



**THE STATES assembled on Tuesday,
3rd February 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

All members were present with the exception of –

Derek Ryder Maltwood, Deputy of St. Mary– out of the Island
Shirley Margaret Baudains, Deputy of St. Helier– out of the Island
Philip John Rondel, Deputy of St. John– out of the Island
Graeme Ernest Rabet, Deputy of St. Helier– out of the Island.

Prayers

Review of financial legislation and regulatory systems

The Bailiff informed the Assembly that, following the resolution adopted by the States at the meeting of 27th January 1998, he had written to the Secretary of State for the Home Department in the following terms –

“Dear Home Secretary,

I have today been requested, by resolution of the States Assembly, to inform you of their deep concern that an announcement in the House of Commons of the undertaking of a review of the financial legislation and regulatory systems of the Crown Dependencies should have been made before proper consultation with the Island Authorities. The States are not in principle opposed to a review and indeed welcome the opportunity presented by an independent and impartial appraisal to consider their financial regulation. I shall be writing separately through the official channels on that subject once the Island Authorities have had the opportunity fully to consider the matter. I can however state that there are certain details surrounding the review which require clarification by the Home Office and it is unfortunate that the lack of consultation will inevitably delay the start of Mr. Edwards work.

The purpose of this letter is to underline an important point of principle. For centuries, in times of peace and of war, Islanders have demonstrated their loyalty to the Crown. That loyalty has been rewarded by various Royal charters and grants so that the States have, for all practical purposes, autonomy in the administration of the Island’s domestic affairs. That right to self-determination is regarded by all Jersey men and women as precious. While the States recognize the international dimension of money-laundering and financial crime, the regulation of financial business falls without doubt within the sphere of governmental activity which, in accordance with the constitutional relationship between the United Kingdom and Jersey, is the Island’s responsibility. It is moreover an area where the Island authorities have long been sensitive to the need to protect their reputation as a well regulated financial centre.

I draw your attention to the 1973 Royal Commission on the Constitution, chaired by Lord Kilbrandon, which stated at paragraph 1498 of its report –

“The first point we would make is that both the United Kingdom and the islands have not only rights but also obligations towards each other. The Islands have a right to respect for their autonomy in domestic affairs....”

To announce the setting up of this review without any proper consultation seems to the Island Authorities to be a regrettable failure to observe the mutual obligation of respect which should underpin governmental relations between the United Kingdom and Jersey. That failure is exacerbated by the decision to ignore the request contained in my letter of 19th January 1998 to Lord Williams of Mostyn that the announcement of the review be deferred for a short period sufficient to allow proper consultation to take place. Pursuant to the resolution of the States Assembly I have therefore to protest in strong terms at this breach of the long established constitutional conventions.

Yours sincerely,

Philip Bailhache.

The Rt. Hon. Jack Straw, MP,
Home Secretary,
Home Office,
Queen Anne’s Gate,
LONDON SW18 9AT.”

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Advocates and Solicitors (Qualifying Examination) (Amendment) (Jersey) Rules 1998. R & O 9192.

Inquests and Post-Mortem Examinations (Amendment) (Jersey) Rules 1998. R & O 9193.

Motor Vehicles (Driving Licences) (Amendment No. 9) (Jersey) Order 1998. R & O 9196.

Road and Sand Racing (Jersey) Order 1998. R & O 9197.

Civil Service (Exclusion) (No. 2) (Jersey) Order 1998. R & O 9198.

Matters presented

The following matters were presented to the States –

Births, marriages and deaths in 1997: statement – R.C.3/98.
Presented by the Etat Civil Committee.

