

**THE STATES assembled on Tuesday,
11th May 1999 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**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 - excused
Senator Patricia Ann Bailhache - out of the Island
Senator Jeremy Laurence Dorey - ill
Alastair John Layzell, Deputy of St. Brelade - out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Civil Service Administration (Salaries) (Amendment No. 19) (Jersey) Order 1999. R & O 9390.

Road Traffic (Saint Helier) (Amendment No. 6) (Jersey) Order 1999. R & O 9391.

Public Services Committee - resignation of President

THE STATES accepted the resignation of Senator Jeremy Laurence Dorey as President of the Public Services Committee.

Public Services Committee - vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1966 the Bailiff gave notice that there was a vacancy in the office of President of the Public Services Committee.

Establishment and Broadcasting Committees - resignation of member

THE STATES noted the resignation of Senator Jeremy Laurence Dorey from the Establishment and Broadcasting Committees.

Matters presented

The following matter was presented to the States -

Council of Europe Framework Convention for the Protection of National Minorities - R.C.19/99.
Presented by the Policy and Resources Committee.

Matters noted- land transaction

THE STATES noted an Act of the Finance and Economics Committee 30th April 1999 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Donald Ernest Duckworth and Mrs. Siobian Nicolette Duckworth, née Wade, of No. 5 Clos de la Baule Grouville, for a period of five years from 1st April 1998, at a revised annual rent of £13,964 payable quarterly in advance, and to be reviewed annually on 1st April in line with the Jersey Retail Prices Index, with all other terms and conditions to remain as in the existing lease, with the Committee being responsible for the both parties' reasonable legal costs arising from the transaction;
- (b) as recommended by the Planning and Environment Committee, the entering into of a Deed of Arrangement with Miss Mary Fitzsimons in order to facilitate alterations to a party wall separating the Opera House, Gloucester Street, St. Helier, from No. 32 Seaton Place, St. Helier, on the basis that any damage caused as a result of the works would be made good by the Jersey Arts Trust at its expense, and also that the Jersey Arts Trust would be responsible for all reasonable legal costs incurred by Miss Fitzsimons in relation to this transaction.

THE STATES noted an Act of the Finance and Economics Committee dated 30th April 1999 showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved, as recommended by the Planning and Environment Committee, the purchase from Mr. John Leonard Gage and Mrs. Valerie Ann Gage, née Taylor, of La Carrière, Bellozanne Valley, St. Helier, a four-bedroom house located within 100 metres of the "bad neighbour" operation at the waste disposal site administered by the Public Services Committee, for a consideration of £260,000, with each party being responsible for its own legal costs arising from the transaction.

Matters Lodged

The following matters were lodged "au Greffe" -

Outsourcing policy - P.59/99.

Presented by the Policy and Resources Committee.

Sustainable Island Transport Policy - P.60/99.

Presented by the Public Services Committee.

Clarke Avenue, St. Helier: traffic calming - P.61/99.

Presented by Deputy T.J. Le Main of St. Helier.

Summerland Factory, Thorpe House and Broadcasting House, Rouge Bouillon, St. Helier: acquisition - P.62/99.

Presented by the Planning and Environment Committee.

Draft Community Provisions (Prohibiting the Sale and Supply of Petroleum and Certain Petroleum Products to the Federal Republic of Yugoslavia) (Jersey) Regulations 199 - P.63/99.

Presented by the Finance and Economics Committee.

Draft Community Provisions (Prohibition on Flights of Yugoslav Carriers) (Jersey) Regulations 199 - P.64/99.

Presented by the Policy and Resources Committee.

The following matter was lodged on 4th May -

Public Finances (Administration) (Jersey) Law 1967: capital expenditure - P.58/99.

Presented by the Policy and Resources Committee.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the Vice-President of the Tourism Committee that consideration of the proposition regarding millennium licensing hours (P.55/99 lodged "au Greffe" on 27th April 1999) be deferred from the present meeting to the next meeting on 25th May 1999.

THE STATES acceded to the request of the President of the Special Committee on Freedom of Information that consideration of the proposition regarding public access to official information: code of practice (P.38/99 lodged "au Greffe" on 16th March 1999) be deferred from the present meeting to a later date.

