

Price : £1.50

THE STATES assembled on Tuesday,  
24th September 1996 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache

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

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All members were present with the exception of -

Senator Stuart Syvret - suspended  
Senator Vernon Amy Tomes - ill  
Iris Medora Le Feuvre, Connétable of St.  
Lawrence - out of the Island  
John Baudains Germain, Connétable of St.  
Martin - out of the Island

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Prayers

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Subordinate legislation tabled

The following enactments were laid before the  
States, namely -

1. Royal Court (Amendment No. 9)  
Rules 1996. R & O 8970.
2. Royal Court (Amendment No. 10)  
Rules 1996. R & O 8971.
3. Road Traffic (Grouville)  
(Amendment No. 13) (Jersey) Order 1996.  
R & O 8972.
4. Insurance Business (General

Provisions) (Jersey) Order 1996.  
R & O 8973.

5. Insurance Business (Solvency Margin) (Jersey) Order 1996.  
R & O 8974.
6. Motor Cars (Driving Instruction) (Amendment No. 7) (Jersey) Order 1996.  
R & O 8975.
7. Motor Vehicle Registration (General Provisions) (Amendment No. 4) (Jersey) Order 1996. R & O 8976.
8. Motor Vehicles (Driving Licences) (Amendment No. 5) (Jersey) Order 1996. R & O 8977.
9. Motor Vehicles (Construction and Use) (Amendment No. 35) (Jersey) Order 1996. R & O 8978.

Harbours and Airport Committee - appointment of President

THE STATES, on the proposition of Senator Reginald Robert Jeune, appointed Senator Antony Beresford Chinn as President of the Harbours and Airport Committee.

Harbours and Airport Committee - appointment of members

THE STATES, on the proposition of Senator Antony Beresford Chinn, President of the Harbours and Airport Committee, appointed the following as members of that Committee -

John Baudains Germain, Connétable of St. Martin  
Philip Roy Cabot, Connétable of Trinity  
Michael Adam Wavell, Deputy of St. Saviour  
Leonard Norman, Deputy of St. Clement  
Percy John Le Masurier, Deputy of St. Ouen  
James Thomas Johns, Deputy of St. Helier.

Matters presented

The following matters were presented to the States -

1. Training and Employment  
Partnership - strategy (P.137/96):  
comments - P.144/96.  
Presented by the Policy and  
Resources Committee.
2. Organic farming - R.C.23/96.  
Presented by the Agriculture and  
Fisheries Committee.  
THE STATES ordered that the said report  
be printed and distributed.
3. Manpower report for the period  
1st January 1996 to 30th June 1996 -  
R.C.24/96.  
Presented by the Establishment  
Committee.  
THE STATES ordered that the said report  
be printed and distributed.
4. Welfare benefits: recommended  
rates from 1st October 1996 -  
R.C.25/96.  
Employment and Social Security  
Committee.  
THE STATES ordered that the said report  
be printed and distributed.

#### Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 16th September 1996, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Harbours and Airport Committee, the renewal of the lease to Messrs. D.C. and M.J. L'Enfant of the Victoria Pier Bunker Vivier (Letting No. V32/V32B), for a further period of three years from 1st August 1996 at an annual rent of £1,566.53 (based on a letting area of 500 square feet at a rate of £3.13 a square foot) subject to annual review;
- (b) as recommended by the Public Services Committee, the purchase from Astra Holdings Limited of 249 square feet of land at the junction of La Route des Genets and La Rue Don, St. Brelade, for a consideration of £240, with the Committee being responsible for all reasonable legal costs involved

in the transaction and the cost of the accommodation works required;

(c) as recommended by the Public Services Committee, the renewal of the lease from Mr. Martin Ralph Chinnery of the three-bedroom property, 1 Clos du Douet, St. John, for a further period of one year from 1st September 1996 at an annual rent of £11,448.47, required to accommodate an employee whose contract of employment had been extended for a further year;

(d) as recommended by the Housing Committee, the grant to the Modern Hotels Group (owners of the Mayfair Hotel Limited and the Hotel des Voyagers Limited) of a wayleave to connect the mains water supply, foul sewage and surface water drainage, respectively, and pipes of the hotels under public land at De Quetteville Court, St. Helier, in exchange for -

(i) the Jersey Electricity Company Limited being granted, by the Modern Hotels Group (owners of the Hotel Metropole (Jersey) Limited), the appropriate wayleave to install and maintain its existing electricity cable (to Sub-Station 593) under the private roadway off St. Clement's Road, St. Helier, on the basis that the Committee would be responsible for any costs which were incurred by the Jersey Electricity Company Limited in relation to the transaction; and

(ii) the Modern Hotels Group (owners of the Hotel Metropole (Jersey) Limited and the Ritz Hotel (Jersey) Limited) entering into a Deed of Arrangement to clarify the boundaries at Keith Baal Gardens, St. Helier, on the basis that each party would be responsible for its own legal fees associated with the transaction;

(e) as recommended by the Housing Committee, a Deed of Arrangement with the Modern Hotels Group (owners of the Hotel Metropole (Jersey) Limited and the Ritz Hotel (Jersey) Limited) in

order to clarify the boundaries between Keith Baal Gardens, St. Helier, and the adjacent land which belonged to the Group, with each party being responsible for its own legal costs associated with the transaction.

#### Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Police Force (Amendment No. 6) (Jersey) Law 199 - P.145/96.  
Presented by the Defence Committee.
2. Jersey Post Office Limited:  
incorporation - P.146/96.  
Presented by the Committee for Postal Administration.
3. Jersey Telecoms Limited:  
incorporation - P.147/96.  
Presented by the Telecommunications Board.
4. Draft Parish Rate (Jersey) Law 199 - P.148/96.  
Presented by the Connétable of St. Clement.
5. Land at Ville ès Renauds, Grouville - P.149/96.  
Presented by the Connétable of Grouville and referred to the Planning and Environment Committee.
6. Smoking and health - P.150/96.  
Presented by the Health and Social Services Committee.
7. Draft Licensing (No. 11) (Jersey) Regulations 199 - P.151/96.  
Presented by the Tourism Committee.
8. Draft States of Jersey (Amendment No. 5) Law 1996 (Appointed Day) Act 199 - P.152/96.  
Presented by the Policy and Resources Committee.

Arrangement of public business for the next meeting on 8th October 1996

THE STATES agreed that the following matters lodged ``au Greffe" would be considered at the next meeting on 8th October 1996 -

Health and Social Services towards 2000:  
Strategy 1997 - 2000 - P.106/96.  
Lodged: 9th July 1996.  
Health and Social Services Committee.

Draft Advocates and  
Solicitors (Jersey) Law 199 - P.108/96.  
Lodged: 9th July 1996.  
Legislation Committee.

Draft Advocates and  
Solicitors (Jersey) Law 199 (P.108/96):  
amendment - P.115/96.  
Lodged: 9th July 1996.  
Senator C. Stein.

Draft Advocates and  
Solicitors (Jersey) Law 199 (P.108/96):  
second amendments - P.133/96.  
Lodged: 27th August 1996.  
Deputy D.A. Carter of St. Helier.

Training and Employment Partnership:  
strategy - P.137/96.  
Lodged: 3rd September 1996.  
Employment and Social  
Security Committee.

Training and Employment Partnership -  
strategy (P.137/96): comments - P.144/96.  
Presented: 24th September 1996.  
Policy and Resources Committee.

Draft Police Force (Amendment No. 6)  
(Jersey) Law 199 - P.145/96.  
Lodged: 24th September 1996.  
Defence Committee.

Draft Parish Rate Law (Jersey) Law  
199 - P.148/96.  
Connétable of St.  
Clement.

Strategic Policy Review and Action  
Plan 1996 - P.129/96, paragraph 2(a).  
Lodged: 20th August 1996, debated 10/11th

September. Proposition adopted as amended,  
except for paragraph 2(a) deferred.  
Policy and Resources Committee.

Strategic Policy Review and Action  
Plan 1996 (P.129/96): amendment - P.143/96.  
Lodged: 10th September 1996 by Deputy P.J.  
Rondel of St. John.  
Deputy G. Matthews of St. Brelade.

Smoking and health - P.150/96.  
Lodged: 24th September 1996.  
Health and Social Services Committee.

Draft States of Jersey  
(Amendment No. 5) Law 1996 (Appointed Day)  
Act 1996 - P.152/96.  
Lodged: 24th September 1996.  
Policy and Resources  
Committee.

Joint Advisory Council: constitution and terms  
of reference (P.109/96) - amendment - P.126/96  
(Revised)

THE STATES noted that Senator Terence John Le  
Main had withdrawn his amendment to the  
constitution and terms of reference of the Joint  
Advisory Council (P.109/96) - P.126/96  
(Revised) - lodged "au Greffe" on 30th July  
1996.

Channel Islands Electricity Grid -  
P.136/96 - deferred

THE STATES decided to defer consideration of the  
proposition of the Finance and Economics  
Committee regarding a Channel Islands  
Electricity Grid to its next meeting.

Limited Liability Partnerships (Jersey) Law  
199 - questions and answers (Tape No. 361)

Deputy Alastair John Layzell of St. Brelade  
asked Senator Pierre François Horsfall,  
President of the Finance and Economics  
Committee, the following questions -

1. Would the President confirm that  
the Finance and Economics  
Committee's Act of 21st November  
1995, in which the Committee  
requested the Policy and Resources

Committee to make available law drafting time for the draft Limited Liability Partnerships (Jersey) Law 199, was withheld from members of the Policy and Resources Committee at its meeting on 28th November 1995?