Defence contribution: Territorial Army Unit (P.124/97) – report – P.10/98.
Presented by the Defence Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 26th January 1998, 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 Planning and Environment Committee, the entering into of a Deed of Arrangement with Mr. John Frank Samuel Fox and Mrs. Hilda Vere Fox, née Leatherby, the owners of the property known as Sea Breeze, Les Chemin des Signeaux, La Moye, St. Brelade, in relation to drainage rights and boundary agreements in two fields adjoining their property, namely Fields Nos. 563 and 570, as follows –
 - (i) Field No. 563– the sale of an area of land to Mr. and Mrs. Fox for a nominal fee of £100, subject to the conditions specified in an Act, dated 11th December 1997, of the Planning and Environment Committee, on the basis that the owners would be responsible for all legal costs associated with the transaction and that, in agreeing to the transaction, Mr. and Mrs. Fox had agreed to terminate their existing vehicular and pedestrian access across Field No. 563, although they would retain all of their existing rights in relation to public utility services to their property;
 - (ii) Field No. 570– an arrangement to allow the owner of the property known as Sea Breeze to construct an overflow soakaway for surface water drainage only under Field No. 570, with the necessary rights of access to construct, maintain and repair the said soakaway and to reinstate all and any damage caused by the construction or maintenance of the soakaway within Field No. 570, with all work and maintenance to be subject to discussion with, and approval by, the Planning and Environment Committee. In addition, any detrimental effect on Field No. 570 as a result of the soakaway would be remedied by the owner of the property known as Sea Breeze to the satisfaction of the Environmental Services Unit (it being noted that Field No. 570 was due to be designated as part of the Sites of Special Interest (SSI) known as Gorseland and should be treated as part of the SSI until such time as its legal designation);
- (b) as recommended by the Public Services Committee, the lease to the Jersey Electricity Company Limited of electricity sub-station No. 111, Bellozanne Treatment Works, Bellozanne Valley St. Helier, for a period of 99 years at an annual rent of £1 payable at the commencement of the lease with all monies payable on the passing of the contract and with each party being responsible for its own legal costs arising from the transaction, on the basis that the company was also to be granted free of charge the necessary wayleave rights in accordance with wayleave plan No. P1452B dated 26th September 1997. (The Committee rescinded sub-paragraph (j) of its Act No. 2 of 22nd December 1997);
- (c) as recommended by the Planning and Environment Committee, the sub-lease to BMI Health Services of the ground floor offices (measuring 1,029 square feet) at Axminster House, Devonshire Place, St. Helier, for a period of three years at an annual rent of £16,216 commencing on a date to be agreed, to be subject to annual increase in line with changes in the Jersey Retail Prices Index, and subject to the conditions specified in an Act, dated 11th December 1997, of the Planning and Environment Committee, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Planning and Environment Committee, the acquisition from Mimosa Hotel Limited of a small area of land (measuring 120 square feet) required to facilitate the construction of the new section of the gyratory road scheme at Stopford Road/St. Saviour's Road, St. Helier, for the sum of £2,000, subject to the conditions specified in an Act, dated 11th December 1997, of the Planning and Environment Committee, including the payment by the Committee of both parties legal costs arising from the transaction;

- (e) as recommended by the Public Services Committee, the acquisition free of charge from Plemont Developments Limited of 5,369 square feet of land at the Pontins Holiday Camp Complex, Plemont Point, Plemont, St. Ouen, required in connexion with the construction of a pumping station, with the company retaining a right of way for access and egress across an agreed part of the site for its guests and employees, on the basis that each party would be responsible for its own legal costs arising from the transaction. (The Committee rescinded sub-paragraph (g) of its Act dated 12th May 1997).

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 26th January 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Prison Board had accepted the sole tender submitted by Binns Fencing Limited, a firm specialising in security fencing, in the sum of £697,179.56 for a replacement inner fence at the Prison.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Health Insurance (Medical Benefit) (Amendment No. 48) (Jersey) Regulations 199 – P.5/98.
Presented by the Employment and Social Security Committee.

Draft Road Transport Lighting (Repeal) (Jersey) Law 199 – P.6/98.
Presented by the Defence Committee.

Draft Road Traffic (No. 48) (Jersey) Regulations 199 – P.7/98.
Presented by the Defence Committee.

Rose Cottage, Coie Lane, St. Saviour’s Road, St. Helier: purchase– P.8/98.
Presented by the Planning and Environment Committee.

Crabbé explosives magazines, St. Mary: approval of drawings– P.9/98.
Presented by the Defence Committee.

