

Price : £1.00

THE STATES assembled on Tuesday,
31st March 1992 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.
was present.

All Members were present with the exception of -

Senator Bernard Thomas Binnington - out of
the Island.
John Pepin Le Sueur, Connétable of St.
John - out of the Island.
John Le Gallais, Deputy of St. Saviour -
out of the Island.
Margaret Sylvia Rose Beadle, Deputy of St.
Brelade - out of the Island.
Ronald Winter Blampied, Deputy of St.
Helier - ill.
Richard Peter Clarke-Halifax, Deputy of St.
Saviour - out of the Island.
Frank Harrison Walker, Deputy of St.
Helier - out of the Island.
Stuart Syvret, Deputy of St. Helier - out
of the Island.

Prayers

Distinguished visitors - welcome

The Bailiff welcomed to the States Mr. Nicholas
Hood, Chairman, Mr. Colin Skellett, Chief
Executive and Mr. Nicholas Wheatley, Director of
Finance of the Wessex Water Authority.

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Airport Dues (Tariff)
(Amendment) (Jersey) Order 1992
R & O 8361.
2. Companies (Overseas Branch
Registers) (Jersey) Order 1992
R & O 8362.
3. Road Traffic (Speed Limits)
(Amendment No. 4) (Jersey) Order 1992
R & O 8363.
4. Road Traffic (Pedestrian Roads)
(Saint Helier) (Amendment) (Jersey)
Order 1992 R & O 8364.
5. Road Traffic (Saint Helier)
(Amendment No. 17) (Jersey) Order 1992
R & O 8365.
6. Telecommunications (Telephones)
(Amendment No. 18) (Jersey) Order 1992
R & O 8366.

Sport, Leisure and Recreation Committee -
appointment of member

THE STATES, appointed Francis Herbert Amy,
Connétable of Grouville as a member of the
Sport, Leisure and Recreation Committee.

Solicitors' rôle and qualifying examination.
R.C.10/92

The Legislation Committee by Act dated 16th
March 1992 presented to the States a report of
the Working Party to consider the rôle of
solicitors and the qualifying examinations for
solicitors.

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

Rôle of solicitors and the qualifying
examinations for solicitors - statement

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

``My Committee has today presented to the
States the report of the working party
established to consider the rôle of
solicitors and the qualifying examinations
for solicitors (R.C.10 of 1992). Having
given preliminary consideration to the
report my Committee decided that it would

be desirable to make the report public and to invite comments not only from the legal profession but also from any interested party. I believe that the report deserves careful study and I hope that members will find time to let me have their views. Any comments should be addressed to my Committee's Clerk at the States' Greffe and should be received before 30th June 1992. It is my intention that the recommendations of the working party, together with any comments received from Members and from the public, should then be given detailed consideration, by my Committee."

Homelessness in Jersey R.C.11/92

The Finance and Economics Committee by Act dated 23rd March 1992 presented to the States a report of the Working Party on Homelessness.

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

Regulation of Undertakings and Development Law: quarterly manpower returns. R.C.12/92

The Finance and Economics Committee by Act dated 23rd March 1992, presented to the States a report covering the quarterly manpower returns provided under Article 2A of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, for the quarter ended 31st December 1991.

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

Regulation of Undertakings and Development Law: policy statement. R.C.13/92

The Finance and Economics Committee by Act dated 23rd March 1992 presented to the States a policy statement regarding the application of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended.

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

Review of the Housing Regulations. R.C.13/92

The Housing Committee by Act dated 13th March 1992 presented to the States a consultative paper regarding a review of the Housing

Regulations.

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

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Criminal Justice (Anonymity in Rape Cases) (Jersey) Law 199 P.42/92.
Presented by the Legislation Committee.
2. Draft Advocates (Amendment No. 3) (Jersey) Law 199 P.43/92.
Presented by the Legislation Committee.
3. Draft Milk (Sale to Special Classes) (Jersey) Regulations 199 P.44/92.
Presented by the Social Security Committee.
4. Draft European Communities (Wine) (Jersey) Regulations 199 P.45/92.
Presented by the Finance and Economics Committee.
5. Draft Dwelling-Houses (Rent Control) (Amendment No. 5) (Jersey) Law 199 P.46/92.
Presented by the Housing Committee.

