

THE STATES assembled on Tuesday,
18th June 1996 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache

All members were present with the exception of -

Iris Medora Le Feuvre, Connétable of St.
Lawrence - excused.
Carlyle John Le Herissier Hinault,
Connétable of St. John - ill
Terence Augustine Le Sueur, Deputy of St.
Helier - out of the Island
Percy John Le Masurier, Deputy of St.
Ouen - out of the Island
John Nicolle Le Fondré, Deputy of St.
Lawrence - ill.

Prayers

Bailiff - knighthood

Senator Reginald Robert Jeune, C.B.E., on behalf
of the members of the Assembly, offered sincere
congratulations to the Bailiff on the knighthood
recently conferred on him and wished him and
Lady Bailhache a long life and good health.

The Bailiff responded.

Review of services available in the States of
Jersey for mentally disordered offenders. R.C.17

The Bailiff presented to the States a Review of
services available in the States of Jersey for
mentally disordered offenders prepared by Dr.
Rosemary J. Wool, CB, MB, BS, FRC.Psych., DPA,
ERCOG.

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

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Island Planning (Designation of Sites of Special Interest) (No. 4) (Jersey) Order 1996. R & O 8938.
2. Social Security (Investment Managers) (Jersey) Order 1996. R & O 8939.
3. Health Insurance (Investment Managers) (Jersey) Order 1996. R & O 8940.
4. Companies (Qualifications of Auditor) (Jersey) Order 1996. R & O 8941.
5. Export of Agricultural Produce (Amendment No. 11) (Jersey) Order 1996. R & O 8942.

Matters presented

The following matters were presented to the States -

1. States of Jersey Fire Service: report for 1995.
Presented by the Defence Committee.
2. Jersey Probation and After Care Service: report for 1995.
Presented by the Prison Board.
3. A Sustainable Transport Strategy: a discussion document.
Presented by the Public Services Committee.
4. St. Aubin: land reclamation (P.73/96) - report - P.97/96.
Presented by the Public Services Committee.
THE STATES ordered that the said report be printed and distributed.
5. Committees of the States: access to information (P.98/95): report - P.98/96.
Presented by the Special Committee on Freedom of Information.
THE STATES ordered that the said report be printed and distributed.

6. D'Hautrée School, St. Saviour:
staff (P.83/96 (Revised)): report -
P.99/96.
Presented by the Education
Committee.
THE STATES ordered that the said report
be printed and distributed.
7. Ecology Fund: report for 1994
and 1995 - R.C.15/96.
Presented by the Planning and
Environment Committee.
THE STATES ordered that the said report
be printed and distributed.
8. International Conventions and
Agreements: progress report for the
period ended 31st March 1996 -
R.C.16/96.
Presented by the Policy and
Resources Committee.
THE STATES ordered that the said report
be printed and distributed.
9. Draft Disability Transport
Allowance (Jersey) Law 199 (P.94/96):
comments of the Finance and Economics
and Establishment Committees -
P.100/96.
THE STATES ordered that the said report
be printed and distributed.

The following matters were presented to the
States on 11th June 1996 -

1. Establishment of a casino in
Jersey (P.36/96): report - P.91/96.
Presented by the Gambling
Control Committee.
THE STATES ordered that the said report
be printed and distributed.
2. 2 to 10 Halkett Place and 23
Hill Street, St. Helier, (P.58/96):
report of States Auditors.
Presented by the Planning and
Environment Committee.

Matters noted - land transactions

THE STATES noted Acts of the Finance and
Economics Committee, dated 24th May and 10th
June 1996, showing that, in pursuance of
Standing Orders relating to certain transactions
in land, the Committee had approved -

- (a) as recommended by the Planning and
Environment Committee, the sale to Mr.

