

THE STATES assembled on Tuesday,
26th October 1993 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

All Members were present with the exception of -

Enid Clare Quenault, Connetable of St.
Brelade - out of the Island.
Thomas James Jordan, Deputy of St.
Brelade - out of the Island.

Prayers

Deputy S. Syvret - complaint of allegations
against Members

The Bailiff advised the States that, following
an approach by two senior Senators (namely
Senators R.R. Jeune, O.B.E. and B.T. Binnington)
concerning certain allegations regarding States'
Members that had apparently been made by Deputy
S. Syvret, he had thought the matter
sufficiently serious to be referred to the
Acting Attorney General.

The States agreed that the Acting Attorney
General should consider the matter and report
back. The Acting Attorney General invited any
Members who had specific information about the
matter to submit the details to him in writing.

Distinguished visitors - welcome

The Bailiff welcomed to the States the
Conseiller Ambassade D'Allemagne in Paris, Herr
G.F. de la Croix, together with his family who
were visiting the Island.

Senator P.F. Horsfall - appointment as Acting
Hon. Treasurer of the Commonwealth Parliamentary
Association

The Bailiff, on behalf of the States,
congratulated Senator Pierre Francois Horsfall
on his appointment as Acting Honorary Treasurer
of the Commonwealth Parliamentary Association.

Subordinate legislation tabled

The following enactment was laid before the
States, namely -

Pilotage (Dues and Fees) (Amendment
No. 5) (Jersey) Order 1993.
R & O 8597.

Committee of Inquiry into circumstances leading
to the release from contract of the former Chief
Executive Officer of the Sport, Leisure and
Recreation Department - resignation and re-
appointment

The Bailiff informed the States that it had been
brought to his attention that his role as
President of the aforementioned Committee of
Inquiry was incompatible with his duties under
Article 45 of the States of Jersey Law 1966 to
deal with refusals to answer questions or
produce papers to a Committee of Inquiry.

Accordingly he had no alternative but to resign
from the Committee, which meant that the
Committee must also resign.

The States accepted the resignations and, on a
proposition of Senator Pierre François Horsfall,
Senator Bernard Thomas Binnington was appointed
as President of the Committee.

Thereupon the States, on a proposition of
Senator Bernard Thomas Binnington, appointed the
undermentioned as members of the Committee -

Senator Bernard Thomas Binnington -
President
Senator Anne Baal
Senator Antony Beresford Chinn
Arthur Philip Querée, Connétable of St.
Ouen

Deputy John Le Gallais of St. Saviour.

Public appointments - petition (P.66/91):
report of the Policy and Resources Committee.
P.168/93

The Policy and Resources Committee, by Act dated 19th October 1993, presented to the States its report on the proposition of Deputy Maurice Clement Buesnel, following a petition by Mr. Barrie Raymond Cooper, with regard to public appointments that had been referred to the Legislation Committee by the States on 23rd April 1991.

THE STATES ordered that the said report, which recommended that the prayer of the petition be rejected, be printed and distributed.

Financial support for unemployed persons (P.49/93 and P.56/93): report of the Policy and Resources Committee. P.169/93

The Policy and Resources Committee, by Act dated 19th October 1993, presented to the States a report on financial support for unemployed persons in response to two propositions, adopted by the States on 11th May 1993, from -

- (a) Deputy M.C. Buesnel (P.49/93), and
- (b) Senator C. Stein (P.56/93).

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 18th October 1993, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Housing Committee, the purchase from J.C.N. Investments (Jersey) Limited of six two-bedroomed flats, six car parking spaces, external stores and drying area at 26 Winchester Street, St. Helier, for a total sum of £550,000 with each party being responsible for its own legal costs;

