



THE STATES assembled on Tuesday,
20th April, 1982 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

All members were present with the exception of –

Senator Richard Joseph Shenton – out of the Island.
Peter Gorton Baker, Connétable of St. Helier – out of the
Island.
Philip George Mourant, Deputy of St. Helier – out of the
Island.
David John de la Haye, Deputy of St. Ouen – out of the Island.
Jack Roche, Deputy of St. Saviour – out of the Island.
Donald George Filleul, Deputy of St. Helier – out of the
Island.
John Nicolle Le Fondré, Deputy of St. Lawrence – out of the
Island.

Prayers.

**The Hon. Mr. G.R. Ottenheimer and Mrs. Ottenheimer –
welcome.**

The Bailiff, on behalf of Members of the States, welcomed to
the House the Hon. Mr. G.R. Ottenheimer, Chairman of the
Executive Committee of the Commonwealth Parliamentary
Association, and Mrs. Ottenheimer.

R.N.L.I., Penlee – thanks.

The Bailiff informed the House that he had received a letter
from the Chairman of the Jersey Branch of the R.N.L.I., expressing
their appreciation for the donation by the States in aid of the Penlee
Lifeboat Fund.

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. Civil Service Administration (Shift Allowances) (Amendment No. 2) (Jersey) Order, 1982. R & O 7036.
2. Civil Service Administration (General) (Jersey) Rules, 1949 (Amendment No. 5) (Jersey) Order, 1982. R & O 7037.
3. Blight Disease (Jersey) Order, 1982. R & O 7038.
4. Potatoes (Precautions Against Blight) (Amendment No. 8) (Jersey) Order, 1982. R & O 7039.
5. Road Traffic (Public Parking Places) (Amendment No. 8) (Jersey) Order, 1982. R & O 7040.

Housing Committee – appointment of member.

THE STATES appointed Deputy David John de la Haye of St. Ouen, as a member of the Housing Committee in the place of Senator Ralph Vibert.

Fishing Industry of Jersey. R.C.12/82.

The Agriculture and Fisheries Committee by Act dated 17th March, 1982, presented to the States a Report on the Fishing Industry of Jersey.

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

Annual Accounts of the States for 1981.

The Finance and Economics Committee by Act dated 7th April, 1982 and in pursuance of Article 21(3) of the Public Finances (Administration) (Jersey) Law, 1967, as amended, presented to the States the Annual Accounts of the States for the financial year ended 31st December, 1981.

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

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee, dated 7th April, 1982, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Public Works Committee the leasing to Miss Janice Barnicoat of the Old Powder Magazine, Belval Cove, St. Catherine, for a period of nine years, with effect from 25th December, 1980, at an annual rent of £50, with the property remaining in its present use, and subject to three-yearly reviews;
- (b) as recommended by the Public Works Committee, the sale to Hotel L'Horizon Limited of a small strip of land adjacent to the Hotel's property La Rousse, St. Brelade, on the basis of £2 a square foot, namely a consideration of £1,000 for the area, the Company being responsible for the payment of all legal fees involved;
- (c) as recommended by the Public Works Committee, the leasing to Mrs. Jennifer Walters, née Crowther, of the Café at Mont Orgueil Castle, for a period of three years, with effect from 1st March, 1982, at an annual rent of £750.

Matters lodged.

The following subject was lodged "au Greffe" –

**Draft Road Transport Lighting (Amendment No. 2)
(Jersey) Regulations, 198 . P.48/82.**

Presented by the Defence Committee. The States decided to take this subject into consideration on 4th May, 1982.

The following subjects were lodged "au Greffe" on –

6th April, 1982

Draft Road Traffic (No. 24) (Jersey) Regulations, 198 . P.43/82.

Presented by the Public Works Committee.

Draft Security Interests (Jersey) Law, 198 . P.44/82.

Presented by the Finance and Economics Committee.

The States decided to take this subject into consideration on 1st June, 1982.

Jersey Council for Safety and Health at Work: Appointment of Chairman. P.45/82.

Presented by the Social Security Committee. The States decided to take this subject into consideration on 27th April, 1982.