Guy Storer Powell and Mrs. Caroline Beverley Elizabeth Powell, née Chambers, of the one-quarter share in the immovable estate consisting of a dwelling house known as No. 6 Le Feugeral, La Moye, St. Brelade, bequeathed to the public of the Island by the late Mrs. Irene Elizabeth Alexandra Warne, née Bower, for the purchase of equipment for the Cancer Unit at the General Hospital for a consideration of £286,000;

(b) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mrs. Marjory Janet May Booker, née Davis, of the ground site (measuring 236 square feet) of the Hungry Man Café, Rozel Harbour, Trinity, for a period of three years from 1st May 1996, at an annual rent of £476.96, subject to annual review, with all other terms and conditions remaining as in the existing lease;

(c) as recommended by the Housing Committee, the renewal of the agreement with the National Westminster Bank Plc to allow access on to the rear of the property known as No. 17 Trinity Road, St. Helier, for a further period of five years from 1st October 1995, at an annual sum of £100, with all other terms and conditions remaining as in the existing agreement;

(d) as recommended by the Health and Social Services Committee, the renewal of the lease from 23 Havre des Pas Limited of the two-bedroom flat, Flat 6, 23 Havre des Pas, St. Helier, for a period of one year from 25th February 1996, with an option to renew for a further one year period to 24th February 1998, at an annual rent of £7,819 for each of those years.

Matters noted - acceptance of tenders

THE STATES noted Acts of the Finance and Economics Committee dated 24th May and 10th June 1996, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

(a) the Housing Committee had accepted the lowest of nine tenders, namely that

submitted by R. & R. Building Contractors Limited in the sum of £79,923.33, in a contract period of 16 weeks, for the refurbishment of 97 Don Road, St. Helier;

(b) the Sport, Leisure and Recreation Committee had accepted the lowest of eight tenders, namely that submitted by J.P. Mauger Limited in the sum of £1,319,415.91, in a contract period of 48 weeks, for the construction of a new Community Hall at Springfield, St. Helier;

(c) the Education Committee had accepted the lowest of five tenders, namely that submitted by Camerons Limited in the sum of £2,828,000, for the redevelopment of Le Squez School, St. Clement.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Children (Amendment No. 5) (Jersey) Law 1996 (Appointed Day) Act 199 - P.92/96.
Presented by the Health and Social Services Committee.
2. Draft Termination of Pregnancy (Jersey) Law 199 - P.93/96.
Presented by the Health and Social Services Committee.
3. Draft Disability Transport Allowance (Jersey) Law 199 - P.94/96.
Presented by the Employment and Social Security Committee.
4. Projet d'Acte mettant en vigueur la Loi (1996) (Amendement No. 12) sur l'Etat Civil - P.95/96.
Presenté par le Comité de l'Etat Civil.
5. Projet de Règlements (199) sur l'Etat Civil - P.96/96.
Presenté par le Comité de l'Etat Civil.
6. Draft Boats and Surf-Riding (Control) (Amendment No. 13) (Jersey) Regulations 199 - P.101/96.
Presented by Harbours and

Airport Committee.

7. Jersey Law Commission:
establishment - P.102/96.
Presented by the Legislation
Committee.

The following matters were lodged ``au
Greffre" on 4th June 1996 -

1. Draft Interest on Debts and
Damages (Jersey) Law 1996 (Appointed
Day) Act 199 - P.88/96.
Presented by the Legislation
Committee.
2. Draft Police Court (Change of
Name) (Jersey) Law 199 - P.89/96.
Presented by the Legislation
Committee.
3. Prevention of Terrorism (Jersey)
Law 1996 (Appointed Day) Act 199 -
P.90/96.
Presented by the Defence
Committee.

Arrangement of public business for the present
meeting

THE STATES agreed that the following matters
lodged ``au Greffe" would be considered at the
present meeting -

Draft Interest on Debts and Damages
(Jersey) Law 1996 (Appointed Day) Act
199 - P.88/96.
Lodged: 4th June 1996.
Legislation Committee.

Prevention of Terrorism (Jersey) Law
1996 (Appointed Day) Act 199 - P.90/96.
Lodged: 4th June 1996.
Defence Committee.

Colomberie Close, St. Helier: assignment of
lease to the public - P.82/96 (Revised).
Withdrawn.