2. If the answer to question one is 'yes', would the President say who decided to withhold the Act?"

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

1. Question 1 arises from paragraph 2 of 28th November entry which is on page 3 of the so-called 'Limited Liability Partnerships Law Chronology' issued by Deputy A.J. Layzell and circulated to all members on Saturday, 21st September, although, to my knowledge, some of the media had copies in their possession prior to that date. The entry in question reads - 'The Finance and Economics Committee Act is withheld from Policy and Resources Committee members according to the Chief Adviser' at the request of the the President of the Finance and Economics Committee and the Director of the Financial Services Department'. I do not have to tell members that this is a very serious allegation which has been widely published and which I deeply resent and utterly refute, particularly when I learn that Deputy Layzell at least up to the time of writing this reply (4 p.m. Monday, 23rd September), has not even bothered to contact the Chief Adviser to ascertain if what is being attributed to him is true, even though I denied the allegation to the Deputy on the telephone on Wednesday, 18th September and again in the Jersey Evening Post on Thursday, 19th September. Had he done so the Chief Adviser would have corrected what is an erroneous and defamatory statement which has now been widely published beyond the

safety of the privilege of this House. In my opinion this tawdry episode discredits the Deputy and the four others who have joined with him in this exercise, discredits the chronology and does this House a great disservice.

The particular answer to the question is that the contents of the Act were not withheld from the members of the Policy and Resources Committee.

The actual circumstances were that the Act, marked 'strictly confidential' was received by the Chief Adviser on Monday, 27th November 1995. As the Policy and Resources Committee meeting was to be held on the following morning it was not possible to circulate it prior to the meeting. The Chief Adviser shares my view that at the meeting the members received a full account of the background to the request, including the information contained in the Act of the Finance and Economics Committee.

The main point of the discussion that ensued is included in the Policy and Resources Committee minute of the meeting, i.e. it was understood by the Committee that 'the work involved in checking the draft Law and making sure that it conformed to local systems should not be onerous and would not therefore significantly affect the 1996 Law Drafting Programme.'

2. In view of the reply to question 1 which is negative this question does not arise."

#### 1996 Census - statement

The President of the Etat Civil Committee made a statement in the following terms -

``Members will recall that a population census was conducted by the Etat Civil Committee in March this year. I am pleased to be able to provide members with the preliminary results of that census.

The resident population of the Island - that is those people present on the night

of 10th March 1996, excluding visitors, plus those normally resident but who were absent on census night - was 85,150. This figure represents an increase of 1,068 or 1.3 per cent between March 1991 and March 1996.

The increase in the resident population arises entirely from natural factors. Between March 1991 and March 1996 the number of births recorded in the Island exceeded the number of recorded deaths by 1,497. Over the same period the number of people emigrating from the Island exceeded the number of people immigrating to the Island by 429.

The annual average rate of population increase between March 1991 and March 1996 was 213, which compares with an annual rate of increase of 775 between March 1986 and March 1991.

The Census Officer has prepared a preliminary report on the 1996 census results for my Committee, and this report is available for circulation to members during this morning's sitting. A full report on the 1996 census will be prepared by the Census Officer, and my Committee will present this report to the States at the earliest possible date.

I should like to take this opportunity to thank the Census Officer and his team - in particular Mary Austin, Dr. Bob McNab and the Census supervisors and enumerators - for their efficient organisation and conduct of the census. Members will appreciate that this is a major task and its successful outcome is of great importance to the Island.

I should also like to thank the general public for their co-operation, without which it would not be possible to carry out a census."

Committee of Inquiry: Draft Limited Liability Partnerships (Jersey) Law 199

THE STATES commenced consideration of a proposition of Senator Pierre François Horsfall, requesting the States, in accordance with Article 30 of the States of Jersey Law 1966, to

appoint a Committee of Inquiry to investigate the procedure followed in relation to the time-tabling, preparation and presentation to the States of the draft Limited Liability Partnerships (Jersey) Law 199 (P.84/96), and to request the senior Senator to present for the approval of the States nominations for the Chairman and members of the Committee of Inquiry. After discussion, and on the proposition of Senator Richard Joseph Shenton, the proposition was lodged ``au Greffe".

THE STATES, on the proposition of Senator Richard Joseph Shenton, agreed that the proposition should be taken as the first of the items lodged ``au Greffe" set down for discussion at its next meeting on 8th October 1996.

The Royal Bank of Scotland International Limited (Jersey) Law 1996 (Appointed Day) (No. 2) Act 1996 - P.135/96

THE STATES, in pursuance of paragraph (3) of Article 10 of The Royal Bank of Scotland International Limited (Jersey) Law 1995, made an Act entitled The Royal Bank of Scotland International Limited (Jersey) Law 1995 (Appointed Day) (No. 2) Act 1996.