13th April, 1982

Land adjacent to Hue Court: Transfer of administration. P.46/82.

Presented by the Housing Committee. The States decided to take this subject into consideration on 27th April, 1982.

St. John's Village Development. P.47/82.

Presented by the Island Development Committee. The States decided to take this subject into consideration on 4th May, 1982.

Payment of expenses to States' Members: proposed increase. P.37/82.

THE STATES acceded to the request of Deputy Terence John Le Main of St. Helier that the Proposition regarding the Payment of Expenses to States' Members: proposed increase (P.37/82 – lodged 16th March, 1982) be considered on 4th May, 1982.

Development of Field 1007 – Mr. D.R. Manning. P.32/82.

THE STATES acceded to the request of Deputy Richard Francis O'Connor of St. Clement that the Proposition regarding the

Development of Field 1007 – Mr. D.R. Manning (P.32/82 – lodged on 9th March, 1982) be considered on 18th May, 1982.

Radar apparatus. Questions and answers.

Deputy Terence John Le Main of St. Helier asked Senator John William Ellis, President of the Defence Committee, the following questions –

- “1. Will the President confirm that authorisation has been or is to be given for the official use by the States of Jersey Police of radar apparatus for the detection of offenders under Article 13a of the Road Traffic (Jersey) Law, 1956, as amended, and will he state whether this apparatus is similar to that which was the subject of a major part of a recent BBC Television Nationwide programme?
2. Is the Committee aware that the apparatus has already been banned from use by at least one Chief Constable in the United Kingdom?
3. Is the Committee aware that tests filmed by the BBC Nationwide programme and carried out by the Automobile Association have proved beyond any doubt that the apparatus could give false readings which in turn could result in an innocent motorist being prosecuted?
4. Is the Committee aware that since the apparatus was first placed on the market no less than five sets of operating instructions have been issued – each supplementary set having been issued after particular faults came to the notice of the manufacturers?
5. Has the Committee, or the Chief Officer of the States Police Force, been offered the services of an ‘expert’ in the operation of such apparatus in order that ‘expert’ evidence shall be available in Court if necessary?

6. The BBC Nationwide programme revealed that this service has been offered to Chief Constables in the United Kingdom whose forces use this particular type of apparatus. They also revealed that this 'expert' was in fact employed by Thorn EMI – who manufacture this type of apparatus and who therefore clearly have an extremely strong financial interest in ensuring that their equipment is seen to work to the satisfaction of both the police and the courts. Has the company which supplied the apparatus to the Jersey Force made any such offer or any offer which could remotely be construed as such an offer and, if so, what reply was given?
7. In relation to the training given to officers of the States Police, will the President inform the House whether this was given by suitably qualified instructors from within the Police Service in the United Kingdom, or if any supplying company or its servants or agents were involved?
8. If the latter was the case, will the President state whether all the costs of such training and/or demonstrations were met by the Committee and/or the Force and, if not, why not?
9. In view of the fact that public confidence in the use of this particular type of apparatus will probably have been shaken, to say the least, by the content of the programme to which I have referred, is the Committee minded to instruct the Chief Officer of the States Police to refrain from using it, particularly in view of the fact that there are many other ways of ensuring that offenders against this article of the law are caught and prosecuted?
10. If the Committee is not so minded, is the President willing to give a public assurance that no 'expert' evidence of the type referred to in question 5 will be called by the prosecution and that instead those who question the evidence will be able to cross-examine a real expert and, much more important, impartial evidence, as supplied from a totally independent source, such as the Automobile Association?"

The President of the Defence Committee replied as follows –

- “1. The use of hand-held radar apparatus for the detection of offenders under Article 13(a) of the Road Traffic (Jersey) Law, 1956, as amended, is currently under discussion by the Defence Committee and in fact will be a major topic for conversation at the next meeting of the Committee which is to be held at Police Headquarters on Thursday, 29th April, 1982.