THE STATES acceded to the request of the Vice-
President of the Employment and Social Security
Committee that the proposition relating to the
assignment of a lease to the public in
Colomberie Close, St. Helier, (lodged ``au
Greffre" on 21st May 1996) set down for debate
at the present meeting, be withdrawn.

D'Hautrée School, St. Saviour: staff - P.83/96

(Revised). Withdrawn.

THE STATES acceded to the request of Deputy Jeremy Laurence Dorey of St. Helier that his proposition regarding the staff at d'Hautrée School, St. Saviour, (lodged ``au Greffe" on 21st May 1996 and referred to the Education Committee) set down for debate at the present meeting, be withdrawn.

Establishment of a casino in Jersey - P.36/96, P.66/96 and P.91/96

THE STATES acceded to the request of Senator Richard Joseph Shenton that consideration of his proposition regarding the establishment of a casino in Jersey (lodged ``au Greffe" on 27th February 1996 and referred to the Gambling Control Committee for a report) be taken immediately after the draft Licensing (No. 10) (Jersey) Regulations 199 at the present meeting.

Draft Limited Liability Partnerships (Jersey) Law 199 . P.84/96. Deferred

THE STATES, on the proposition of Deputy Gary Matthews of St. Brelade, agreed to defer consideration of the draft Limited Liability Partnerships (Jersey) Law 199 (lodged ``au Greffe" on 21st May 1996) from the present meeting to 2nd July 1996 when it would be taken as the first item of matters lodged under Public Business.

Arrangement of public business for the meeting on 2nd July 1996

THE STATES noted that the President of the Legislation Committee wished to defer consideration of the draft Advocates and Solicitors (Jersey) Law 199 (P.68/96 - lodged ``au Greffe" on 30th April 1996) from the meeting on 2nd July 1996, as the Committee would withdraw the draft Law and lodge a revised version at that meeting.

THE STATES confirmed that the following matters lodged ``au Greffe" would be considered at the meeting on 2nd July 1996 -

Draft Limited Liability Partnerships
(Jersey) Law 199 - P.84/96
Lodged: 21st May 1996
Finance and Economics Committee

Green Lane Scheme - P.71/96.

Lodged: 30th April 1996.
Tourism Committee.

9 St. James Street, St. Helier:
sale - P.86/96.
Lodged: 21st May 1996 by Deputy A. Breckon
of St. Saviour.
Health and Social Services Committee.

Draft Police Court (Change of Name)
(Jersey) Law 199 - P.89/96.
Lodged: 4th June 1996.
Legislation Committee.

Draft Children (Amendment No. 5)
(Jersey) Law 1996 (Appointed Day) Act
199 - P.92/96.
Lodged: 18th June 1996.
Health and Social Services Committee.

Draft Disability Transport Allowance
(Jersey) Law 199 - P.94/96.
Lodged: 18th June 1996.
Employment and Social
Security Committee.

Projet d'Acte mettant en vigueur la
Loi (1996) (Amendement No. 12) sur l'Etat
Civil - P.95/96.
Lodged: 18th June 1996.
le Comité de l'Etat Civil.

Projet de Règlements (199) sur
l'Etat Civil - P.96/96.
Lodged: 18th June 1996.
le Comité de l'Etat Civil.

Draft Boats and Surf-Riding (Control)
(Amendment No. 13) (Jersey) Regulations
199 - P.101/96.
Lodged: 18th June 1996.
Harbours and
Airport Committee.

Draft Termination of Pregnancy (Jersey)
Law 199 - P.93/96.

THE STATES acceded to the request of the
President of the Health and Social Services
Committee that the draft Termination of
Pregnancy (Jersey) Law 199 (P.93/96 - lodged
"au Greffe" at the present meeting) be
considered as the first item of matters lodged
under Public Business at the meeting on 9th July
1996.

Arrangement of public business for the meeting
on 9th July 1996

THE STATES confirmed that the following matters lodged ``au Greffe" would be considered at the meeting on 9th July 1996 -

Draft Termination of Pregnancy
(Jersey) Law 199 - P.93/96.
Lodged: 18th June 1996
Health and Social Services Committee.

