by the Home Office,

Her Majesty's Inspector of the Home Office on the quality and training of our Police force. If they want further information I will be happy to keep this House, I can go on at length telling you how much policing has improved and how much better it is in this Island at the present time and I am saddened to read in the press, letters at times and hear comments from Members of the House who frankly should know a lot better."

Deputy D.J. de la Haye

Question 2

"Is the Committee satisfied that the action of the Police in stopping motorists in 30 m.p.h. speed limit areas is not being used as a pretext for carrying out random breath tests?"

President, Defence Committee

"Yes."

Postal Headquarters. Statement

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

"Proposition P.119/90, lodged by the Committee for Postal Administration, asks the States to 'instruct the Island Development Committee and the Public Services Committee to find a site acceptable to the Committee for Postal Administration, on which the new Postal Headquarters can be built so as to be fully operational by mid-1993'.

As Members will know, the requirement to provide new facilities for postal sorting and administration has been recognised since June 1985 when the British Postal Consultancy Service carried out a substantial review of the Island's postal services and identified future mail trends and the facilities needed to accommodate the service in the future. It was recognised at that time that the situation would become critical in the early to mid-1990s when the existing accommodation became incapable of

handling the volumes of mail. The projections made have been vindicated by experience over the past five years, and clearly one of the purposes of this proposition is to impress on the States, as well as on the two Committees, the high priority that needs to be given to rehousing the postal service.

The States have, of course, on more than one occasion, agreed the siting of Postal Headquarters. That siting, on an area of land at the Albert Pier reclamation site adjoining the Esplanade, remains the favoured site, not only of the Island Development and Public Services Committees, but also of the Committee for Postal Administration. That Committee's concern is that delays in the funding, design and construction of the approved underground car park, on top of which the Postal Headquarters would be sited, are, in consequence, delaying the programming of the Postal Headquarters.

This problem has been discussed at some length in recent months by the three Committees. In practice there are only two options that afford the possibility of Postal having new premises available in the reasonably near future, however neither will produce a building that would be available by mid-1993 -

- (a) to redevelop the Mont Millais site;
- (b) to develop on the agreed site at the Esplanade, but providing underground parking for Postal's own purposes only. This, we believe, can be done without compromising the States' decisions of 1988 to construct an underground car park immediately to the west. In effect it separates the two schemes and allows them to proceed independently of each other.

The Public Services and Island Development Committees favour the second option. It is unlikely that the new premises can be made available at the Esplanade until 1994 at the earliest and more likely 1995, but

equally it is unlikely that redevelopment of the Mont Millais site can be achieved by then either, and this option would involve the temporary relocation of some postal services during redevelopment. In any case, the Mont Millais redevelopment will not, in our view, produce the facility that Postal really need - it will not concentrate Postal's operations on one site with the clear administrative advantage this affords; it will not help with the increasing usage of box numbers; and will not have the accessibility advantage of the Esplanade site.

There have been suggestions that the Mont Millais site is unsuitable for housing purposes. Both Committees refute this. There is no doubt that the site will be difficult to develop - quarry sites often are - but the Island Development Committee has never suggested that the development of the site for housing would be easy.

Accordingly, both the Island Development and Public Services Committees have effectively carried out the instruction that the Committee for Postal Administration seeks to promote. Both Committees have concluded that the best site remains that agreed by the States in 1988."

Le Brun's Bakery bread prices.
Statement

Senator Richard Joseph Shenton made a statement in the following terms -

``Members will recall that on 25th September, 1990 I asked the President of the Policy and Resources Committee a question on bread prices. In response to a supplementary question the President indicated that he had no objection to my going with the Economic Adviser to Le Brun's to inspect the company's books in response to an offer made by the Chairman of the company, Lord Matthews.

Mr. Powell and I have now met with Lord Matthews and his son, Ian Matthews, the Managing Director of the company, and I should like to report

to the House on the outcome of our discussions.

From correspondence shown to us it is understood why the company should have referred so directly to the Gulf crisis as the reason for the increase in bread prices. The company has been faced with significant increased charges imposed by a number of local companies, and in every case those companies have given the Gulf crisis as the reason for the increase.