The equipment currently being evaluated by the States of Jersey Police is similar to but not identical to that shown in the recent Nationwide programme. Although the apparatus was constructed by the firm known as Muniquip, it is known that the set demonstrated on the Nationwide programme was supplied to the customer prior to the recent important modification being available in that recent sets, including the unit currently being used by the States of Jersey Police Force, have been fitted with a filtration unit which drastically reduces the susceptibility of the apparatus to interference from independent radio sources.

2. The withdrawal, as opposed to the banning of hand-held radar by the Gwent Constabulary, is not a recent development. It followed a very well publicised Appeal Court case in Newport, Gwent, during April, 1981, where the prosecution suffered an overwhelming defeat after it was shown that the reporting Police Officer had received no formal training in the use of hand-held radar and, furthermore, that the operator did not appreciate the fundamentals of radar or indeed the basic principles of speed detection in any form.

Whilst answering this point it is important to note that the Gwent Constabulary are not currently using the equipment for prosecution purposes. However, they are still using the equipment in an advisory and analytical capacity. Furthermore, whilst hand-held radar has been withdrawn in Gwent, similar units are

currently being actively employed for Court purposes in 30 Police Forces throughout the length and breadth of England and Wales.

3. In the Nationwide programme there were a number of illustrations of how the equipment must not be used. It is apparent that as with any form of technical apparatus, the equipment must be used strictly in accordance with the rules governing the operation and failure to adhere to those principles would quite rightly result in dismissal of any subsequent Court proceedings.

It must be appreciated that no motorist will be convicted solely on the evidence of hand-held radar, as he would not be convicted purely on the evidence of Vascar or any other form of mechanical or electronic speed detection equipment. Hand-held radar is purely a method of gaining corroboration of a soundly-based opinion which had been previously formed by the operator who is himself an experienced member of the Traffic Department of the States of Jersey Police.

It is quite clear that during the course of the Nationwide programme there was no illustration of the correct use of this equipment as undoubtedly this would have discredited their arguments against the use of hand-held radar. However, it is important to note that the commentator on that programme did state that if the equipment was used correctly, it would give a very accurate reading.

4. Universal Auto Payment Limited, the U.K. agents for Muniquip T3 hand-held radar, have not publicly issued five sets of operating instructions covering the use of hand-held radar. The first set of instructions was issued in 1979 and this comprised two separate documents, an eight-page manual setting out the basic principles of radar, plus a separate document which formed an operational instruction booklet. The second set was issued in 1980, prior to any controversy arising. Whilst there

were improvements made to the text, i.e. certain points already covered in the original document were subject to greater, more detailed explanation, there were no major changes made to the format produced in the original instructions.

The third and fourth editions of the instruction manual were not issued publicly; they remained an internal document for the exclusive use of the agents. They were in fact a basic draft of the current instructions which have been issued as the Fifth Edition. The latter described document combined the original description of radar and the operational manual, creating one document.

Whilst more improvements have been made to the text, the principles were adequately covered in the original document. However, greater emphasis has been placed on certain aspects in an effort to clarify certain ambiguous statements and to prevent misinterpretation of the instructions.

5. The services of an expert witness to give evidence on the technical aspects of radar have not been offered to the States of Jersey Police and a further explanation of the current position is set out in answer to Question No. 6.
6. During the course of the Nationwide programme it was disclosed that Mr. Gordon Selby (an employee of Thorn EMI, the parent company of Universal Auto Payment) had given expert evidence on the technical aspects of hand-held radar in a number of prosecutions. Mr. Selby is probably one of the most experienced and highly qualified experts on the subject of hand-held radar to be found in the United Kingdom at this time and as he had undertaken a considerable amount of research on the subject of hand-held radar and its application to speed detection, he was employed as an expert witness and had been offered to a number of Police Forces in a limited area of Great Britain. Police Forces situated outside of this specified district also used totally independent experts drawn from local government authorities or universities.

7. During May, 1981, Police Sergeant Garrett underwent a training course with the Traffic Department of the Sussex Constabulary, the Force which in fact pioneered the use of hand-held radar some five years ago and who have during the subsequent interval, undertaken many thousands of prosecutions without any problems being evident.