Arrangement of Public Business for the next Sitting on 14th April 1992

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the next Sitting on 14th April 1992 -

Field 748, St. Lawrence: development
P.38/92
Lodged: 17th March 1992
Deputy S.M. Baudains of St. Helier.

Draft Criminal Justice (Anonymity in Rape Cases) (Jersey) Law 199 P.42/92
Legislation Committee.

Draft Milk (Sale to Special Classes) (Jersey) Regulations 199 P.44/92
Social Security Committee.

Draft European Communities (Wine)
(Jersey) Regulations 199 P.45/92
Finance and Economics Committee.

Draft Dwelling-Houses (Rent Control)
(Amendment No. 5) (Jersey) Law 199 P.46/92
Housing Committee.

Regulation of Undertakings and Development
Law 1973. Questions and answers

Senator John Stephen Rothwell asked Senator
Pierre François Horsfall, President of the
Finance and Economics Committee the following
question -

``Because of the adverse effects of the
present recession on trade and employment
within the Island, would the President
agree that it would be in the Island's best
interests not to issue any more licences
under the Regulation of Undertakings and
Development (Jersey) Law, 1973, to non-
resident traders such as the British
company which recently held huge sales at
the Grand Hotel and Fort Regent?''

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

``The Finance and Economics Committee is
required to give full and proper
consideration to each and every application
received under the Regulation of
Undertakings and Development (Jersey) Law,
1973, as amended. Article 5(2) of that Law
provides that the Committee in deciding
whether to grant a licence, to impose
conditions or to refuse to grant a licence,
shall have regard to the need to regulate
and manage demand on the resources of the
Island, and to protect the integrity of the
Island in commercial and financial matters.

The Committee is advised that, if an
undertaking to be carried on in the Island
places no demand on the resources of the
Island nor is in conflict with the
integrity of the Island in commercial and
financial matters, it cannot refuse to
grant the licence applied for. The
Committee therefore has no power to refuse
an application such as that made by the
British company which recently held a sale
of carpets at the Grand Hotel and last week
held a sale of carpets and furnishings at
Fort Regent.

A non-resident trader of goods is required to obtain a licence under the Hawkers and Non-Resident Traders (Jersey) Law 1965, and my Committee is currently exploring whether, through an amendment to that Law, the present fee of £1000 for such a licence could be increased. If, however, the Senator or others would wish to provide local traders with greater protection from competition from non-resident traders then this could only be achieved through new legislation."

Judicial fees payable by first-time buyers of homes in Jersey. Questions and answers

Deputy Robin Ernest Richard Rumboll of St. Helier asked Senator Pierre François Horsfall, President of the Finance and Economics Committee the following questions -

- ``1. Is the President aware that following the increase in the financial limits of the Building Loans Regulations, a number of transactions involving first time buyers for considerations marginally in excess of £100,000 no longer qualify for abatement to the Judicial fees payable?
2. Will the President undertake to amend the appropriate Judicial Fees Regulations to ensure that all first-time buyers of homes in Jersey who qualify under the Building Loans Regulations will in future qualify for abatement to the Judicial fees payable?
3. In the event that the Judicial Fees Regulations be amended in line with my previous question, will the President undertake to ensure that those first-time buyers who have acquired properties since the changes to the Building Loans Regulations, and who have not been eligible for the abatement, will be entitled to a refund of any excess Judicial fees so paid?"

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

- ``1. I am aware that there is presently no abatement of legal fees for first-time buyers in relation to the acquisition of properties exceeding £100,000 in value and related borrowings. The existing

exemption did not extend solely to purchases which qualified for a loan under the Building Loans Regulations but to all purchases by first-time buyers which did not exceed £100,000 in value. The effect of the recent change to the Building Loans Regulations has been to allow a loan of up to £90,000 to be made on a property of any value. Where the value of the property exceeds £100,000 then the reduced stamp duty is not applicable at the moment even when a States' loan is granted.

2. The Judicial Greffier is presently compiling a report to the Finance and Economics Committee in relation to these matters and has already been in correspondence with the Housing Department. Although some change in the Judicial Fees Regulations appears desirable, the precise form of that change raises complex issues. It may be that there ought to be an increase in the limit on the value of the property which would qualify for a reduced stamp duty. It may be that all first-time buyers should continue to be treated alike rather than merely those obtaining a States' loan receiving the benefit of reduced stamp duty, as implied in the question. The Finance and Economics Committee will need to consider the revenue implications of any change.
3. As I have already indicated the Committee is to consider the matter fully once the Judicial Greffier's report is to hand and the issue of back-dating will be considered at that time."