Projet de Loi (199) (Amendment No. 4) sur la propriété foncière- P.4/98. Withdrawn

THE STATES noted that the President of the Legislation Committee had withdrawn the Projet de Loi (199) (Amendment No. 4) sur lapropriété foncière before it was lodged “au Greffe”.

Arrangement of public business for the present meeting

THE STATES confirmed that the following matter lodged “au Greffe” would be considered at the present meeting –

La Collette: lease of land to The Jersey Electricity Company Limited – P.203/97.
Lodged: 30th December 1997.
Harbours and Airport Committee.

Arrangement of public business for the next meeting on 17th February 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 17th February 1998 –

Draft Harbours (Amendment No. 27) (Jersey) Regulations 199 – P.192/97.
Lodged: 9th December 1997.
Harbours and Airport Committee.

Draft Health Insurance (Medical Benefit) (Amendment No. 48) (Jersey) Regulations 199 – P.5/98.
Lodged: 3rd February 1998.
Employment and Social Security Committee.

Draft Road Transport Lighting (Repeal) (Jersey) Law 199 – P.6/98.
Lodged: 3rd February 1998.
Defence Committee.

Draft Road Traffic (No. 48) (Jersey) Regulations 199 – P.7/98.
Lodged: 3rd February 1998.
Defence Committee.

Crabbé explosives magazines, St. Mary: approval of drawings– P.9/98.
Lodged: 3rd February 1998.
Defence Committee.

Projets withdrawn under Standing Order 17(6)

THE STATES noted that, in accordance with Standing Order 17(6), the following matters had been withdrawn –

Nil Solitaire, La Grande Route de St. Pierre, St. Peter: zoning and purchase– P.194/96.
Lodged: 5th November 1996
Planning and Environment Committee.

Draft Amendment (No. 18) of the Standing Orders of the States of Jersey– P.242/96.
Lodged: 10th December 1996
Deputy L. Norman of St. Clement.

Draft Amendment (No. 19) of the Standing Orders of the States of Jersey– P.243/96.
Lodged: 10th December 1996.
Deputy J.L. Dorey of St. Helier.

Housing consents – questions and answers (Tape No. 426)

Senator Richard Joseph Shenton asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions –

- “1. Will the President inform members of the number of housing units which have been granted permission by his Committee since taking office, in the following categories –
 - (a) States loan
 - (b) States rental
 - (c) Executive-type homes, i.e. in excess of 1,200 square feet?
2. Will the President inform members of the area of land which has been rezoned by his Committee for need accommodation made at the request of the Housing Committee?

3. Will the President inform members of the site area of Le Jardin des Sablons, Grouville, and the size of the seven four-bedroomed dwellings for which permission has been granted on the site?"

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

“1. (a) States loan

As the Senator will know, amendments to the States loan system introduced some years ago mean that States loans are available for all properties provided the purchaser meets the criteria required by the Housing Committee. The programme of States’ own development has now come to an end and the States’ policy is to rely on the private sector.

The Planning and Environment Committee has not granted permission for any proposals specifically designed to serve the States loan market although clearly many permissions have been granted for properties which are suitable for a States loan.

However, the Committee is currently in discussions regarding the provision of between 10 and 12 States loan dwellings at Field 429, St. Mary, and has recently received tenders for three parcels of land at Belle Vue, St. Brelade, which will yield approximately 66 units.

In addition of course, the Committee was successful last year on two occasions, in obtaining the agreement of the States to designate three areas of land on the St. Helier Waterfront for housing purposes, despite the Senator seeking to frustrate that proposal, of which 88 units will be specifically for States loan purposes, and many more homes will be eligible for purchase by persons with the assistance of a States loan.

(b) States rental

The Housing Committee no longer develops rental homes as it used to, and much social rental housing development is now undertaken by Housing Trusts.

The following figures are therefore for social rental housing rather than just for States rental housing.

The number of social rental housing units granted planning or development permission by the Planning and Environment Committee in 1997 is 179 on seven separate sites. In addition we have current applications for 35 units at Mont Millais and 90 units at Belle Vue, St. Brelade.

In addition, the Waterfront designation, to which I referred earlier, will yield a further 88 units of social rental housing.