Limited Liability Partnerships (Jersey) Law 199 - P.138/96

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

Members voted on the Law in Third Reading as follows -

``Pour" (38)

Senators

Shenton, Horsfall, Rothwell, Le Main, Le Maistre, Stein, Chinn, Bailhache.

Connétables

St. Clement, St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Saviour, St. Ouen, St. John, Trinity.

Deputies

Rumboll(H), Wavell(S), Norman(C), St. Peter, H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Geyt(S), Walker(H), Crespel(H), Pullin(S), Johns(H), Routier(H), Dorey(H), Huet(H). St. John.

``Contre" (7)

Senator

Québec.

Deputies

Carter(H), Matthews(B), Layzell(B), Breckon(S), Grouville, St. Martin.

One member abstained from voting.

Joint Advisory Council: constitution and terms of reference - P.109/96, P.126 (Revised) and P.141/96

THE STATES, adopting a proposition of the Finance and Economics Committee -

- (a) rescinded their Acts, dated 13th May 1947, 29th April 1953 and 12th February 1991, concerning the functions of the Joint Advisory Council;
- (b) approved the appointment of a Joint Advisory Council with the constitution and terms of reference set out in the Appendix to the report of the Finance and Economics Committee, dated 1st July 1996, except that in paragraph 2(c) of the Appendix for the words ``four members representing the Transport and General Workers Union" there shall be substituted the words ``four members representing employees, at least two of whom will be representatives of the Transport and General Workers Union."

Planning and Building Control Charges: fee structure - P.120/96

THE STATES, adopting a proposition of the Planning and Environment Committee, expressed their support for the intention of the Planning and Environment Committee to introduce, with

effect from 1st January 1997, the fee structure for planning and building control services set out in the draft Island Planning Fees (Jersey) Order 1996 and the draft Building Bye-Laws (Amendment No. 5) (Jersey) 1996.

Members voted as follows -

``Pour" (38)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le Main, Stein, Chinn, Bailhache.

Connétables

St. Clement, St. Mary, St. Brelade, St. Peter, St. Saviour, St. Ouen, St. John.

Deputies

Rumboll(H), St. Peter, H. Baudains(C), Le Sueur(H), St. Ouen, Coutanche(L), Huelin(B), St. Mary, S. Baudains(H), Le Geyt(S), Walker(H), Crespel(H), Pullin(S), Carter(H), Johns(H), Duhamel(S), Routier(H), Dorey(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin.

``Contre" (6)

Senator

Le Maistre.

Connétables

Grouville, St. Helier, Trinity.

Deputies

Norman(C), St. John.

Personal statement by Deputy A.J. Layzell of St. Brelade

Deputy Alastair John Layzell of St. Brelade made a statement in the following terms -

``Sir, I have asked your permission to make a short statement which I had intended to make after my question to Senator Horsfall this morning, but which was lost in the supplementary questioning which ensued.

I am sorry that Senator Horsfall

interpreted my question as an attack on his personal integrity and, if he did, I am happy to make it clear that I did not intend it as such.

I remain deeply concerned about the way in which the draft Limited Liability Partnerships Law reached this House and I will make representations to the Committee of Inquiry if and when it is established."

Jersey Airport - funding: passenger load supplement - P.131/96

THE STATES rejected a proposition of the Tourism Committee requesting the Harbours and Airport Committee not to proceed with its proposals to increase the Passenger Load Supplement over the period 1996 to 1998, as a contribution towards financing the airport development, but to find other means of financing that would be less detrimental to the tourism industry.

Licensing (Licence Fees) (Jersey) Regulations 1996 - P.139/96

THE STATES, in pursuance of Article 11 of the Licensing (Jersey) Law 1974, as amended, made Regulations entitled the Licensing (Licence Fees) (Jersey) Regulations 1996.

Bovine Spongiform Encephalopathy - P.140/96

THE STATES, adopting a proposition of the Agriculture and Fisheries Committee, suspended Article 18(8) of the Public Finances (Administration) (Jersey) Law 1967, as amended, and made available to the Agriculture and Fisheries Committee, with immediate effect, the additional funding required as a result of recent developments in the situation regarding Bovine Spongiform Encephalopathy (B.S.E.), as set out in the Committee's report, dated 22nd August 1996, as follows -

- (a) the sum of £324,000 for 1996 to cover the compensation costs, loss of income and additional operating costs incurred in meeting the B.S.E. slaughter policy; and
- (b) the sum of £315,000 to be paid to vote No. 0650 - "Contingencies" in order

to reimburse the funds approved by the  
Finance and Economics Committee for the  
construction of a carcass disposal  
building.

THE STATES rose at 4.40 p.m.

G.H.C. COPPOCK

Greffier of the States.