More recently Police Sergeant Garrett and other members of the Traffic Department have undertaken a training course in the use of hand-held radar, under the direction of a qualified instructor who is employed by Universal Auto Payment Limited, the U.K. agents for Muniquip hand-held radar.

Since the completion of that training course each potential operator has undertaken a period of familiarisation with the equipment, under the close scrutiny of the Supervisory Officers from within the Traffic Department of the States of Jersey Police.

8. All costs incurred as a result of the training course supplied by the company, including travelling, accommodation expenses, plus professional services, were met by the Committee.
9. To date there is no evidence to suggest that there has been a widespread adverse reaction to the introduction of this apparatus or indeed that public confidence has in any way been shaken, as it is generally accepted by the responsible members of the community that there is a need for a deterrent to be ever present to minimise the risks which the average motorist is subjected to by the actions of irresponsible motorists who not only abuse Article 13(a) of the Road Traffic (Jersey) Law, 1956, (Speeding Law) but who also, by their actions, threaten the lives of responsible innocent members of the community.

Whilst it is accepted that the Nationwide programme was a graphic illustration of how the equipment must not be used, it is important to note that not one credible authority has ever been able to present a report which either proved or even suggested that when the equipment is applied correctly as a corroborative instrument, the evidence derived therefrom is dangerously inaccurate and should not be admitted in evidence. Furthermore, it is generally accepted that a portion of the community who have expressed doubts about this apparatus would equally find fault with any form of speed detection equipment.

10. The services of a witness who is associated in any shape, manner or form with the Thorn EMI group, are no longer available to the Police Service. Evidence of an expert nature will be derived from an independent, impartial qualified source. Court procedure is such that any witness called, expert or otherwise, can be cross-examined by either side.”

Car park change machines. Question and answer.

Deputy Maurice Clement Buesnel of St. Helier asked the President of the Public Works Committee the following question –

“For the convenience of short-term car parkers, will the President consider installing change-giving machines in multi-storey car parks?”

The Vice-President of the Public Works Committee replied as follows –

“In the absence of the President, I confirm that the Public Works Committee will consider in due course the provision of coin changing machines in multi-storey car parks and the Deputy will be advised in due time of the Committee’s conclusions.”

Jèrriais. Question and answer.

Deputy Maurice Clement Buesnel of St. Helier asked Senator Reginald Robert Jeune, President of the Education Committee, the following question –

“In order to preserve and encourage the speaking of ‘Jèrriais’, will the President initiate a five year programme of substantial prize awards in both junior and senior categories to promote our cultural heritage?”

The President of the Education Committee replied as follows –

“If I understand the questioner aright, his suggestion is made in general terms for both adults and children to be encouraged by awards, to study Jersey Norman French. I would be pleased if he would amplify his ideas so that my Committee could give consideration to them.

The Jersey Norman French evening classes have not been so well supported recently as in the early '70s but my Committee will continue to include them in the adult education programme at Highlands and add it to Les Quennevais, if tutors are available and classes will open subject to sufficient numbers enrolling.

My Committee does not subscribe to the view that Jersey Norman French is dead and is anxious to take any reasonable steps to assist.

I would be pleased to receive any specific suggestions as to how we can assist, from the Deputy himself, from States' members and any members of the public who are particularly interested.”

Medical Clinic. Question and answer.

Deputy Maurice Clement Buesnel of St. Helier asked Senator John Le Marquand, President of the Public Health Committee, the following question –

“In view of the hardship caused to young families through high medical fees, will the President reconsider re-opening the General Hospital Medical Clinic for such patients?”

The President of the Public Health Committee replied as follows –

“The answer is no, mainly for these reasons.

For many years the morning Medical Clinic accepted local residents for treatment but with the introduction of the Social Security Health Scheme, in 1968, these facilities were gradually phased-out.

Deputy Buesnel will be aware, as a Member of the Social Security Committee, that the Health Insurance Exemption Scheme which is designed to aid cases of hardship, is extensively used by over 2,000 persons currently entitled to free health and prescription benefits. I am also given to understand that persons who are in receipt of Welfare Benefits or who may be temporarily financially embarrassed are helped by the Connétables with medical and pharmaceutical aid.”