(c) Homes in excess of 1,200 square feet

We do not hold information in a form from which we could readily identify the number of homes permitted in excess of 1,200 square feet.

I cannot agree with the Senator’s implication that houses over 1,200 square feet are ‘executive-type’ homes – whatever that emotive term means. I would say that 1,200 square feet is the size of a fairly average three-bedroom family home.

2. The Planning and Environment Committee has not recommended to the States the zoning of any land for need housing as a result of the request from the Housing Committee.

As most members will recall, as a result of a joint meeting between the two Committees in September

last year, the Planning and Building Services Department published, in October 1997, A Review of Land Available for Housing, which revised the housing need figures in the light of the 1996 census figures and information supplied by the Housing Department. This showed a requirement for housing sites for 850 new dwellings in the next five years over and above those for which sites were already allocated.

The Senator will no doubt agree that it is the strategic policy of the States that new development should be directed to the built-up areas. This has been re-affirmed on a number of occasions.

It may well be the case that it is not possible to identify sufficient opportunities to yield the requisite number of housing units from within the built-up areas. However, if we are to pursue these States approved policies then we must seek to maximise the return from these areas, before we make exceptions to the policies, by asking the States to zone additional land.

Those with long memories will remember a very similar situation pertaining in 1988 and the collective abhorrence of the States to an Island Development Committee proposition in 1989 to zone green field sites for housing development. Ten years on we believe the States are even less likely to designate open field sites unless we can demonstrate conclusively that we have maximised the yield from the built-up areas.

Following publication of the report in October 1997 the Planning and Environment Committee had a further meeting with the Housing Committee and agreed with them the need for a concerted effort to maximise housing opportunities within the town and other built-up areas. To this end we organised a forum of those persons most involved with the development of housing – including members of the Planning and Environment and Housing Committees and their departments, representatives of the Policy and Resources and Finance and Economics Committees, housing trusts and private developers, architects, estate agents, legal and financial advisers, the Parish of St. Helier, Public Services, landowners and representative bodies and other Island residents with a special knowledge, interest and expertise.

The forum took place yesterday afternoon, and at the time these answers were drafted it was not possible to predict the outcome of the forum.

Accordingly the Planning and Environment Committee has issued a separate statement which is on members' desks today.

3. For the information of other States members, this site is on the landward side of the coast road about 100 metres to the north of the Borsalino Rocque restaurant. It was the site of two dwellings and the houses to either side are large dwellings in large gardens.

As I advised the Senator in a letter only last week, planning permission was granted by the Planning and Environment Committee in January 1996 for the demolition of the two existing dwellings which stood on this large site and the construction of eight four-bedroomed dwellings. Each dwelling was of 246 square metres (2,650 square feet). The site area was 5,168 square metres (55,630 square feet/2.9 vergées).

The site, or most of it, changed hands as a result of this permission, and subsequently seven four-bedroomed dwellings, each of 239 square metres (2,570 square feet) were granted development permission in April 1997 and subsequently constructed. The site area is 4,914 square metres (52,900

square feet/2.7 vergées).

The development is at an appropriate density and character for its surroundings.”

Statement of the Planning and Environment Committee referred to in the answer to the above

“The Planning and Environment and Housing Committees met with invited private developers, architects, housing trusts, estate agents, financial, legal advisers, land owners and people with special knowledge of housing in urban areas. Also present were the Presidents of the Policy and Resources and Finance and Economics Committees and representatives of WEB and St. Helier Parish and Public Services.

The forum was very successful in quickly identifying the main constraints which stand in the way of achieving the full potential for new homes in the urban areas. Homes which will go a very long way to meeting the 850 required in the next five years.

Action groups were set up to focus on how these can be overcome.

Achieving flexibility in Planning’s requirements and policies.

Improving the quality of life in the urban areas supporting town residents.

Developing partnerships between private developers and the public sector, considering incentives to encourage housing development.

Reforming the key sites action groups encouraging private development and public acquisition where necessary.

Reviewing the density of developments.

Considering opportunities to relocate commercial activities to release land for housing.