Arrangement of public business for the next meeting on 25th May 1999 -

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 25th May 1999 -

Field 921, Rue à Georges, St. Mary: residential development within the agricultural priority zone - P.17/99.

Lodged: 2nd February 1999.

Senator L. Norman.

Field 921, Rue à Georges, St. Mary: residential development within the agricultural priority zone (P.17/99) - report - P.17/99. Rpt.

Presented: 13th April 1999.

Planning and Environment Committee.

Draft Protection of Children (Amendment No. 2) (Jersey) Law 199 - 50/99.

Lodged: 27th April 1999.

Legislation Committee.

Draft Affiliation Proceedings (Prescription) (Jersey) Law 199 - P.52/99.

Lodged: 27th April 1999.

Legislation Committee.

Public Finances (Administration) (Jersey) Law 1967: capital expenditure - P.58/99.

Lodged: 4th May 1999.

Policy and Resources Committee.

Summerland Factory, Thorpe House and Broadcasting House, St. Helier: acquisition - P.62/99.

Lodged: 11th May 1999.

Planning and Environment Committee.

Draft Community Provisions (Prohibiting the Sale and Supply of Petroleum and Certain Petroleum Products to the Federal Republic of Yugoslavia) (Jersey) Regulations 199 - P.63/99.

Lodged: 11th May 1999.

Finance and Economics Committee.

Draft Community Provisions (Prohibition of Flights of Yugoslav Carriers) (Jersey) Regulations 199 - P.64/99.

Lodged: 11th May 1999.

Policy and Resources Committee.

THE STATES agreed that the Draft Community Provisions (Prohibiting the Sale and Supply of Petroleum and Certain Petroleum Products to the Federal Republic of Yugoslavia) (Jersey) Regulations 199 (P.63/99) and the

Draft Community Provisions (Prohibition of Flights of Yugoslav Carriers) (Jersey) Regulations 199 (P.64/99) be considered as the first items of matters lodged "au Greffe" listed under Public Business at the next meeting on 25th May 1999.

Transport Policy Strategy - P.70/98

THE STATES acceded to the request of the Vice-President of the Public Services Committee that the proposition regarding a Transport Policy Strategy (P.70/98 lodged "au Greffe" on 21st April 1998) be withdrawn, the Committee having lodged a revised report and proposition at the present meeting (P.60/99).

Application of the Regulation of Undertakings and Development Law - questions and answers (Tape No. 508)

Deputy Terence John Le Main of St. Helier asked Senator Frank Harrison Walker, President of the Finance and Economics Committee the following questions -

- “1. Would the President confirm that, in addition to setting out the number of staff actually employed, three year staffing agreements provide that the applicant may request that extra staff be recruited in the future?
2. At the last meeting the President informed the Assembly that 299 three-year agreements had already been granted in respect of businesses in the finance industry and other enterprises. Would the President inform members -
 - (a) of the number of extra staff approved under these agreements?
 - (b) of the value of forecasts of future staff requirements from the point of view of controlling the population?
 - (c) whether all such additional staff are required to be locally qualified or to have been in the Island for five years, and, if not, on what basis his Committee gives approval for the proportion of locally qualified to non-locally qualified staff?
 - (d) of the purpose of the annual review of three year agreements?
3. Is the Committee aware of any further jobs which may be created by developments on the Waterfront other than the 400 announced recently?”

The President of the Finance and Economics Committee replied as follows -

- “1. Yes, in line with the Committee’s normal published policy of issuing licences to existing undertakings to take on additional staff.
- 2.(a) Unfortunately, with the re-location of the Regulation of Undertakings and Development Office to the ground floor of Cyril Le Marquand House at the end of last week and over the weekend, it has not been possible to collate the necessary data to answer this question today. However, I undertake to provide the information the Deputy is seeking at the next meeting.
- (b) The value of the three year licence approach is that the Committee can look at the problems and opportunities facing existing undertakings as a whole, rather than dealing with them in a series of one-off unconnected applications for additional and/or replacement staff. This is in line with the guidelines set by the States in November 1997 in that it not only allows the Committee to establish a uniform approach to the relative proportions of locally qualified staff in the various sectors, it also allows firms themselves to plan ahead in the knowledge of what their manpower resources will be.