- (b) as recommended by the Education Committee, the lease from Mr. Christopher Julian Tudor Davey of the three-bedroomed property La Robinette, St. Aubin's High Street, St. Brelade, for a period of four months from 1st October 1993 at a monthly rental of £800, with an option to renew;
- (c) as recommended by the Public Health Committee, the renewal of the lease from Mrs. Monica Billot Cotillard, née Le Quesne, of the two-bedroomed property L'Hermitage Farm Flat, Les Varines, St. Saviour, for a period of one year from 23rd April 1993 at an annual rent of £7,020;
- (d) as recommended by the Public Services Committee, the purchase from Mrs. Collette Le Boutillier Cooke, née Benest, of 495 square feet of land at La Moye View, Mont de la Pulente, St. Brelade, for a consideration of £495, with the Committee being responsible for all reasonable legal fees involved in the transaction and for the cost of the accommodation works;
- (e) as recommended by the Public Services Committee, the purchase from Mr. Harry Hallewell Baudains of 2,861 square feet of land in Field 284, St. Clement, for a consideration of £5,000, with the Committee being responsible for all reasonable legal fees involved in the transaction;
- (f) as recommended by the Public Services Committee, to enter into an Agreement with Mr. Harry Hallewell Baudains for the right across land in Field 284, St. Clement, and the right to re-route existing services thereon, for a consideration of £2,000 with the Committee being responsible for all legal fees involved in the transaction;
- (g) as recommended by the Public Services Committee, the purchase from the Parish of St. John of 552 square feet of land at Rue des Buttes, St. John, for a consideration of £552, with the Committee being responsible for all reasonable legal costs involved in the

transaction;

- (h) as recommended by the Public Services Committee, the lease to Mr. Justin Richard Lloyd-Jones of a site measuring approximately 4,200 square feet on which his timber bungalow 'Ramadi' was erected, adjacent to the Beaumont Pumping Station, St. Peter, for a period of nine years from 1st January 1993, at an annual rent of £683.80, paid half-yearly in advance on 1st January and 1st July each year and subject to triennial reviews in line with the Jersey Cost of Living Index.
- (i) as recommended by the Education Committee, to enter into a lease with the Trustees of the Congregation of St. George's Church for 0.34.18 vergées of land in Field 789, St. Ouen for a period of nine years commencing 22nd October 1993 at an annual rent of £135, payable yearly in advance, also to pay to the Church a sum of £500 for the benefit of the temporary use as a builders' yard during the construction of the extension to Les Landes School, plus the payment of all reasonable legal fees and the cost of all accommodation works including reinstatement of the field and boundary at the end of the lease.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Amendment (No. 16) to the Tariff of Harbour and Light Dues. P.162/93. Harbours and Airport Committee.
2. Draft Harbours (Amendment No. 22) (Jersey) Regulations 199 . P.163/93. Harbours and Airport Committee.
3. Draft Boats and Surf-Riding (Control) (Amendment No. 9) (Jersey) Regulations 199 . P.164/93. Harbours and Airport Committee.
4. Jersey Wildlife Preservation

Trust: extension of loan. P.165/93.
Finance and Economics Committee.

5. Social Security - trilateral agreement between Jersey, Guernsey and New Zealand: draft Exchange of Letters. P.166/93.
Social Security Committee.
6. Draft Parish Rate (Jersey) Law 199 . P.167/93.
Comité des Connétables.
7. States Members allowance and income support: publication of information. P.170/93.
Senator R.J. Shenton.
8. Committee Presidents: voting procedure for elections. P.171/93.
Senator R.J. Shenton.
9. Destructive insects and pests: compensation. P.172/93.
Agriculture and Fisheries Committee.
- 10 Draft Parish Rate (Jersey) Law 199 (P.167/93): amendment. P.173/93.
Deputy R.E.R. Rumboll of St. Helier.

THE STATES noted that the following subjects had been lodged ``au Greffe" on 19th October 1993 -

Waterfront Enterprise Board: report and recommendations. P.160/93
Presented by the Policy and Resources Committee.

Draft Firearms (Jersey) Law 199 . P.161/93
Presented by the Defence Committee.

Arrangement of Public Business for the present Sitting

THE STATES decided not to grant the request of the President of the Social Security Committee that the following subject, lodged ``au Greffe" on 12th October 1993, should be considered at the present Sitting but agreed that it should be taken into consideration at the next Sitting on 9th November 1993 -

Draft Social Security (No. 2) (Jersey)
Regulations 199 . P.159/93.
Lodged: 12th October 1993.
Social Security Committee.

Arrangement of Public Business for the
next Sitting on 9th November 1993

THE STATES confirmed that the following subjects
lodged ``au Greffe" should be considered at the
next Sitting on 9th November 1993 -

Draft Sea Fisheries (Jersey) Law 199 .
P.153/93.
Lodged: 12th October 1993.
Agriculture and Fisheries Committee.

Draft Territorial Sea (Consequential
Provisions) (Jersey) Law 199 . P.154/93.
Lodged: 12th October 1993.
Policy and Resources Committee.

Traffic and transport policy:
transfer to Public Services Committee.
P.156/93.
Lodged: 12th October 1993.
Policy and Resources Committee.