Dégrévement procedure. Statement

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

- “ On 21st January 1992, in response to questions from Senator R.J. Shenton regarding the dégrévement procedure I gave an assurance that the Legislation Committee would examine the question of whether any difficulties were being experienced in the implementation of the provisions within the Bankruptcy

Law regarding the preservation of equity.

My Committee has now concluded its investigations and is satisfied that the Bankruptcy Law does not prevent a debtor from preserving the equity in any property which he may own at the time of the initiation of bankruptcy proceedings against him."

Rent Control Tribunal: appointment of Members

THE STATES, adopting a proposition of the Housing Committee appointed, in pursuance of paragraph (1) of Article 3 of the Dwelling-Houses (Rent Control) (Jersey) Law 1946, as amended, the following persons to act as Chairman and members of the Rent Control Tribunal until 11th April 1993, namely -

Henry Robert Hall, O.B.E., Chairman
Mrs. Evelyn Mabel Pullin
Leslie R. Crapp
Terence Lavery.

General Hospital Pathology and Audiology
Departments: approval of Drawings

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

- (a) approved Drawing Nos. JH PATH 100/2, 4, 6, and 8, 50/1, 2, and JHSPG 250/1 showing the proposed Audiology Department and extension to the Pathology Department at the General Hospital;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

States of Jersey Airport: opening time

THE STATES, adopting a proposition of the Harbours and Airport Committee agreed to refer to their Act of 27th September 1988 and to amend that Act by the inclusion of the following subparagraph -

- (c) to allow certain jet aircraft to fly out of the Island from 07.15 hours local time, with the exception of BAC 1-11's and DC-9 series aircraft which

shall not start flying operations
before 07.30 hours local time.

Clos du Fort Phase II: development. P.35/92

THE STATES, adopting a proposition of the
Housing Committee -

(a) approved Drawings
Nos. 2857/4.5B /5C/23B /24A/28-35 /44-
48/54-59, showing the development of
the former Norman's Timber Yard site,
Pier Road, to provide two bedsitters,
24 one-bedroomed flats and 30 two-
bedroomed flats;

(b) authorised the Greffier of the States
to sign the said Drawings on behalf of
the States.

Loi (1992) (Amendement No. 4) sur l'Instruction
Primaire. P.37/92

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council adopted a Law
entitled the Loi (1992) (Amendement No. 4) sur
l'Instruction Primaire.

Social Security Convention with Barbados.
P.40/92

THE STATES, adopting a proposition of the Social
Security Committee made an Act entitled the
Family Allowances and Social Security
(Reciprocal Agreement with Barbados) (Jersey)
Act 1992.

Health Care Protocol with Barbados. P.41/92

THE STATES, adopting a proposition of the Public
Health Committee made an Act with regard to a
Reciprocal Agreement between the Government of
the United Kingdom of Great Kingdom and Northern
Ireland and the Government of Barbados
concerning Health Care.

Food and Drugs (Amendment) (Jersey) Law 1992.
P.31/92

THE STATES, subject to the sanction of Her Most
Excellent Majesty in Council adopted a Law
entitled the Food and Drugs (Amendment) (Jersey)
Law 1992.

Maternity Rights: code of practice. P.32/92

THE STATES commenced consideration of a proposition of Senator Corrie Stein regarding the approval of a voluntary Code of Good Practice for Maternity Rights in Jersey. Deputy Leonard Norman of St. Clement moved that the proposition be referred back. Senator Richard Joseph Shenton asked that his dissent from this proposition be recorded. After discussion Senator Stein agreed to take back the proposition for further consideration.

Shell-Fish (Underwater Fishing) (Jersey) Regulations 1992. P.33/92

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884, made Regulations entitled the Shell-Fish (Underwater Fishing) (Jersey) Regulations 1992.

Règlements (1992) sur le Marquage d'Oeufs. P.34/92

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884, made Regulations entitled Règlements (1992) sur le Marquage d'Oeufs.

Housing: strategy for the 90's: supplementary report. P.23/92

THE STATES commenced consideration of a proposition of the Housing Committee regarding a Housing strategy for the 90's.