- (c) The Committee's general policy for the taking on of additional staff applies equally to three year licence agreements. However, as each such agreement covers a definite period of time rather than being open ended, the Committee can, if necessary, be flexible with regard to the engagement of additional locally qualified or non-locally qualified staff if this is seen to be of overall benefit to the Island. For example, additional staff might be allowed in years one and two of a three year agreement if this allows for overall staff savings and/or other significant benefits to be produced in year three.

As outlined in its policy statement, when entering into licence agreements the Committee can allow for increases in temporary or permanent non-local staffing where undertakings employ well above the average of locally qualified staff for the sector concerned. However, the Committee also imposes specific improvement targets on those undertakings which employ below the average of locally qualified staff in order to maintain the overall status quo.

- (d) The purpose of the annual review is to establish whether undertakings are able to work satisfactorily within the limits set, or whether any adjustments need to be made by either side. Furthermore, checks will be carried out to ascertain whether the firms concerned are making every effort to follow the guidelines set by the States in November 1997, especially in terms of identifying local recruits, training local youngsters, encouraging part time working etc.

3. No.”

Grant of a licence under the Regulation of Undertakings and Development Law - question and answer (Tape No. 508)

Deputy Paul Vincent Francis Le Claire of St. Helier asked Senator Frank Harrison Walker, President of the Finance and Economics Committee the following question -

“Would the President inform the Assembly whether the Committee has recently granted a licence under the Regulation of Undertakings and Development Law 1973, as amended, for a new cycle retail outlet in the Island, and, if so, would the President explain the reasons for granting this licence?”

The President of the Finance and Economics Committee replied as follows -

“I am unfortunately unable, for reasons of confidentiality, to divulge any information on the details of any individual application submitted under the Regulation of Undertakings and Development Law.

However, I can confirm that a licence has been issued to a person to commence a new cycle retail undertaking on the Island in accordance with the Committee's published policy relating to the commencement of new undertakings by locally qualified people. This licence, again in accordance with normal policy, is subject to the condition that only locally qualified people can be employed, and also that there cannot be any link in terms of beneficial ownership or financial involvement with any non-locally qualified person or undertaking.

The officers of the Regulation of Undertakings and Development Office are currently investigating that these conditions are being fully complied with.”

Committee procedures and policies - questions and answers (Tape No. 508)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Nigel Lewis Qu  r  e, President of the Planning and Environment Committee the following questions -

- “1. Would the President inform the Assembly whether Dandara Island Homes Limited sought advice from the Committee before purchasing the Grouville Bay Hotel site and, if so, would the President advise members of the circumstances surrounding such advice?”

- 2.(a) Would the President advise members of the cost, in financial and manpower terms, of producing the booklet entitled "What Have We Been Doing" which was recently published by the Committee?
- (b) Would the President inform the Assembly of the location of the nine new ecological sites of special interest referred to in the booklet under the heading "Environmental achievements"?
3. Article 2 of the Island Planning (Jersey) Law 1964, as amended, provides that one of the purposes of the Law is to "ensure that land is used in a manner serving the best interest of the community". Would the President reassure members that -
 - (a) applications for new office blocks and luxury apartments will, in future, be resisted in favour of houses for local families?
 - (b) the views of neighbours and parishioners will be given due weight when considering applications for development to prevent future calls for revisions that may lead to claims for compensation?"

The President of the Planning and Environment Committee replied as follows -

- "1. A full chronology was presented to the States on 14th January 1999. This set out the full and complex planning history of the Committee's consideration of Dandara Island Homes Limited's applications from 11th December 1996 to June 1998 when Planning permission was granted. Copies of this report are available from the States Greffe. (P.2/99 Rpt.).

Dandara's application was countersigned on behalf of the owner of the land at the time of their application (11th December 1996).

I would refer the Deputy to paragraph 11 of the Committee's statement to the House on 16th March 1999 (reprinted as an Appendix to P.45/99 Com. presented to the States on 27th April 1999). The words there are attributed to the Solicitor General " *...the Committee had already granted planning permission and that in reliance on that permission Dandara purchased the hotel ...*" Dandara acquired the property through a company called Grouville Bay (Jersey) Limited.