Draft Social Security (No. 2)
(Jersey) Regulations 199 . P.159/93.
Lodged: 12th October 1993.
Social Security Committee.

Waterfront Enterprise Board: report
on recommendations. P.160/93.
Lodged: 19th October 1993.
Policy and Resources Committee.

Draft Amendment (No. 16) to the
Tariff of Harbour and Light Dues. P.162/93.
Harbours and Airport Committee.

Draft Harbours (Amendment No.
22) (Jersey) Regulations 199 . P.163/93.
Harbours and Airport Committee.

Draft Boats and Surf-Riding (Control)
(Amendment No. 9) (Jersey) Regulations
199 . P.164/93.
Harbours and Airport Committee.

Jersey Wildlife Preservation Trust:
extension of loan. P.165/93.
Finance and Economics Committee.

Social Security - trilateral

agreement between Jersey, Guernsey and New Zealand: draft Exchange of Letters.
P.166/93.
Social Security Committee.

Draft Parish Rate (Jersey) Law
199 . P.167/93.
Comité des Connétables.

Draft Parish Rate (Jersey) Law 199
(P.167/93): amendment. P.173/93.
Deputy R.E.R. Rumboll of St. Helier.

States Members allowance and income support: publication of information.
P.170/93.
Senator R.J. Shenton.

Committee Presidents: voting procedure for elections. P.171/93.
Senator R.J. Shenton.

With regard to the proposal that the proposition of the Waterfront Enterprise Board: report on recommendations (P.160/93) be taken on 9th November 1993, Members present voted as follows -

``Pour" (43)

Senators

Jeune, Binnington, Horsfall, Baal,
Rothwell, Le Main, Le Maistre, Carter,
Stein, Chinn.

Connétables

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

Deputies

Le Gallais(S), Rumboll(H), Wavell(S),
Norman(C), St. John, St. Peter, H.
Baudains(C), Buesnel(H), Le Sueur(H), St.
Ouen, Coutanche(L), Huelin(B), St. Mary,
Bailhache(H), Rabet(H), S. Baudains(H),
Clarke-Halifax(S), Le Fondré(L), St.
Martin, Le Geyt(S), Walker(H), Crespel(H),
Pullin(S), Trinity.

``Contre" (8)

Senators

Shenton, Quérée.

Connétables

Grouville, Trinity.

Deputies

Beadle(B), Blampied(H), Grouville,
Syvret(H).

Police request for £100,000 towards cost of Newall murder enquiry. Statement.

The President of the Defence Committee made a statement in the following terms with regard to a request being made by that Committee for supplementary votes of credit totalling £100,000 to cover the costs of the Newall murder enquiry -

``Since the reopening of the Newall murder enquiry in 1992 a team of Detectives together with a small number of major enquiry room staff have continued to investigate these two murders.

The enquiry is computerised and 2,640 actions have been raised and cleared, involving the taking of 660 witness statement, the creation of 1,679 documents, 80 telex messages and over 100 police officers' reports.

Evidence has been collected from 15 different jurisdictions, involving officers travelling away from the Island to destinations in Europe, North America, South America, and the Falkland Islands. The total number of air journeys undertaken since the beginning of 1993 are 84.

The cost of new examinations undertaken by forensic scientists exceeds £7,000 and the costs of utilising the H.O.L.M.E.S. computer system in Devon and Cornwall was £1,150.

Of the total of about £90,000 already spent to date, one third is overtime costs, another third is the costs associated with travel, accommodation, and subsistence for officers required to work abroad, the remainder is fees, equipment costs, indeed a whole range of expenses associated with running a major enquiry.

As far as the hire of air transport is concerned, the decision not to utilise public air transport was not taken lightly, and the costs involved, given the careful consideration by the Police of security, the number of officers required to satisfy the carrier, and the control by the Police of the ultimate destination in the event of bad weather, meant that the transfer was achieved at a lesser cost by hiring an aircraft.

The House may be interested to note that as far as staff costs are concerned the only outside assistance which the States Police have sought from other Police Forces has been to review the progress of the enquiry utilising consultancy teams from Senior Detective Officers of the Devon and Cornwall Constabulary.

On one such visit Assistant Chief Officer Marks was advised that an enquiry at the stage it was at the time of the review would justify a further twenty staff. Conscious of the cost implications of funding that increase the decision was made to carry on with a small increase drawn from local officers.