The work of these groups will be co-ordinated by the Planning and Environment Committee. Fuller details of the suggestions which were put forward at the forum will be published shortly with a progress report at an early date. The Committee feels confident from the very positive response which it received that with the right support from government, development of the urban areas is possible and can make a major contribution to meeting the housing requirements.”

Commercial development planned by Falles at Rue des Prés – questions and answers (Tape No. 426)

Senator Richard Joseph Shenton asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions –

- “1. Will the President inform members of the present position with regard to the commercial development planned by Falles at Rue des Prés?”

2. Will the President confirm that whilst being rezoned for development the area had been put forward as a possible site for those in desperate need of accommodation in our Island?
3. Will the President confirm that the Island plan yield for the site was 20 dwelling units and this on a site within easy reach of town and in a residential area?
4. Will the President also confirm that the owners of the site were perfectly willing to do a land swap in order that this area could be developed for housing, but naturally were seeking something which would assist them in their commercial operations?"

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

- “1. The land in question is a narrow site of some 1.4 vergées, measuring on average 120 metres long and 22 metres wide. The northern boundary is a high granite and brick wall with an average height of 3.5 metres (10 feet). To the south are two dwellings in large gardens, Hideaway and Maison de Pres, to the west is a house on the Bashfords Estate, No. 4 Le Bel de Gruchy, and beyond the northern wall are Nos. 1-9 Miladi Farm. Direct access to La Rue des Prés is at the eastern end of the site. The site has an established use for the storage of motor cars and has been used for that purpose, or the storage of building materials, since 1981.

At its meeting on 10th July 1997, the Planning and Environment Committee –

firstly, granted planning permission (i.e. permission in principle) subject to stringent conditions as to operation, for the construction of a car storage building towards the western end of the site, measuring 100 feet by 60 feet, with an eaves height of 14 feet and a ridge height of 25 feet. The building is thus no higher than a two-storey house. In addition, immediately to the east of the building, the permission provides for a concrete hardstanding area with drainage for washing down cars. It is necessary for the owners to obtain development permission prior to commencing construction. It is understood that the owners intend to use this building for the storage and preparation of new cars for delivery to its car retail outlets;

and secondly, granted development permission, subject to stringent conditions as to operation, for the construction of a car washing and refuelling facility at the eastern end of the site, comprising an area of drained hardstanding for washing, and an underground fuel tank and pump for refuelling. It is understood that the facility is intended to be used for cleaning and refuelling of its hire car fleet between hirings. This development can proceed immediately.

At the Senator's request the Committee's Chief Officer has written to Mr. Falle inviting him to attend a meeting with myself and the Senator to discuss the development. We are awaiting that meeting.

2. The records in the Planning Department show that the site was zoned for Category A housing purposes in the 1987 Island Plan. As such it was intended that it would be developed for housing for those in need.

However, when the Housing and Island Development Committees sought to acquire the site for this purpose in 1988/89 it became apparent that when the purchase by the States of the Bashford's housing site from Falles Holdings Limited was negotiated by Senator P.F. Horsfall, in his capacity as Island Development Committee President, in the late 1970s, it had been agreed that the land in question would be retained by the company for its own commercial purposes.

Negotiations conducted by the Housing Committee and Island Development Committee through the Land and Property Office in 1988/89 secured the development for housing of another piece of land

owned by the company between the Clos Gosset housing development and Le Riches' warehouse in Plat Douet Road, and accordingly it was agreed not to pursue the purchase of the Rue des Prés land, particularly as Senator Horsfall stated he would oppose compulsory purchase in view of the earlier agreement.

3. The estimate yield for housing on the site in the Island Plan was 20 one-bedroom flats, a size of home which was in considerable demand at the time the Plan was prepared.

Were the site to be developed for housing in the public sector now it is more likely that it would be developed for 14 two-bedroom flats or eight three-bedroom houses, or perhaps a mix of the two.

4. In 1993 and 1994 there was correspondence between the company's architect and the Department of Property Services expressing interest in a possible exchange of this site and land adjacent to the Airport garage which was in the administration of the Harbours and Airport Committee.