Whilst property transactions which are dealt with by the Royal Court are a matter of public record the details may not be. To enable me to answer the Deputy's question I have therefore sought and been given the agreement of Dandara Island Homes Limited to disclose the following to the States.

Dandara Island Homes Limited entered into an agreement with the previous owners (Grouville Bay Hotel Limited) on 20th September 1996. This agreement was extended and revised several times whilst their planning application was under consideration. I have been advised that this agreement for Dandara to purchase was conditional on Dandara being successful in their planning application. Planning consent was granted on 17th June 1998. A legal search of planning records by the lawyers in accord with normal procedures was replied to on 25th June 1998 and I am advised that contracts were passed on 26th June 1998. According to Dandara they would not have purchased the site without previously having received planning permission.

As a result of a recheck of the planning records I have to advise the States of an inconsistency of detail in my statement of 16th March. Paragraph 3 sought to repeat the key planning history set out in our response to P.2/99. Unfortunately the date on which planning consent was given was incorrectly shown as 14th July 1998 and not 17th June 1998 as I have referred to in this reply. I offer my apologies to the States for this inaccuracy.

- 2.(a) The question requires me to identify the very considerable resource consequences for both my Committee and the Department having to prepare and respond to Senator Shenton's vote of no

confidence proposition. This was lodged on 13th April 1999 and debated only fourteen days later. The booklet which the Deputy refers was one of three produced within this time.

“What have we been doing” was produced by the Committee, with advice and factual information from the Department. The publication included visual material produced by the department using in-house IT facilities. It was published on 20th April 1999 and colour copies were circulated to all States members during that day. Monochrome copies were circulated to States departments, the media, and were made available to the public. A copy was also posted on the States Intranet.

The second document was a specific response to the six issues raised by Senator Shenton which was published on 21st April. The document was drafted by the Department and reviewed and confirmed by the Committee. The document was printed by the States Greffe (P.45/99 Com.) and a copy was posted on the States Intranet.

The third document, “a briefing document”, was produced by the Department as a comprehensive record of all achievements during the past two years. Some of this material was included in the other two documents but it may be published in some form at a later date.

The chief officer has estimated that the combined effort to produce all three documents required a total of approximately 300 paid person hours from 18 of his team, absorbing staff costs of £8,000 during a period of seven days. In addition a further 40 hours in unpaid work must be added worth a further £1,500 .

There is an additional cost, for which it is impossible to provide a monetary value, namely that of delay to other Committee projects, for example, the Town Park, due to the redirection of officer time.

To this must be added direct printing costs. Due to the very tight deadline 100 colour copies were printed externally at a cost of £795. A further 100 monochrome copies were printed at a cost of £170.

In addition, a considerable amount of Committee time was taken up with discussions on three occasions and that time could have been allocated to our normal business. Members of the Committee also spent a considerable amount of their own time to research and provide material for the documents.

- (b) Sites of Special Interest (SSIs) are designated under the Island Planning (Jersey) Law 1964 (as amended) in recognition of the importance of their flora and fauna, or for their geological, archaeological, architectural or cultural interest.

In 1986 the Island Plan agreed by the States included a schedule of proposed SSIs of ecological importance. They included wetlands, woodland, heathland and sand dune sites.

Since the Island Plan was approved, work has progressed to survey twelve priority sites. In 1996 three sites (Les Landes, Blanches Banques and La Lande du Ouest) were designated by the States as S.S.I.s for their ecological significance.

The remaining nine sites are -

Wetlands -

St Ouen's Pond
Grouville Marsh
Rue des Prés
Le Petit Pres, Trinity

Woodlands -

St Peter's Valley
St Catherine's Woods
Egypt Valley

Heathland -

Ouaisne Common
Portelet Common

All nine of these remaining ecological sites have been surveyed, plant and animal species on each have been listed, and their boundaries digitally recorded.

There have been delays in completing the process of designation, in part due to the existing workload in the Law Officers' Department, but it is anticipated that three sites, St Ouen's Pond, Ouaisne/Portelet and Grouville Marsh will be proposed for designation soon.

- 3.(a) The Committee has, for some considerable time, favoured the creation of homes for local residents in preference to new office blocks and luxury apartments. It is not, however, possible for the Committee simply to refuse all applications for a use which it does not favour at a particular point in time.