St. Aubin: land reclamation -
P.73/96.
Lodged: 30th April 1996 and referred to the
Public Services Committee.
Connétable of St. Brelade.

St. Aubin: land reclamation
(P.73/96): report - P.97/96.
Public Services Committee.

Jersey Law Commission:
establishment - P.102/96.
Legislation Committee.

Legislation Programme 1996 - questions and
answers (Tape No. 341)

Deputy Alastair John Layzell of St. Brelade
asked Senator Reginald Robert Jeune, President
of the Policy and Resources Committee, the
following questions -

- ``1. Will the President inform the House why the Draft Limited Liability Partnerships (Jersey) Law 199 , lodged `au Greffe' on 21st May 1996, was given priority over other items on the Legislation Programme for 1996 set out in Appendix 4.4 of the Strategic Policy Review 1995 - Part II approved by the States on 28th September 1995?
2. Will the President state how he reconciles his statement to the House on 16th January 1996, on the Legislation Programme, that no additional legislation would be considered by his Committee unless it met four very strict criteria, with the Committee's decision to authorise the preparation of the Draft Limited Liability Partnerships (Jersey) Law 199 , which did not feature anywhere on the approved Legislation Programme?
3. Will the President inform the House exactly how many days the Law Draftsman

has spent working on the Draft Limited Liability Partnerships (Jersey) Law 199 , to date?

4. Will the President state what consultations have taken place with relevant professional bodies, including the Law Society of Jersey, on the Draft Limited Liability Partnerships (Jersey) Law 199 ?"

The President of the Policy and Resources Committee replied as follows -

1. The Policy and Resources Committee, at its meeting on 28th November 1995, considered a request from the Finance and Economics Committee that a draft Limited Liability Partnerships Law should be included in the 1995 Legislation Programme. Both Committees were informed that, as the drafting of the Law would, for the most part, be undertaken by lawyers in the private sector including eminent Q.C.s in London, the involvement of the Law Draftsman's office should be minimal and, in particular, there would be no impact on the 1996 Legislation Programme. It was on this basis that the Committee agreed to the request and it is not, therefore, correct to say that this Law was given priority over items in the 1996 programme approved by the States.

In the event, the draft Law which was submitted for scrutiny by the Law Draftsman's office proved to be less than satisfactory to the Island, and, in the course of redrafting it, a number of unresolved issues were identified, on which it was necessary to reach decisions after some consultation with the potential users of the legislation, their professional advisers and others. As a result, the drafting of the Law took considerably longer than the Committee originally anticipated. This has led the Committee to the conclusion that, contrary to the views expressed in some circles, the contracting out of law drafting to persons who do not have extensive experience in that field is counter-productive.

I should add that strenuous efforts have been made in the Law Draftsman's office to make up the time which was given over to the draft Limited Liability Partnerships Law, and, as a result, the effect on items at the top of the 1996 Legislation Programme has not been significant.

2. As I have indicated in the answer to the previous question, the decision to go ahead with drafting the Limited Liability Partnerships Law was made before my statement to the House on 16th January 1996. However, the experience of the Limited Liability Partnerships Law subsequent to that decision having been made has served to further emphasise the need for the procedures to which that statement refers.

The Policy and Resources Committee in deciding to support the drafting of the legislation, in November 1995, did so because it was satisfied the legislation would be of considerable benefit to the Island and, as mentioned in my answer to question 1, because it was assured that the drafting of the legislation would not be demanding of the resources of the Law Draftsman's department.

3. The nature of law drafting is such that it is impossible to specify an exact number of days in response to this question, but the Law Draftsman informs me that, as at 21st May 1996, approximately 45 working days had been spent on the drafting of this Law. The States are being asked to adopt the draft Law, following which a further commitment of drafting resources will be required for the purposes of preparing subordinate legislation in the form of Regulations to deal particularly with the winding up of insolvent limited liability partnerships. The best estimate which can now be given for this is 15 working days.