The Company also faces continuing difficulties arising both from the tight labour market conditions that prevail in the Island, and from the limited market opportunities available to them in relation to the scale of the plant being operated. However, I was comforted by the assurance given by Lord Matthews that the possible closure of the plant is not in prospect, contrary to what may have been read into some of the recent press comments.

I am satisfied that the increase in prices announced by the company last month was justified. Furthermore, costs are continuing to rise and therefore there is every possibility that further price increases will need to be made. When such increases take place it is obviously in the hands of the management of the company.

The opportunity of the visit to the company's offices was taken to discuss a number of matters relating to the pricing and range of their products, and I was impressed with the openness with which our questions were responded to. I found the new management of the company also very much alive to the need to improve on the quality of their products if the full potential of the Island market is to be exploited, and they are to be encouraged in this endeavour.

Finally I would like to say that the pride expressed by Lord Matthews and his son, the Managing Director, in the acquisition of a local company shows a personal interest in the reputation of the company which augers well for Island consumers."

Customs officers: searches.
Statement

The President of the Finance and Economics Committee made a statement in the following terms -

“In the course of the debate on the draft Customs and Excise (General Provisions) (Amendment No. 2) (Jersey) Law 199 , on Tuesday, 25th September 1990, Senator T.J. Le Main referred to the ‘intimate’ searching of passengers by Customs officers, and particularly to a complaint which he had received on the subject.

The Agent of the Impôts has carried out a thorough investigation into the incident referred to by Senator Le Main and has personally interviewed all those involved.

The passenger connected with the incident has stated categorically that he has no complaint to make against any Customs officer and, in fact, was treated with tact and courtesy throughout a search for controlled drugs. There was never any suggestion from him that he was subjected to an ‘intimate’ search.

In fact ‘intimate’ searches such as suggested by the Senator, involving internal penetration to any degree, are never carried out by Customs officers. Indeed, if they were it would constitute an indecent assault on the person and officers would be liable to prosecution.

Where a Customs officer has reasonable grounds to suspect that a person may have concealed drugs internally, a medical practitioner is informed of the facts and if the suspect consents, in writing, to an internal examination then, and only then, will a doctor proceed with the examination."

St. Helier Waterfront Plan.

Statement

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

“It gives me great pleasure to inform the House that, after considerable deliberation, the Island Development Committee has decided to appoint Andrews Downie and Partners as consultants for the preparation of the Waterfront Plan.

The selection panel were most impressed by the initial ideas which were presented to it. The firm demonstrated that they, together with the rest of their team, had a full understanding of the contents of the Waterfront brief and had an appreciation of the architecture and character of St. Helier. The firm, while large enough to provide all the urban design skills required, are also capable of working closely with the various departments of the States that will be involved in the project.

Andrews Downie and Partners will be leading a consortium consisting of Bell Cornwell and Partners, planning consultants, Derek Lovejoy and Partners, landscape architects, Sir Alexander Gibb, consultant engineers, TecnEcon, development consultants and David Bellamy Associates, environmental consultants.

Work on the plan will start once formal contracts have been signed in the next few weeks. The plan will be completed within six months of the start of work.”

Sheltered workshop for people with a mental handicap: appointment of Chairman of the Board of Management

THE STATES, adopting a proposition of the Social Security Committee, approved the nomination of Mr. Leslie Norman as Chairman of the Board of Management of the Sheltered Workshop for people with a mental handicap.

General Hospital: establishment of a dedicated isolation unit

THE STATES, adopting a proposition of the Public Health Committee, approved in principle the provision of a dedicated isolation facility in Phase 3E of the General Hospital development scheme, as outlined in the Public Health Committee's report dated 14th September 1990.

General Hospital development - phase III ward upgrading: supplementary vote of credit. P.145/90

THE STATES, adopting a proposition of the Finance and Economics Committee, acceded to the request for the following supplementary vote of credit to be voted out of the general reserve -

Public Health Committee
C2725 - General Hospital
development phase III ward
upgrading #250,00
0.