Paragraph 1(i) was adopted. Members present voted as follows -

``Pour" (33)

Senators

Jeune, Horsfall, Baal, Rothwell, Le Maistre, Quérée, Chinn.

Connétables

St. Peter, St. Helier, St. Clement, St. Lawrence, St. Mary, St. Ouen, St. Brelade, St. Martin, Grouville.

Deputies

Roche(S), Trinity, Rumboll(H), Norman(C), St. John, St. Peter, Baudains(C), Le

Sueur(H), St. Ouen, Coutanche(L),
Huelin(B), Jordan(B), St. Mary,
Baudains(H), Le Fondré(L), St. Martin,
Crespel(H).

``Contre" (9)

Senators

Shenton, Le Main, Carter, Stein.

Deputies

Wavell(S), Buesnel(H), Bailhache(H),
Grouville, Le Geyt(S).

Paragraph 1(ii) was adopted.

Paragraphs 1(iii) and 1(iv) were adopted.
Members present voted as follows -

``Pour" (23)

Senators

Baal, Chinn.

Connétables

St. Helier, St. Clement, St. Lawrence, St.
Mary, St. Brelade, St. Martin.

Deputies

Roche(S), Trinity, Rumboll(H), Norman(C),
St. John, St. Peter, Le Sueur(H), St. Ouen,
Coutanche(L), Huelin(B), Jordan(B), St.
Mary, Baudains(H), St. Martin, Crespel(H).

``Contre" (19)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le
Main, Le Maistre, Carter, Stein, Quérée.

Connétables

St. Peter, St. Ouen, Grouville.

Deputies

Wavell(S), Baudains(C), Buesnel(H),
Bailhache(H), Grouville, Le Fondré(L), Le
Geyt(S).

Paragraph 1(v) was adopted. Members present
voted as follows -

``Pour" (25)

Senators

Baal, Chinn.

Connétables

St. Peter, St. Helier, St. Clement, St.
Lawrence, St. Mary, St. Brelade, St.
Martin.

Deputies

Roche(S), Trinity, Rumboll(H), Norman(C),
St. John, St. Peter, Le Sueur(H), St. Ouen,
Coutanche(L), Huelin(B), Jordan(B), St.
Mary, Baudains(H), Le Fondré(L), St.
Martin, Crespel(H).

``Contre" (17)

Senators

Shenton, Jeune, Horsfall, Rothwell, Le
Main, Le Maistre, Carter, Stein, Quérée.

Connétables

St. Ouen, Grouville.

Deputies

Wavell(S), Baudains(C), Buesnel(H),
Bailhache(H), Grouville, Le Geyt(S).

Paragraphs 1(vi), 2 and 3 were adopted.

THE STATES, adopting paragraphs (1) to (3) -

1. (i) approved the revised tenant contributions to rent outlined in paragraph 9(i) of the report dated 14th February 1992;
- (ii) agreed to remove maximum rents from April 1993, with the exception of properties at Nicholson Park and Elysée Estate, which will remain on the maximum rent structure until they have been refurbished;
- (iii) agreed to phase out the earned income allowance during the period April 1993 to April 1997;
- (iv) agreed to phase out the child allowance during the period April 1993 to April 1997;
- (v) agreed that in April 1993 `surcharges' or reductions in rent subsidy due to adult `children' living at home should be £10 a week for each child aged 18 to 24 and £20 a week for each child aged 25 and over;
- (vi) requested the Social Security Committee to take into consideration the reduction in subsidies in (iii) and (iv) above, when recommending the levels of

family allowance to be paid each year;

2. agreed that from April 1995 all States' tenants on incomes of £500 a week in 1991 values, suitably adjusted for inflation, will pay a rent equal to one-quarter of income or the fair rent for the property occupied, whichever is the higher, subject to those tenants having the right to claim back monies paid to the Committee over and above the fair rent if they move out of States' accommodation within a period of five years; and subject also to the Housing Committee exercising discretion in individual cases of hardship to waive this provision;
3. agreed that with effect from April 1993 rebates payable to private tenants under the terms of the private sector rent rebate scheme be equal to subsidies paid to States' tenants under the rent abatement scheme, with the exception of the earned income allowance.

THE STATES rose at 3.45 p.m.

R.S. GRAY

Greffier of the States.