4. Senator Jeune

The Policy and Resources Committee was not involved in progressing the legislation. I have therefore asked the Vice-President of the Policy and Resources Committee, in his capacity as

President of the Finance and Economics Committee, which is the Committee promoting the legislation, to respond to this question.

Senator Horsfall

The following Jersey professional bodies were sent a copy of the draft Law and consulted formally about it on 15th March 1996 -

Jersey Law Society;
Jersey Law Society Financial and Commercial Law Sub-Committee;
Jersey Bankers' Association;
Jersey Society of Chartered and Certified Accountants;
Association of Solicitors of the Supreme Court of England and Wales practising in Jersey;
Jersey Association of Trust Companies;
Institute of Chartered Secretaries and Administrators - Jersey branch;
Chamber of Commerce Financial Services Committee.

These bodies were asked to respond by 5th April 1996.

In the case of the Jersey Law Society Financial and Commercial Law Sub-Committee, that body circulated the draft amongst Jersey law firms and replies were collated by one of their number.

All the replies were considered and a revised draft sent to those firms which had submitted comments. This process was repeated a second time and, eventually three separate Jersey legal firms received all successive drafts until the project was finalised."

``Bull bars" - questions and answers (Tape No. 341)

Deputy Philip John Rondel of St. John asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following questions -

- ``1. Given that a recent press release from the Driver and Vehicle Standards Department stated that `bull bars' are to be banned on

vehicles in Jersey from 1st January 1997, would the President advise the States what consideration the Committee has given to the impact this decision may have on visitors wishing to bring their cars to Jersey?

2. How is the Committee going to notify visitors that it is illegal to have 'bull bars' on their vehicles once they have booked their vehicles to Jersey?"

The President of the Defence Committee replied as follows -

1. Last year 26,000 visitors' cars visited the Island. The number fitted with bull bars is not known but it is unlikely to exceed about 0.5 per cent, i.e. only 130.
2. So far as visiting vehicles are concerned the Department wrote to the Operations Managers of all shipping companies bringing cars to the Island and said -

'In an effort to improve road safety and promote Jersey as a pedestrian friendly Island, the Defence Committee has, from 1st January 1997 banned the fitting and use of bull bars on all locally registered vehicles.

As you would expect, Jersey provides the warmest of welcomes to all visiting motorists, but both local and visiting pedestrians would really appreciate it if drivers of 4 x 4's would leave their bull bars at home. Whilst temporary circulation in Jersey would not be refused to visitors, we would hope wherever possible they would respect our bull bar policy.

Consequently, the Committee would be grateful if you include this information in your literature to visiting motorists.

Thank you for your assistance in this matter.'

This letter was also approved before dispatch by officers of the Tourism Department who also produced a report

for their own Committee, dated 16th April 1996.

This report included the following statements in its summary -

'There is no doubt that bull bars are a dangerous addition to any vehicle and increase the chances of serious injury especially to pedestrians. There is no doubt that Jersey's initiative in banning them is most commendable and a leading example to the rest of Europe.

Jersey Tourism is committed to the environment and extols itself as a holiday destination. Therefore to support a policy of banning bull bars on locally registered vehicles can only create good publicity for the Island when the rest of Europe and especially the United Kingdom are becoming more aware of the problem.'

We therefore hope that Tourism will include similar sentiments in its 1997 brochure.

Before any supplementary questions are raised about bull bars contravening EEC Trade Laws the Chief Adviser to the States has received written confirmation from Brussels that the Defence Committee's policy cannot be challenged by reference to the Island's obligations to the European Community under Protocol 3.

As members will have gathered from the letter sent to shipping companies temporary circulation in Jersey will not be refused to visitors.

From 1997 onwards we will continue to deal with visiting motorists who do not comply with our local Construction and Use legislation in a sensitive and sensible manner as we have done with visiting motorists from all over Europe for many years."