The company had approached the States about acquiring the fuel depot site when it became available, as it was better suited to its hire car operations than the St. Saviour site. At the time there was uncertainty about whether, and how, the Harbours and Airport Committee intended to dispose of the site.

In the event, the site was put out to tender by the Harbours and Airport Committee, and while I understand that the company may have tendered for the site, clearly they were unsuccessful."

Criminal prosecutions – questions and answers (Tape No. 426)

Senator Richard Joseph Shenton asked Deputy Imogen Stephanie Nicholls of Grouville, President of the Legislation Committee, the following questions –

- "1. Following the decision of the Court of Appeal to allow the appeal of three men convicted of serious prison assault the President stated that the Court had no power to order a new trial.

Will the President advise members whether the Law is to be changed and, if so, when it is likely to be enacted?

2. The recent Court case regarding financial fraud brought to light the fact that there exists a clause which does not permit prosecution for a crime after a period of three years. To the layman this appears to be a loophole which should be closed.

Will the President advise members of her views on this matter and whether steps are being taken to amend the Law?"

The President of the Legislation Committee replied as follows –

- "1. In an appeal decided by the Court of Appeal on 15th January, 1998, the Court expressed concern at the lack of power to order a re-trial in appropriate circumstances. Under the Court of Appeal (Jersey) Law 1961 as it stands at present the Court of Appeal must either dismiss the appeal or allow it and quash the conviction.

Following that case the Attorney General has written to the Legislation Committee enclosing a report on the legal position and recommending an amendment to the Court of Appeal (Jersey) Law, 1961 so as to give the Court of Appeal a power to order a re-trial where it is satisfied that the interests of justice so require. This would bring the powers of the Court of Appeal in Jersey into line with those conferred on the Court of Appeal in England.

The report will be considered by the Legislation Committee at its next meeting on 27th February 1998 at which time I would anticipate a decision being taken as to whether or not to support the recommendation.

2. The Law Reform (Miscellaneous Provisions) (Jersey) Law 1978 provides that, subject to any specific provision in another statute, a prosecution for a statutory offence (i.e. one created by legislation passed by the States) may not be brought more than three years after the commission of the offence.

Following the case to which Senator Shenton refers the Attorney General has written to my Committee drawing attention to this problem. He has pointed out that, particularly in the case of financial crime, an offence may often only be discovered after the expiry of the three year period or, if it is discovered earlier, there may still be insufficient time within that period to carry out the necessary detailed investigations. He has also raised a number of other issues in relation to questions of time limits for the prosecution of offences and has recommended reform.

His report will be considered by my Committee at its next meeting which is to be held on 27th February. It would be wrong for me to pre-judge the matter at this stage but I can say that I share the Senator's concern that the present state of the Law does not appear to be satisfactory and that reform is called for."

Territorial Army Unit – statement

The President of the Defence Committee made a statement in the following terms –

"Members will recall that on 7th October 1997 the States adopted a proposition of Deputy T.J. Le Main of St. Helier– Defence Contribution: Territorial Army Unit – P.124/97 – and requested the Defence Committee to present a report to the States, setting out the information requested by the proposition, by no later than 31st January 1998. I accordingly have pleasure in presenting this report today. In doing so I should like to assure the House that my Committee is satisfied that the existing arrangement is working well and to the mutual benefit of both the Island of Jersey and Her Majesty's Government.

From our own viewpoint the presence of the Unit has given a wide range of young men and women the opportunity to train in engineering skills both on and off the Island. This sort of experience is invaluable in developing leadership skills and other personal characteristics which encourage good citizenship. A mark of the sort of training standards which have been achieved is indicated by the inclusion of a number of Squadron Members as part of the United Nations Peacekeeping Force in Bosnia. They served with distinction and were a credit both to the Squadron and to the Island more generally. All this in addition to the honouring of our commitment made in 1986 that the Island would make a relevant contribution to the

defence of the realm.

I am happy to say that the mathematics of the arrangement continues to work in the Island's favour. Through prudent resource management, the annual defence contribution has not been increased for inflation over the past nine years. A saving of approximately £1.5 million. In addition, the Island has gained on the capital appreciation of the assets which the Committee has developed for the Squadron.

