

THE STATES assembled on Tuesday,
10th October 1995 at 9.30 a.m. under
the Presidency of the Bailiff,
Philip Martin Bailhache, Esquire

His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E,
was present.

All Members were present with the exception of -

Senator Richard Joseph Shenton - out of the
Island
Senator Reginald Robert Jeune - out of the
Island
Senator Pierre François Horsfall - out of
the Island
Senator Corrie Stein - out of the Island
Edwin Le Gresley Godel, Connétable of St.
Mary - out of the Island
Jack Roche, Connétable of St. Saviour - ill
John Baudains Germain, Connétable of St.
Martin - out of the Island
Michael Adam Wavell, Deputy of St.
Saviour - out of the Island
Frank Harrison Walker, Deputy of St.
Helier - out of the Island
Gary Matthews, Deputy of St. Brelade - out
of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Social Security (Earnings Limit)
(Jersey) Order 1995. R & O
8861.
2. Establishments for Massage or

Special Treatment (Licence Fees)
(Jersey) Order 1995. R & O 8862.

3. Ancillary Dental Workers
(Registration) (Fees) (Jersey) Order
1995. R & O 8863.
3. Nursing Agencies (General Provisions)
(Amendment No. 11) (Jersey) Order 1995.
R & O 8864.
4. Food and Drugs (Ice-Cream
Stalls, etc.) (Amendment No. 16)
(Jersey) Order 1995. R & O 8865.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 2nd October 1995, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Harbours and Airport Committee, the renewal of the lease to Huelin-Renouf Airfreight Limited of freight bays (Lettings Nos. B119 and B135) measuring a total area of 2,880 square feet, for a period of three years from 1st January 1995 at an initial annual rent of £12,768 (representing a rate of £4.43 a square foot) subject to annual review on 1st January;
- (b) as recommended by the Public Services Committee, the purchase from Mr. Thomas Siouville Perchard of 1.065 square feet of land in Field No. 454A, St. Saviour, required to implement a road improvement scheme at the junction between La Route de la Hougue Bie and La Rue de la Hambye, St. Saviour, for a consideration of £1,065 with the Committee being responsible for all reasonable legal fees involved in the transaction and for the cost of all accommodation works required;
- (c) as recommended by the Housing Committee, the payment of £12,500 to each of the undermentioned owners of properties located at Hautbois Terrace, Bellozanne Road, St. Helier, namely -

No. 1 - Mrs. Elizabeth Apperley, née Barry;

No. 2 - Mr. Hedley Amy Baal and Mrs.

- Sheila May Baal, née Noel;
No. 3 - Mr. John Henry Knight and Mrs.
Bridget Marie-Helene Bernadette
Knight, née Anger;
No. 4 - Mrs. Phylliss Eva Mary Jane
Huchet, née Ahier;
No. 5 - Mr. Ronald Francis Turner and
Mrs. Margaret Joyce Turner, née
Poole;
No. 6 - Mr. Joseph Charles Beachamp;
No. 7 - Mr. Peter John Hill and Mrs.
Sgere Lynette Hill, née Dore;
No. 7(a) - Mr. Leslie William Boddie;

in return for the passing of an
hereditary contract of arrangement
that -

- (1) acknowledged the error in both the
1991 deed of arrangement and the
sale by Mrs. Huchet and which
removed the ten foot height
restriction imposed from the land
beyond, namely the west, of the
165 feet distance from Bellozanne
Road, and that such restriction
only applied to the land within
that distance; and
- (2) made provision that all buildings
constructed within the 165 feet
distance would remain and could be
repaired and rebuilt as presently
constructed notwithstanding any
alleged or actual breach of the
restrictive covenants imposed in
either the 1991 deed of
arrangement or the sale by Mrs.
Huchet,

with each party being responsible for
their own legal costs.

Matter noted - acceptance of tender

THE STATES noted an Act of the Finance and
Economics Committee dated 2nd October 1995,
showing that, in pursuance of Rule 5 of the
Public Finances (General) (Jersey) Rules 1967,
as amended, the Committee had noted that the
Education Committee had accepted the lowest of
nine tenders, namely that submitted by Hacquoil
and Cook Limited, in the sum of £288,905 for the
redevelopment of St. James Centre, St. Helier.