Family Allowances Tribunal: appointment of members

THE STATES, adopting a proposition of the

Employment and Social Security Committee, appointed as Chairman and members of the Family Allowances Tribunal, in pursuance of Article 1 of the Family Allowances (Jersey) Law 1972, as amended, for a period of three years commencing on 1st January 1996, the following -

Advocate Robert George Day - Chairman
Advocate Alan Richard Binnington
Mrs. Audrey Vivienne Jackson
Mrs. Ruth Hambly
Mr. Bernard Louis Dubras
Mrs. Jill Meredith Clapham.

Social Security Tribunal: appointment of members

THE STATES, adopting a proposition of the Employment and Social Security Committee, appointed as Chairman and members of the Social Security Tribunal, in pursuance of Article 1 of the Social Security (Jersey) Law 1974, as amended, for a period of three years commencing on 1st January 1996, the following -

Advocate Charles Malcolm Bedford Thacker - Chairman
Advocate Sarah Fitz
Mr. Michael Bernard Kavanagh
Mr. Bernard Louis Dubras
Mr. Peter Le Gallais
Mrs. Margaret Le Marquand.

Public Employees Contributory Retirement Scheme Committee of Management: appointment of Chairman

THE STATES, adopting a proposition of the Finance and Economics Committee, approved, in accordance with Regulation 3(6) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, the appointment of Mr. Ronald John Amy as Chairman of the Committee of Management, for a period of three years commencing on 1st July 1996.

Interest on Debts and Damages (Jersey) Law 1996 (Appointed Day) Act 1996 - P.88/96

THE STATES, in pursuance of paragraph (2) of Article 4 of the Interest on Debts and Damages (Jersey) Law 1996, made an Act entitled the Interest on Debts and Damages (Jersey) Law 1996 (Appointed Day) Act 1996.

Prevention of Terrorism (Jersey) Law 1996 (Appointed Day) Act 1996 - P.90/96

THE STATES, in pursuance of Article 25 of the Prevention of Terrorism (Jersey) Law 1996, made an Act entitled the Prevention of Terrorism (Jersey) Law 1996 (Appointed Day) Act 1996.

Licensing (No. 10) (Jersey) Regulations 1996 - P.79/96

THE STATES, in pursuance of Article 92 of the Licensing (Jersey) Law 1974, as amended, made Regulations entitled the Licensing (No. 10) (Jersey) Regulations 1996.

Establishment of a casino in Jersey - P.36/96, P.66/96 and P.91/96

THE STATES rejected a proposition of Senator Richard Joseph Shenton requesting the States -

- (1) to agree, in principle, to the establishment in Jersey of a single, tightly controlled casino offering facilities competitive with those in the United Kingdom and France;
- (2) to charge the Gambling Control Committee to prepare the appropriate Regulations under the Gambling (Control) (Jersey) Law 1964, as amended, to license the operation of the casino.

Members present voted as follows -

``Pour" (21)

Senators

Shenton, Rothwell, Le Main, Stein,
Quérée, Tomes.

Connétable

St. Helier.

Deputies

Norman(C), St. Mary, Le Geyt(S), Walker(H),
Crespel(H), Duhamel(S), Matthews(B),
Routier(H), Dorey(H), Layzell(B),
Breckon(S), Huet(H), St. Martin, St. John.

``Contre" (26)

Senators

Jeune, Horsfall, Le Maistre, Chinn,
Bailhache, Syvret.

Connétables

St. Clement, St. Mary, St. Brelade, St.
Peter, Grouville, St. Saviour, Trinity, St.
Martin, St. Ouen.

Deputies

Wavell(S), St. Peter, H. Baudains(C),
Coutanche(L), Huelin(B), S. Baudains(H),
Pullin(S), Trinity, Carter(H), Johns(H),
Grouville,

Deputy Robin Ernest Richard Rumboll, having
declared an interest in the matter, withdrew
from the Chamber prior to the debate.

Adjournment

THE STATES then adjourned, having agreed that
the outstanding items of public business should
stand over until the next day, 19th June 1996.

THE STATES rose at 6.10 p.m.

G.H.C. COPPOCK

Greffier of the States.