Costs have also been minimised by the co-operation which the Unit has enjoyed from the Connétables, the National Trust for Jersey and generous landowners in allowing training to take place locally rather than incur the additional expense of travel to the mainland. My Committee continues to be extremely grateful for all such assistance.

From the United Kingdom's viewpoint it is recognised that the Squadron's current role in support of the R.A.F. Harrier Force is fundamental to the deployment of British Forces overseas. Peacekeeping duties, in close co-operation with the United Nations or other allied forces remain its primary mission.

Later this year the Command of the Squadron passes to a Jersey based T.A. Officer who has been with the Unit for the past six years. He will be supported by a Serving Royal Engineer Regular Officer who is a Jerseyman and who will be second in command. I am happy to report that the Squadron is rightly proud of its close links with the Jersey Militia. In this sense the Squadron has fully integrated with the local community over the past nine years and has ensured that over 70 per cent of the Island's defence contribution is spent in Jersey.

In commending this report to the House I should underline that my Committee is convinced that the maintenance of the Jersey Militia Squadron is the most appropriate and cost effective way in which to fulfil the Island's commitment to the defence of the realm. I hope that the States recognise that the contribution of the officers and the men and women who make this commitment requires and deserves recognition, respect and appreciation. This voluntary service is in keeping with Jersey tradition and is the only way in which the Unit can be maintained."

Public Employees Contributory Retirement Scheme Committee of Management: membership

THE STATES, adopting a proposition of the Establishment Committee, approved, in accordance with Regulation 3(2) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989 the appointment of the Committee of Management, for a period of three years commencing 1st January 1998 as follows –

Employer representatives

Senator V.A. Tomes
Deputy D.L. Crespel
Deputy Mrs. E.M. Pullin
Deputy M.E. Vibert

Mr. R.R. Jeune, C.B.E.
Treasurer of the States
Chief Executive Officer, States
Personnel Department

Employee representatives

Mr. F.A. Greene
Mr. M.B. Kavanagh
Mr. J.H. Lees
Mr. D.R. Littlechild
Mr. W. McPhee
Mr. M.D. Orbell
Miss B. Ward.

Astral House, Great Union Road, St. Helier: transfer of administration

THE STATES, adopting a proposition of the Housing Committee, approved the transfer of administration from the Housing Committee to the Health and Social Services Committee of Astral House, Great Union Road, St. Helier, for use as a hostel for young people with learning difficulties.

Commissioners of Appeal for Income Tax: re-appointment

THE STATES, adopting a proposition of the Finance and Economics Committee, approved the re-appointment as Commissioners of Appeal for Income Tax for a period of three years commencing 1st January 1998 of –

Mr. Harry Wookey Hall
Mr. Anthony John Cooper Paines
Mrs. Catherine Elizabeth Rees
Mr. Arthur Stanley Le Ruez
Mr. James Shaw.

Probate (Jersey) Law 199 – P.178/97

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

La Chasse, La Rue du Rectorat, St. Peter: development in Aircraft Noise Zone 1 – P.201/97

THE STATES, adopting a proposition of the Planning and Environment Committee, supported that Committee's intention to grant permission for the conversion of an existing granite outbuilding to provide a dwelling at La Chasse, La Rue du Rectorat, St. Peter, as shown on drawing No. 591/1, which is situated within an area designated as Aircraft Noise Zone 1 on the Island Map as amended 1/87, as an exception to the States policies regarding the development of land within that area.

Le Rondin Farm, La Route de la Trinité, Trinity: sale – P.1/98

THE STATES, adopting a proposition of the Agriculture and Fisheries Committee –

- (a) approved the sale, on behalf of the public, of the land and buildings known as Le Rondin Farm, La Route de la Trinité, Trinity, as shown on drawing No. 594/1, to Mr. Jonathan Charles Stratford and Heidi Marie Stratford, née de la Haye, for the sum of £450,000 with each party being responsible for its own legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which it might be found necessary to pass in connection with the said sale;
- (c) authorised the Treasurer of the States to receive the proceeds of the sale.