Matters lodged

The following subjects were lodged ``au

Greffes" -

1. Draft Air Transport Permits (Jersey) Regulations 199 - P.137/95. Presented by the Jersey Transport Authority.
2. Elizabeth Harbour: lease of accommodation - P.138/95. Presented by the Harbours and Airport Committee.
3. La Collette fuel storage: fire protection facilities - P.139/95. Presented by the Public Services Committee.
4. 1 to 17 St. Paul's Gate, St. Helier: sale to Jersey Homes Trust - P.140/95. Presented by the Housing Committee.
5. Planning charges: (a) Draft Island Planning (Amendment No. 6) (Jersey) Law 199 ; (b) Draft Public Health (Control of Building) (Amendment No. 3) (Jersey) Law 199 - P.141/95. Presented by the Planning and Environment Committee.
6. Draft Reservoirs (Jersey) Law 199 - P.142/95. Presented by the Public Services Committee.
7. Draft European Communities Legislation (Implementation) (Jersey) Law 199 - P.143/95. Presented by the Policy and Resources Committee.
8. Draft F.B. Playing Fields (Construction and Use of Sports Hall) (Jersey) Law 199 - P.144/95. Presented by the Sport, Leisure and Recreation Committee.

Arrangement of public business for the next meeting on 24th October 1995

THE STATES confirmed that the following subjects lodged ``au Greffes" would be considered at the next meeting on 24th October 1995 -

SUPPLY REQUESTS.
Finance and Economics Committee.

Field 116, Le Clos de Maitland, St.
Clement: construction of dwelling in Green
Zone - P.109/95 (Revised).
Lodged: 15th August 1995.
Senator P.A. Bailhache.

Jersey Financial Services Commission:
establishment - P.132/95.
Lodged: 26th September 1995.
Finance and Economics Committee.

Draft Air Transport Permits (Jersey)
Regulations 199 - P.137/95.
Lodged: 10th October 1995.
Jersey Transport Authority.

Elizabeth Harbour: lease of
accommodation - P.138/95.
Lodged: 10th October 1995.
Harbours and Airport Committee.

La Collette fuel storage: fire
protection facilities - P.139/95.
Lodged: 10th October 1995.
Public Services Committee.

1 to 17 St. Paul's Gate, St. Helier:
sale to Jersey Homes Trust - P.140/95.
Lodged: 10th October 1995.
Housing Committee.

Draft European Communities
Legislation (Implementation) (Jersey) Law
199 - P.143/95.
Lodged: 10th October 1995.
Policy and Resources
Committee.

Leachate at Beauport - questions and answers
(Tape No. 307)

Deputy Philip John Rondel of St. John asked
Deputy Derek André Carter, President of the
Public Services Committee, the following
questions -

1. Would the President advise the
States whether leachate still has
to be removed from the potato dump
at Beauport. If so, would the
President advise why this course
of action is considered necessary
and what are the reasons for not
allowing the leachate to drain
away naturally?
2. If the leachate is removed from the
site, what treatment, if any, does it

receive and in what manner, and where, is it finally disposed of?

3. In answer to a question on 15th February 1994, the President advised members of the amount of money spent on the remedial work to that date. Would the President now inform the States of the further costs incurred since that date?"

The President of the Public Services Committee replied as follows -

1. Leachate from the potato dump at Beauport is still being removed three years after the event. This action is necessary because although the discharge is not toxic in the sense of being highly poisonous, it is heavily polluting causing depletion of oxygen in surrounding streams, subsoil and the sea.

If the leachate was discharged directly onto the beach, the result would be a highly offensive smell, despoliation of the hillside and permanent blackening of the Beauport beach. This would have put the beach area out of bounds for tourists for the last three years.

2. The leachate receives no treatment but is collected by tanker and discharged into deep, turbulent sea water at the waterworks outfall at Corbière as agreed by the Sea Fisheries Officer and the Conservation Officer.
3. The revenue costs of the operation are a matter for the Agriculture and Fisheries Committee and I invite the President to produce the up to date costs."

The President of the Agriculture and Fisheries Committee, Senator John Stephen Rothwell, informed the States of the costs as follows -

the cost of removing liquid from Beauport has been met from the Agriculture and Fisheries Committee budget. For the ten months from February to December 1994, it totalled £13,058 and for the nine months of this year, to September 30th, it cost £12,865. In all, over that period, therefore, the cost was £25,923. I did report earlier that the costs do fluctuate with the rental. For example, in February

of this year it was sixteen times greater than in August.

When asked if the Agriculture and Fisheries Committee wished to look at the problem again, the Committee certainly does not have the engineering expertise in these areas and I would have thought that any initiative based on engineering expertise should be looked at."