An application to develop new offices on the site of existing offices or in the office development area will be considered on its merits. In some commercial areas, the Committee has agreed to schemes which include office accommodation where there have been new residential units provided as well.

In practice market forces control the extent of office development. Last year, in answers to questions, I advised the States of outstanding permissions for several hundred thousand square feet of offices. These are not being built, among other factors, because of the controls exercised by the Finance and Economics Committee under the Regulation of Undertakings and Development Law. The market is now concentrating on residential development and, as a result of the Committee's policies, including those sites previously only considered to be viable for offices.

The vast majority of what then public, developers and estate agents call "luxury housing" is occupied by locally residentially qualified people .

The Planning law generally cannot be used to regulate occupancy, nor can it be used to control the price at which completed developments are sold. The Housing Committee control the occupancy of dwellings under the Housing law.

Refusing permission for certain uses will not, of itself, ensure that sites are developed for local family homes.

The creation of new social housing requires a partnership between the Planning and Environment, Housing, and Finance and Economics Committees. We have evolved that partnership under the auspices of joint meetings with the Policy and Resources Committee and the Housing Forums have extended that partnership to the private sector.

The Committee may propose to the States the zoning of land for social housing, but without the means of making it happen, this in itself would achieve very little. The four Committee meetings and Housing Forum meetings are exercises in promoting the partnerships and mechanisms needed to make things happen.

- (b) When an application is considered by the Committee account is always taken of the potential impact of the development on the amenities of neighbours, and of the views expressed by those making representations. It has long been the practice of the Committee to publicise applications at the Parish Halls, the Public Libraries and at the Planning Office, and to invite representations. In addition, the Jersey Evening Post prints the list of applications as a service to its readers. There is no statutory requirement for the Committee to publicise applications, although the draft Planning and Building Law will introduce a legal requirement to do so and better arrangements for publicity (such as site notices).

The representations received have to be made available to the applicant. Only material planning factors can be considered. It is not enough to say "I don't like it". It is the content and relevance to material planning considerations which count. Representations which are unreasonable will be challenged by the applicant.

On the other hand, the fact that there are no objections does not mean an automatic approval. Nor is it reasonable to assume that representations will cover all aspects that might be raised later if there is a call for modification.

The Planning law explicitly excludes application decisions from compensation except where the Committee exercises its power to modify or revoke a consent after it is issued. This power is not recommended except in the most exceptional of circumstances .

I cannot give an assurance that there will be no more calls for modification leading to compensation. What I can do is to assure the Deputy and the States that we will continue our efforts to increase consultation before applications are determined and will ensure the new Planning law provides for an improved basis for representations from persons affected by development. We will continue to try to achieve greater transparency in our procedures.

I repeat the Committee's invitation to all members to observe the Applications Sub-Committee in action. I sincerely believe that seeing the process is the equivalent of a thousand calls for greater communication.

Possible designation of part of the south-east coast as a marine S.S.I. - question and answer (Tape No. 508)

The Deputy of St. John asked Senator Nigel Lewis Qu  r  e, President of the Planning and Environment Committee the following question -

"Would the President inform the Assembly whether the Committee has any intention of seeking to designate part of the south-east coast as a marine SSI in the light of the apparent contradiction between the information contained in his reply to a question from Deputy Gerard Baudains at the last States meeting and the decision of the Committee as recorded in the Committee's Act No. 15 of 23rd July 1998."

The President of the Planning and Environment Committee replied as follows -

"There is no contradiction. As was fully explained in reply to questions from Deputy Gerard Baudains at the last meeting of the States, and has been repeatedly reported in the Press, the Committee has no intention to designate any area of the south-east coast as an SSI under the Island Planning (Jersey) Law 1964 (as amended). The "apparent contradiction" only occurs if one Act is read out of context and eight

later Acts of the Committee are ignored.

The Planning and Environment Committee has repeatedly stated on the record that the current Planning law is not seen as being suitable for use in a marine context and that no SSI designations of marine areas will be made under this law.