I am entirely satisfied that these enquiries which could not have been budgeted for, have been managed carefully, and I am sure that the House will be grateful to those Police Officers who I can assure the House have given total dedication to resolving this important case once and for all, and whilst some might think it is glamorous work to travel the world, I know that the absences have placed a considerable strain on their families.

Publicly, as the facts unfold, I know great pride will be held in the way our Police force has actually handled this complex investigation.

Supplementary and additional votes of credit

THE STATES considered an Act of the Finance and Economics Committee, dated 4th October 1993, presenting Acts of the undermentioned Committees and, acceding to the requests contained therein,

granted to the said Committees supplementary (S) and additional (A) votes of credit out of the general reserve as follows -

	S	A
	£	£
Finance and Economics Committee		
Welfare Service		
0500A Payments		1,050,000
Non-departmental expenditure		
0603 Court and case costs, fees and expenses		320,000
0		
Total request 1,370,000		
	S	A
	£	£
Committee of Inquiry		
7100 Costs and expenses		35,000
Defence Committee		
Police		
1201 Staff	42,100	
1203 Supplies and services		2,200
1204 Transport	55,700	
Total request 100,000		
Education Committee		
Scholarships, grants and cost of higher education		
2856 Grants to students		800,000
Public Health Committee		
Community Health Services		
3203 Supplies and services		160,000
Grants - Community Care Services		
3214 Alcohol Advice Centre	40,000	
3219A Les Amis	50,000	
Total request 250,000		
Agriculture and Fisheries Committee		
Administration, Research, Advisory and Development		
4103 Supplies and services		11,500

Direct Aid

4138 Compensation - animal and
plant health 16,700

Total request 28,200

S A
£ £

Island Development Committee

Administration

5207 Expenses in respect of laws
operated by the Committee 63,000

Establishment Committee

States' Personnel Department:

Computer Services Division

5123 Supplies and services 50,000

Industrial Relations Committee

6301 Staff 3,200

Occupation and Liberation Committee

6701 General expenses 230,000

Telecommunications Board

4500 Operating expenses 340,300

CAPITAL VOTES OF CREDIT

Public Services Committee

C0349 Bouley Bay cliff face
stabilisation 391,000

Total request granted £391,000

Public Health Committee

C2764 New central laundry 161,200

C2797 General Hospital nurses
home refurbishment 1,350,000

Total request 1,511,200

CAPITAL INFLATION REQUEST

Public Health Committee

C2764 New central laundry 219,000

The total requests granted for the October Supply Day amounted to £5,390,000, excluding pay awards of £3,357,600; revenue inflation of £1,941,400; and capital inflation of £1,019,700 - which itself totalled £6,318,700 and which the Finance and Economics Committee had delegated powers to approve. The deferred Supply items amounted to £475,000.

Change of Presidency

The Bailiff retired from the Chamber during consideration of the supplementary and additional votes of credit, and the Sitting continued under the Presidency of Senator Reginald Robert Jeune, O.B.E.

La Hougue Bie restoration: additional vote of credit. P.176/93

THE STATES deferred consideration of the request of the Island Development Committee for an additional vote of credit in the sum of £75,000 to aid the restoration of La Hougue Bie (Vote 5217 - Environmental Conservation).

The proposition relative thereto was lodged ``au Greffe" by Senator Pierre François Horsfall.

Power Station - automation: additional vote of credit. P.175/93

THE STATES deferred consideration of the request of the Public Services Committee for an additional vote of credit in the sum of £400,000 for the automation of the power station (Vote CO494).

The proposition relative thereto was lodged ``au Greffe" by Senator Nigel Lewis Quérée.

Disabled persons' carrying lift at Fort Regent: approval of drawings

THE STATES, adopting a proposition of the Sport, Leisure and Recreation Committee -

- (a) approved drawings Nos. 1845/8 and /9 showing the provision of a disabled

persons' carrying lift between Fort Regent main reception forecourt and the Pier Road multi-storey car park;

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

Alzola, No. 2 Belle Vue Villas, Upper Kings Cliff, St. Helier: purchase

THE STATES, adopting a proposition of the Island Development Committee -

- (a) authorised the purchase of the property Alzola, No. 2 Belle Vue Villas, Upper Kings Cliff, St. Helier (as shown on drawing No. 407/1) from the daughters of the late Mr. George Bernardes, Mrs. Paula Vaughn, née Bernardes, Mrs. Linda Nudler, née Bernardes, and Mrs. Susan Sanchez, née Bernardes, for the sum of £245,000 with each party being responsible for its own legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public;
- (c) authorised the payment of the amount specified from the Island Development Committee Capital Vote of Credit C.0904 - Acquisition of Land (Major Reserve);
- (d) authorised the transfer of the property to the administration of the Public Health Committee.