La Collette, St. Helier: lease of land

THE STATES, adopting a proposition of the Public Services Committee -

- (a) approved the lease to Elan Animal Products Limited of 1,055.34 square metres of land at La Collette, St. Helier, shown on drawing No. 2H/20, for a period of nine years from 1st January 1994 at an annual rent of £20,000, subject to triennial rent reviews to open market value;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (c) authorised the Greffier of the States to sign the necessary lease;
- (d) authorised the Treasurer of the States to receive the rent as it became due.

Housing (Amendment No. 8) (Jersey) Law 199 - P.100/95 (Revised)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Housing (Amendment No. 8) (Jersey) Law 199 .

Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 199 - P.100/95 (Revised), P.110/95, P.135/95, P.136/95

THE STATES commenced consideration of the draft Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 199 and adopted the Preamble.

Regulation 1, paragraph (a) -

Sub-paragraphs (i) and (ii) were adopted.

Sub-paragraph (iii) was adopted, the States having rejected an amendment of Deputy Jeremy Laurence Dorey of St. Helier that in the substituted sub-paragraph (f) for the word "twenty" there should be substituted the word "fifteen" and amendments of Deputy Dereck André Carter of St. Helier that in the substituted sub-paragraph (f) for the word "twenty" there should be substituted the word "fifteen" and after the word "application" there should be inserted the words "and the period of residence commenced before 1st January 1990".

Members present voted on Deputy Dorey's amendment as follows -

"Pour" (7)

Connétables

St. Lawrence, Grouville.

Deputies

H. Baudains(C), Le Sueur(H), Dorey(H), Breckon(S), Grouville.

"Contre" (35)

Senators

Rothwell, Le Main, Le Maistre, Quérée, Chinn, Bailhache, Syvret, Tomes.

Connétables

St. Clement, St. Brelade, St. Peter, St. Helier, Trinity, St. Ouen, St. John.

Deputies

Norman(C), St. Peter, St. Ouen, Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Fondré(L), Le Geyt(S), Crespel(H), Pullin(S), Trinity, Carter(H), Johns(H), Duhamel(S), Routier(H), Layzell(B), Huet(H), St. Martin, St. John.

Members present voted on Deputy Carter's amendments as follows -

"Pour" (10)

Senator

Le Maistre.

Connétables

St. Lawrence, Grouville.

Deputies

Le Sueur(H), Carter(H), Duhamel(S),
Dorey(H), Layzell(B), Breckon(S),
Grouville.

``Contre" (31)

Senators

Rothwell, Le Main, Quérée, Chinn,
Bailhache, Syvret, Tomes.

Connétables

St. Clement, St. Brelade, St. Peter, St.
Helier, Trinity, St. John.

Deputies

Norman(C), St. Peter, H. Baudains(C), St.
Ouen, Coutanche(L), Huelin(B), St. Mary,
S. Baudains(H), Le Fondré(L), Le Geyt(S),
Crespel(H), Pullin(S), Trinity, Johns(H),
Routier(H), Huet(H), St. Martin, St. John.

Members present voted on sub-paragraph (iii) as
follows -

``Pour" (35)

Senators

Rothwell, Le Maistre, Chinn, Bailhache,
Syvret, Tomes.

Connétables

St. Clement, St. Lawrence, St. Brelade, St.
Peter, Grouville, Trinity, St. Ouen, St.
John.

Deputies

Rumboll(H), Norman(C), St. Peter,
H. Baudains(C), Le Sueur(H), St. Ouen,
Huelin(B), St. Mary, S. Baudains(H), Le
Fondré(L), Le Geyt(S), Crespel(H),
Pullin(S), Trinity, Routier(H), Dorey(H),
Layzell(B), Breckon(S), Grouville, St.
Martin, St. John.

``Contre" (6)

Senator

Quérée.

Connétable

St. Helier.

Deputies

Carter(H), Johns(H), Duhamel(S),
Huet(H).

Sub-paragraphs (iv), (v) and (vi) were adopted;

Sub-paragraph (vii) was adopted, the States having rejected amendments of Deputy Jeremy Laurence Dorey of St. Helier that, in the substituted sub-paragraph (n) -

(i) in clause (iii) -

(A) after the word "is" at the commencement there should be inserted the words ", or has been";

(B) the words ", with the exception of sub-paragraph (k)," should be deleted;

(C) the words "in a shared unit of dwelling accommodation with that same spouse" should be deleted; and

(ii) for the fullstop at the end of clause (iii) there should be substituted a semi-colon and the word "or" and there should be inserted the following -

"(iv) is the widow or widower of a person in respect of whom consent would have been granted by virtue of any sub-paragraph of this paragraph."

Regulation 1, paragraphs (b) and (c) were adopted.