In future years, when the new Planning law is in effect, there may be the opportunity of designating the most important habitats of the coastal environment as SSIs. This issue will not arise until the Planning law is revised, agreed by this Assembly, sanctioned by Her Majesty in Council, and then enacted. The Committee has agreed that, should the designation of coastal or marine SSIs become necessary due to an area's environmental importance, then further consultations will take place.

The designation of a Ramsar Wetland of International Importance is a non-statutory designation. This is entirely separate to a statutory SSI consideration. There is no justification for any suggestion that the Ramsar designation is explicitly linked with SSIs, nor that any such designation would affect legitimate users of the coastal resource, nor that the Committee's purpose is other than fulfilling our international and local commitments to this and future generations.

Unfortunately, we have on recent occasions heard reports that Ramsar sites will stop people fishing commercially, fishing recreationally or somehow override existing legislative and administrative structures, suggesting that these activities will be controlled by the Planning and Environment Committee. Such statements are nonsense. On the contrary the Ramsar treaty aims to encourage "wise use" of our resources. This is an approach which is in line with Jersey's strategic policies and Environmental Charter which we all signed up to and one which all States Members, States Committees and Advisory Panels should support. "Wise use" does not restrict users if they act in a sustainable manner i.e., which respects the long term use of the marine environment. It is not a threat, it is a recognition, a celebration and an opportunity.

I would like to thank the Deputy of St. John for a further opportunity to inform the Assembly on the vital work of protecting our environmental heritage. It is what the Island is committed to do under numerous international conventions, it is what the States has promised the public in numerous Strategic Policy Reports and it is what the Planning and Environment Committee was formed to achieve."

The payment of bonuses to civil servants - questions and answers (Tape 508)

Senator Stuart Syvret asked the Deputy of Trinity, President of the Establishment Committee the following question -

"Would the President give members a detailed explanation of his Committee's policy in respect of the payment of bonuses to civil servants?"

The President of the Establishment Committee replied as follows -

"No bonuses are currently paid to civil servants and the Establishment Committee does not have a policy at this time in respect of the payment of bonuses to civil servants.

My Committee is, however, considering introducing performance related pay for departmental chief officers.

Chief officers have, since June 1997, been on personal contracts of employment. Along with Crown and States appointments, and some senior legal appointments, they are the only public employees who have personal contracts. All others negotiate collectively through recognised trade unions and staff associations.

Since 1997 my Committee has been investigating the possibility of introducing an element of performance related pay into the remuneration of chief officers. The objectives of this would be threefold -

- (a) to provide an incentive to chief officers to maximise their performance in the pursuit of their Committee and departmental business objectives;
- (b) to reward better those chief officers who perform exceptionally well in the achievement of their performance objectives; and
- (c) to pay less to those who perform less well. This is an extremely complex matter, posing such questions as how one measures performance for chief executives in the public sector, and whether performance related pay should be consolidated into basic salaries or paid as one-off annual bonuses. There is also the question of whether performance related pay should be extended to senior civil service managers, who are not chief officers, if we succeed in introducing it for chief officers. In my personal opinion, it should. However, that said, there can be no assurance that such a scheme can be effectively produced for the public sector.

These are complex issues indeed, and they are receiving the careful attention of my Committee. However, no commitments have been given, and no decisions have been made. There is most certainly no current policy on this matter. Further, I can assure the Assembly that if we propose to introduce such a scheme, we shall first consult with all Committee Presidents. For although the States have delegated to my Committee authority for determining the pay and conditions of civil servants, I would see this as a significant departure from normal arrangements for remunerating staff and one which warranted taking this step.

Public Employees Contributory Retirement Scheme Committee of Management - appointment of chairman

THE STATES, adopting a proposition of the Finance and Economics Committee, and in accordance with Regulation 3(6) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, appointed Mr. Ronald Amy O.B.E. as Chairman of the Committee of Management for a period of three years commencing 1st July 1999.

Public Employees Contributory Retirement Scheme: Committee of Management - appointment of member

THE STATES, adopting a proposition of the Establishment Committee, and in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, appointed Mr. James Clark as an employer representative on the Committee of Management for the period ending 31st December 2000, in place of the late Senator Vernon Amy Tomes.