Telephone tapping and electronic eavesdropping. Question and answer.

Deputy Maurice Clement Buesnel of St. Helier asked Deputy Edgar John Becquet, President of the Legislation Committee, the following question –

“In view of Jersey’s important position as an off-shore financial centre and mindful of the fact that no legislation exists regarding telephone tapping, electronic eavesdropping and likely computer fraud and misuse, will the President consider introducing comprehensive legislation covering these fields?”

The President of the Legislation Committee replied as follows –

“The Deputy is wrong to suggest that there are no legal controls over telephone tapping, electronic eavesdropping and computer fraud. Both telephone tapping and electronic

eavesdropping by means of the use of small radio transmitters or other electronic equipment are offences under the Wireless Telegraphy Act 1949 (as extended to Jersey by the Wireless Telegraphy (Channel Islands) Order, 1952).

In exceptional circumstances the Attorney General has power under the Post Office Act 1969, as extended to Jersey and adapted by the Telecommunications Services (Jersey) Order, 1972, to authorise the interception of communications, including the tapping of a telephone, for the purpose of detecting serious crime and for safeguarding the security of the state.

As to computer fraud it is an offence at common law to obtain money or other financial benefit by fraud, whether such fraud involves computers or any other means.

If by misuse of computers the Deputy means the unauthorised disclosure of confidential information stored on computers, such unauthorised disclosure will, in most circumstances, involve a breach of confidentiality and would be an unlawful act which could give rise to a right to damages.

It follows that my Committee sees no need to consider the introduction of comprehensive legislation in these fields.”

Constitution Committee: Appointment of Members.

THE STATES commenced consideration of a Proposition of Senator Ralph Vibert regarding the appointment of Members of the Constitution Committee and rejected the Proposition of Deputy Terence John Le Main of St. Helier that the Committee be comprised of eight members. Senator John Stephen Rothwell then nominated Senator John William Ellis, President of the Defence Committee and Deputy Terence John Le Main of St. Helier nominated Deputy Maurice Clement Buesnel of St. Helier.

THE STATES then proceeded to a ballot.

The result of the ballot having been declared, the States rescinded their Acts dated 9th October, 1962, 17th January, 1967 and 19th December, 1968 and appointed the following as members of the Committee –

Senator Ralph Vibert, **President**

Senator John Le Marquand

Senator Richard Joseph Shenton

Senator Reginald Robert Jeune

Senator Bernard Thomas Binnington

Sir Martin Le Quesne, Deputy of St. Saviour

Edgar John Becquet, Deputy of Trinity

The result of the ballot was as follows –

Senator Ralph Vibert, 45 votes

Senator Richard Joseph Shenton, 45 votes

Senator Bernard Thomas Binnington, 45 votes

Senator Reginald Robert Jeune, 42 votes

Edgar John Becquet, Deputy of Trinity, 42 votes

Senator John Le Marquand, 41 votes

Sir Martin Le Quesne, Deputy of St. Saviour, 34 votes

Senator John William Ellis, President of the Defence
Committee, 19 votes

Maurice Clement Buesnel, Deputy of St. Helier, 9 votes.

Sale of 4, Verulam Villas, Clairvale Road, St. Helier.

THE STATES, adopting a Proposition of the Fort Regent Development Committee –

- (a) approved the sale by the Public of the Island to April Investments Ltd. of 4, Verulam Villas, Clairvale Road, St. Helier, for a consideration of £38,500;

- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract in the matter;
- (c) authorised the Treasurer of the States to receive the said sum of £38,500 and to credit this to the Capital Vote of Credit. C.1205.

Report on Economic Policy – Committee of the Whole House.

THE STATES, on the Proposition of the President of the Policy Advisory Committee resolved into a Committee of the Whole House and finished consideration of that Committee's Report on Economic Policy (P.35/82 – presented 16th March, 1982) adjourned from 30th March, 1982.

The Committee rose at 4.30 p.m.

E.J.M. POTTER,

Greffier of the States.