General Hospital development - fees phase III completion phases: supplementary vote of credit. P.146/90

THE STATES, adopting a proposition of the Finance and Economics Committee, acceded to the request for the following supplementary vote of credit to be voted out of the general reserve -

Public Health Committee
C2726 - General Hospital
development fees phase III
completion phases #50,0
00.

Edinburgh Guest House, St. Helier:
purchase. P.156/90

THE STATES commenced consideration of a proposition of the Housing Committee regarding the purchase of the Edinburgh Guest House in St. Helier. After discussion, and on the proposition of Deputy Cynthia Miriam Rumboll of St. Helier, the proposition was lodged ``au Greffe".

Companies (Jersey) Law 1990.
P.114/90 and P.137/90

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Companies (Jersey) Law 1990.

Trusts (Amendment No. 2) (Jersey)
Law 1990. P.118/90

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Trusts (Amendment No. 2) (Jersey) Law 1990.

Field 1007, St. John. P.109/90

THE STATES commenced consideration of a proposition of Deputy David John de la Haye of St. Helier regarding Field 1007 at St. John. After further debate, the States acceded to the request of Deputy de la Haye that the proposition be deferred to a later date on an assurance being given by the Vice-President of the Island Development Committee that that Committee would undertake to meet with Deputy de la Haye to review the proposition.

The Connétable of St. John having declared an interest in the matter, withdrew from the Chamber prior to the debate.

Jersey Schizophrenia Fellowship:
grant. P.142/90

THE STATES, adopting a proposition of the Public Health Committee, agreed in principle that a grant of #120,000 should be made by the Public Health Committee to the Jersey Schizophrenia Fellowship, for the repair and refurbishment of Camelot, No. 3 Waverley Terrace, St. Saviour.

Jersey Schizophrenia Fellowship -
grant: additional vote of credit. P.143/90

THE STATES, adopting a proposition of the Finance and Economics Committee, acceded to the request for the following additional vote of credit to be voted out

of the general reserve -

Public Health Committee
3219B - Jersey Schizophrenia
Fellowship #120,000.

Public Employees Contributory
Retirement Scheme - 1990 amendme
additional vote of credit. P.144/90

THE STATES, adopting a proposition
of the Finance and Economics Committee,
acceded to the request for the following
additional vote of credit to be voted out
of the general reserve -

Establishment
5117 - 1990 amendments to
PECRS #1,210,000.

Post office automated sorting
equipment: supplementary vote of credit.
P.148/90

THE STATES, adopting a proposition
of the Finance and Economics Committee,
acceded to the request for the following
supplementary vote of credit to be voted
out of the general reserve -

Postal Administration
C1303 - automated sorting
equipment #250,000.

Balleine Close, St. Clement
(formerly The Halt): approval of Drawings.
P.149/90

THE STATES, adopting a proposition
of the Housing Committee -

- (a) approved Drawings Numbers 1189/6,
1189/7A, 1189/8A and 1189/9B,
showing the redevelopment of
Balleine Close, St. Clement
(formerly known as The Halt);
- (b) authorised the Greffier of the
States to sign the said Drawings
on behalf of the States.

Les Mielles Golf Course, St. Ouen.
P.124/90

THE STATES, adopting a proposition of Senator John Stephen Rothwell, agreed to inform the Island Development Committee that they would support the giving of approval to an extension to the existing golf course at Les Mielles, St. Ouen, making it an 18-hole course together with a revised car park and driving range.

La Caroline, La Grande Rue, St. Mary. P.125/90. Withdrawn

Senator John Stephen Rothwell agreed to withdraw the proposition regarding La Caroline, La Grande Rue, St. Mary, on an assurance being given by the President of the Island Development Committee that that Committee would undertake to present a report to the States.

Milk (Sale to Special Classes)
(Amendment No. 2) (Jersey) Regulations
1990

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 Milk (Sale to Special Classes) (Amendment No. 2) (Jersey) Regulations 1990.

THE STATES rose at 5.20 p.m.

R.S. GRAY

Deputy Greffier of the States.