Parish Rate Appeal Board - appointment of member

THE STATES, adopting a proposition of the Finance and Economics Committee and in pursuance of Article 14 of the Parish Rate (Administration) (Jersey) Law 1946, as amended, appointed Advocate Daniel Guy Le Sueur as a member of the Parish Rate Appeal Board, in place of Mr. Michael John Touzel, for the period ending on 30th September 2000.

Jersey Heritage Trust: new constitution - P.44/99

THE STATES acceded to the request of the President of the Finance and Economics Committee that consideration of the proposition regarding the Jersey Heritage Trust: new constitution (P.44/99 lodged "au Greffe" on 13th April 1999) be deferred to the next meeting on 25th May 1999 in view of amendments presented at the present meeting. The amendments presented by Deputy Alan Simon Crowcroft of St. Helier and the second amendments presented by the Finance and Economics Committee were lodged "au Greffe".

Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 - P.51/99

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 .

Security of tenure law - report of the Working Party - P.257/98

THE STATES, adopting a proposition of the Housing Committee -

agreed, in principle, that the “Loi (1919) sur la location des bien fonds”, as amended, and the “Loi (1946) concernant l’expulsion des locataires réfractaires”, as amended, should be repealed and replaced by a new Law which would provide *inter alia* -

- (a) for all issues relating to eviction and payment of rental to be heard by a division of a renamed Petty Debts Court to be known as the Magistrate’s Court (Civil Division);
- (b) a detailed statement of the factors which the Court may take into account when considering whether a stay from eviction should be awarded;
- (c) a new fixed period of notice of six months for all tenants;
- (d) a requirement for all tenants to be given a written statement of the main terms of their tenancy;
- (e) that unlawfully to exclude, or seek to exclude, a tenant from premises that he is entitled to occupy should become a criminal offence and a tort (a civil wrong);
- (f) that tenants be required to give landlords a period of notice;
- (g) for amended legal procedures for evictions; and
- (h) for a right of appeal by either landlord or tenant to the Royal Court.

Members present voted as follows -

“Pour” (35)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Syvret, Norman, Kinnard.

Connétables

St. Lawrence, St. Brelade, Grouville, St. Martin, St. John, St. Clement.

Deputies

H. Baudains(C), Le Sueur(H), S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Breckon(S), Huet(H), St. Martin, Le Main(H), Blampied(H), Rabet(H), Vibert(B), de la Haye (B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (4)

Connétables

St. Mary, Trinity, St. Saviour.

Deputies

St. John.

Draft Education (Jersey) Law 199 - P.30/99

Draft Education (Jersey) Law 199 . (P.30/99): amendments- P.48/99

THE STATES, commenced consideration of the draft Education (Jersey) Law 199 and adopted the Preamble.

Articles 1 to 13 and the First and Second Schedules were adopted, the States having rejected amendments of the Deputy of Grouville that in paragraph (1) of Article 12, for the words “or otherwise in accordance with Article 13” there should be substituted the words “or by other arrangements”, that for paragraphs (1) and (2) of Article 13 there should be substituted the following paragraphs -

- “(1) The approval by the Committee of arrangements made for the education of a child of compulsory school age is conclusive evidence that the arrangements are for full-time education appropriate to the child’s age, ability and aptitude and any special educational needs he may have.
- (2) The Committee shall approve arrangements made for the education of a child of compulsory school age if the Committee is satisfied that the arrangements are for full-time education appropriate to the child’s age, ability and aptitude and any special educational needs he may have.”;

and after that paragraph (4) there should be inserted the following paragraphs -

- “(5) The fact that no approval is in force under this Article in respect of arrangements made for the education of a child is not conclusive evidence that the arrangements are for education that is not full-time or that is not appropriate to the child’s age, ability and aptitude and any special educational needs he may have.
- (6) If the approval of the Committee under this Article is given subject to any conditions, the approval is of no force in respect of any period when any of those conditions is not satisfied.
- (7) In this Article “arrangements” means arrangements as referred to in paragraph (1) of Article 12”.

Members present voted on the amendments as follows -

“Pour” (17)

Senators

Rothwell, Syvret, Kinnard.

Connétables

Grouville.