Regulation 1, paragraph (d) was adopted, as amended, the States having rejected amendments of Deputy Jeremy Laurence Dorey of St. Helier that, in the inserted paragraph (2A) -

(A) for the words "a single period" there should be substituted the word "periods";

(B) the words "of not more than three years' duration" should be deleted;

and having accepted his amendment that in sub-paragraph (a) in the inserted paragraph (2B), after the letter "(f)" there should be inserted the letter "(g)";

Deputy Dorey then withdrew his proposed

amendment that in the inserted paragraph (2C), for the words "twenty" there should be substituted the word "fifteen" and Deputy Dereck André Carter of St. Helier withdrew his proposed amendment (Third Amendment - P.136/95) to the same effect.

Regulation 1, paragraph (e) was adopted.

Regulations 2, 3, 4 and 5 were adopted.

Regulation 6 was adopted, as amended, the States having accepted an amendment of Deputy Jeremy Laurence Dorey of St. Helier that, for subparagraph (a) of paragraph (3) of the inserted Regulation 6A, there should be substituted the following -

- “(a) completes a total of ten years' ordinary residence in the Island; and”.

Regulation 7 was adopted.

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law 1949, as amended, made Regulations entitled the Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1995.

Simultaneous voting/enhanced sound systems, States Chamber - P.115/95. Deferred

THE STATES agreed to defer to 24th October 1995 consideration of the proposition of the House Committee regarding simultaneous voting/enhanced sound systems in the States Chamber and agreed that the proposition should be taken as the first item after the Supply Day requests.

St. John's Primary School: alterations and extensions - P.120/95

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 2953/100, 101, 102, 103, 104 and 105 showing the proposed alterations and extensions to St. John's Primary School and;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Licensing (Licence Fees) (Jersey) Regulations
1995 - P.122/95

THE STATES, in pursuance of Article 11 of the
Licensing (Jersey) Law 1974, as amended, made
Regulations entitled the Licensing (Licence
Fees) (Jersey) Regulations 1995.

OTC site, La Route es Nouaux, St. Helier:
construction of car park - P.124/95

THE STATES, adopting a proposition of the
Housing Committee -

- (a) approved drawings Nos. 94/655/01B-04
showing the construction of a public
car park at La Route es Nouaux, St.
Helier (OTC Site Phase II);
- (b) authorised the Greffier of the States
to sign the said drawings on behalf of
the States.

Field No. 46, St. Brelade: transfer of
administration - P.125/95

THE STATES, adopting a proposition of the
Harbours and Airport Committee, approved the
transfer of administration from the Harbours and
Airport Committee to the Defence Committee of
Field No. 46, Mont à la Brune, St. Brelade
(measuring approximately one vergée).

Airport: lease of accommodation in Herald
House - P.130/95

THE STATES, adopting a proposition of the
Harbours and Airport Committee -

- (a) approved the lease to Channel Islands
Travel Services Limited of a total of
3,095 square feet of accommodation in
Herald House at Jersey Airport for a
period of three years commencing 1st
September 1995 at an annual rent of
£27,638.00 (representing a rate of
£8.93 a square foot), subject to annual
review on 1st September 1996 and 1st
September 1997;
- (b) authorised the Greffier of the States
to sign the necessary lease;
- (c) authorised the Treasurer of the States
to receive the rent as it became due.

Airport: lease of accommodation in Freight Terminal - P.130/95

THE STATES, adopting a proposition of the Harbours and Airport Committee -

- (a) approved the lease to Hi-Speed Freight Limited of a total of 4,292 square feet of accommodation in the Freight Terminal at Jersey Airport for a period of three years commencing 1st April 1995 at an annual rent of £19,071.20 subject to annual review on 1st April 1996 and 1st April 1997;
- (b) authorised the Greffier of the States to sign the necessary lease;
- (c) authorised the Treasurer of the States to receive the rent as it became due.

97 Don Road, St. Helier: approval of drawings - P.131/95

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved drawings Nos. 1849/10 and 11 showing the refurbishment of No. 97 Don Road, St Helier;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Springfield, St. Helier - grandstand: approval of drawings - P.133/95

THE STATES, adopting a proposition of the Sport, Leisure and Recreation Committee -

- (a) approved drawings Nos. 1375/22C, 23A, 24, 25B, 26B, 27, 28, 29A, 30 and 32A, showing the proposed construction of a grandstand and ancillary facilities at Springfield, St. Helier; and
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

THE STATES rose at 4.35 p.m.

G.H.C. COPPOCK

Greffier of the States.