St. Helier Waterfront area: acquisition of contested interest – P.2/98

THE STATES, adopting a proposition of the Policy and Resources Committee –

- (1) referred to their Act dated 10th November 1992 in which, in pursuance of Article 3 of the Island Planning (Jersey) Law 1964, as amended, they approved Map No. 392 as the development plan for the St. Helier Waterfront area from West Park to the Dicq; their Act dated 12th December 1995 appointing the Waterfront Enterprise Board Limited as the development agency for that area; their Act dated 14th May 1996 designating 12 vergées of land, as shown on drawing No. 515/1, for leisure and recreation use; and their Act dated 22nd July 1997 designating areas 1, 2 and 3, as shown on drawing No. 558/1 for use for residential purposes;
- (2) noted that the public's ownership of areas of foreshore, which include areas of reclaimed land situated to the west of the Albert Pier, St. Helier, has been challenged by action before the Royal Court brought by Les Pas Holdings Limited ("Les Pas"), and that the action has the effect of frustrating the immediate development of part of the St. Helier Waterfront area in accordance with their said decisions and would be an obstacle to the partnership of public and private finance in the future redevelopment and modernisation of the developed areas; and
 - (a) approved the acquisition on behalf of the public from Les Pas of all such interest (if any) as Les Pas may have in the areas of foreshore and reclaimed land situated to the west of the Albert Pier and shown coloured red on drawing No. 583/2; and to authorise the Greffier of the States to sign the said drawing on behalf of the States;
 - (b) authorised the Planning and Environment Committee, in exercise of the powers conferred by Article 4 of the Island Planning (Jersey) Law 1964, as amended, to acquire the said interest (if any) on behalf of the public by compulsory purchase in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended, for the purposes of giving effect to the development of the St. Helier Waterfront area in accordance with the said States decisions and the redevelopment and modernisation of the areas that are already developed;
 - (c) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contract which it might be found necessary to pass in connexion with the acquisition of the said interest (if any);

- (d) authorised the payment or discharge of any expenses to be incurred in connexion with the acquisition of the said interest (if any) from the Planning and Environment Committee's capital vote of credit – "Acquisition of Land – Major Reserve" (Vote No. C0904).

Members present voted as follows –

"Pour" (45)

Senators

Shenton, Horsfall, Rothwell, Stein, Quérée, Bailhache, Syvret, Tomes, Norman, Walker, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), Le Geyt(S), Trinity, Pullin(S), Johns(H), Routin(H), Dorey(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Blampied(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cornu(C), St. Peter, Dubras(L).

"Contre" (2)

Senator

Le Maistre.

Deputy

Duhamel(S).

Deputy Kenneth William Syvret of St. Ouen, having declared an interest in the matter, withdrew from the Chamber prior to the debate.

Industrial Disputes Tribunal: appointment of Deputy Chairman – P.3/98

THE STATES, adopting a proposition of the Legislation Committee, referred to their Act dated 21st February 1989 and in accordance with the provisions of Article 3A of the Industrial Disputes (Jersey) Law, 1956, as amended, appointed Advocate Nuno Manuel Camilo Santos-Costa as Deputy Chairman of the Industrial Disputes Tribunal.

La Collette: lease of land to The Jersey Electricity Company Limited – P.203/97

THE STATES, adopting a proposition of the Policy and Resources Committee –

- (a) approved the lease to The Jersey Electricity Company Limited of land measuring approximately 56,800 square feet (shown on Drawing No. LG1-003-4) at La Collette, St. Helier, adjacent to the power station, at an annual rent of £71,000 (representing a rate of £1.25 a square foot) subject to review every five years in line with open market rentals, for a period of 21 years from the date of registration of the lease in the Royal Court, with an option to renew for a further period of 21 years on the basis that each party will be responsible for its own legal costs, and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public, and authorised the Treasurer of the States to receive the rent as it became due;
- (c) approved the cancellation of temporary licences granted in respect of land in the same area (shown on Drawing No. 295/1) upon the commencement of the proposed lease.

THE STATES rose at 12.45 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.