Deputies

H. Baudains(C), Le Sueur(H), S. Baudains(H), Pullin(S), Duhamel(S), Routier(H), Grouville, St. Martin,

Crowcroft(H), Vibert(B), Dubras(L), G. Baudains(C), Le Claire(H).

“Contre” (29)

Senators

Horsfall, Le Maistre, Stein, Norman, Walker.

Connétables

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

Deputies

Wavell(S), Coutanche(L), St. Mary, Trinity, Johns(H), Breckon(S), Huet(H), St. John, Le Main(H), Blampied(H), Rabet(H), de la Haye(B), St. Peter, St. Ouen.

Articles 14 to 17 and the Third Schedule were adopted, the States having rejected amendments of the Deputy of Grouville that in sub-paragraph (a) of paragraph (1) of Article 16, after the words “of compulsory school age” there should be inserted the words “in provided schools”, and that in paragraph (5) of Article 16 for the words “in schools” there should be substituted the words “in schools (whether provided or non-provided)”.

Members present voted on the amendments as follows -

“Pour” (8)

Senators

Syvret, Kinnard.

Deputies

Duhamel(S), Grouville, Crowcroft(H), Vibert(B), Dubras(L), Le Claire(H).

“Contre” (24)

Senators

Horsfall, Le Maistre, Norman, Walker.

Connétables

St. Lawrence, St. Mary, Grouville, St. Helier, St. Martin, St. John, Trinity, St. Saviour, St. Clement.

Deputies

Le Sueur(H), Coutanche(L), Pullin(S), Johns(H), Routier(H), Breckon(S), Huet(H), St. Martin, St. John, St. Ouen, G. Baudains(C).

Articles 18 to 36 were adopted the States having rejected an amendment of the Deputy of Grouville that in paragraph (1) of Article 26, for the words “open for instruction” there should be substituted the words “open for the education of children of that age”.

Articles 37 to 70 were adopted, the Deputy of Grouville having withdrawn her amendments that in paragraph (1) of Article 39, for the words “open for instruction” there should be substituted the words “open for the education of children or other persons” and that for sub-paragraph (c) of paragraph (3) of Article 40 there should be substituted the following sub-paragraph -

“(c) the education provided at the school will be provided efficiently and will be appropriate to the age, aptitude and ability of the pupils of the school, having regard to their ages and genders, and to any special educational needs they may have (to the extent that the latter are to be met at the school)”.

Schedule 4 was adopted.

Members present voted as follows -

“Pour” (32)

Senators

Syvret, Norman, Walker, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Helier, St. Martin, St. John, Trinity.

Deputies

H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Pullin(S), Johns(H), Duhamel(S), Routier(H), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(H), Vibert(B), de la Haye(B), Dubras(L), St. Ouen, G. Baudains(C), Le Claire(H).

“Contre” (0)

The Fifth, Sixth, Seventh, Eighth and Ninth Schedules were adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Education (Jersey) Law 199 - .

Draft Radio Equipment (Jersey) Law 1997 (Appointed Day) Act 199 - P.41/99

THE STATES, in pursuance of Article 11 of the Radio Equipment (Jersey) Law 1997, made an Act entitled the Radio Equipment (Jersey) Law 1997 (Appointed Day) Act 199 .

Green Street/Francis Street: conditions of purchase - P.43/99

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

- (a) referred to their Act dated 11th July 1995, and agreed to enter into a contract or deed of arrangement with Mr. Andreas Sophianou modifying the relevant condition contained within the deed of sale by the public to Mr. Sophianou (completed on 24th May 1996) of land at the junctior of La Colomberie and Green Street, St. Helier, in order to extend by one year the original three-year period in which Mr. Sophianou was contractually bound to develop the land; and
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public.

Jersey Table Tennis Association: grant of a loan - P.46/99

THE STATES, adopting a proposition of the Finance and Economics Committee authorised the granting of a loan not exceeding £100,000 to the Jersey Table Tennis Association for the purpose of building a new headquarters at F.B. Fields, St. Clement, and agreed that the loan should bear interest at four per cent per annum and be repayable at the end of a period of ten years from the loan being advanced, on the condition that, should the Association inherit the property of which it is the beneficiary in a will and sell it within the ten year period referred to above, it would be required to repay the loan on the sale of the property.

THE STATES rose at 5.21 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.