100 Halkett Place, St. Helier: transfer of administration

THE STATES, adopting a proposition of the Public Services Committee, approved the transfer from the Public Services Committee to the Island Development Committee of the administration of the property, 100 Halkett Place, St. Helier.

Field 454A, St. Saviour: purchase of land

THE STATES rejected a proposition of the Public Services Committee -

- (a) to authorise the Committee to negotiate with the owner for the purchase of 1,065 square feet of land at Field 454A, St. Saviour, for the purpose of constructing a visibility splay at the junction of La Route de la Hougue Bie and La Rue de la Hambie, as indicated on drawing No. MS.232/2, at a fair and proper price to be agreed by the Finance and Economics Committee, and which had sought also to authorise the Greffier of the States to sign the said drawing on behalf of the States;
- (b) to agree that, in the event of it not being possible to agree a fair and proper price with the owner of the property, the Public Services Committee should be empowered to acquire the land by compulsory purchase in accordance with the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
- (c) to authorise the payment or discharge of any expenses incurred in connexion with the acquisition of the said land and of all interests therein and the payment of legal expenses from the Island Development Committee's vote of credit C.0904 'Acquisition of land - Major Reserve';
- (d) to authorise the Attorney General and the Greffier of the States to pass on behalf of the public any contract that it might be found necessary to pass in connexion with the acquisition of the said land and any interests therein.

Members present voted as follows -

``Pour" (20)

Senators

Binnington, Le Main, Le Maistre, Stein.

Connétables

St. John, St. Mary, St. Helier, St. Saviour.

Deputies

Le Gallais(S), Rumboll(H), Wavell(S), Norman(C), H. Baudains(C), Buesnel(H), Huelin(B), Clarke-Halifax (S), St. Martin,

Le Geyt(S), Walker(H), Pullin(S).

``Contre" (28)

Senators

Shenton, Horsfall, Baal, Rothwell, Carter,
Quérée, Chinn.

Connétables

St. Clement, St. Lawrence, St. Ouen, St.
Martin, St. Peter, Grouville, Trinity.

Deputies

Blampied(H), St. John, St. Peter, Le
Sueur(H), St. Ouen, Coutanche(L), St. Mary,
Bailhache(H), Rabet(H), Grouville, Le
Fondré(L), Syvret(H), Crespel(H), Trinity.

Change of Presidency

The Sitting resumed after lunch under the
Presidency of the Bailiff.

Deputy S. Syvret - complaint of allegations
against Members: statement

Deputy Stuart Syvret made a statement in the
following terms -

``The Acting Attorney General has shown me
the letter which he received from Senator
Jeune and Senator Binnington.

I have not had the opportunity to refer to
transcripts which are, I understand, being
procured.

However, even if I made the statements of
which complaint is made, I never intended
to allege corruption against any Member or
Members of this Honourable House, and I
apologise for any offence I have obviously
caused."

Maternity entitlement in employment - code of
good practice. P.44/93

Maternity entitlement in employment - code of
good practice: report of the Special Committee
on Sex Discrimination. P.157/93

THE STATES, adopting a proposition of Senator

Corrie Stein, approved the voluntary Code of Good Practice for Maternity Entitlement in Employment, dated 2nd April 1993, as recommended by the Special Committee on Sex Discrimination.

Compulsory Purchase of Land (Fees) (Jersey) Regulations 199 . (P.152/93) and amendment

THE STATES commenced consideration of the Compulsory Purchase of Land (Fees) (Jersey) Regulations 199 , and adopted the preamble.

Regulation 1 was adopted, the States having accepted an amendment of the Legislation Committee that, after the words ``four hundred" in sub-paragraph (a), there should be inserted the words ``and ten" and, after the words ``two hundred" in sub-paragraph (b), there should be inserted the words ``and five".

Regulations 2 and 3 were adopted.

THE STATES, in pursuance of Article 14 of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended, made Regulations entitled the Compulsory Purchase of Land (Fees) (Jersey) Regulations 1993.

Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) (Amendment No. 2) (Jersey) Regulations 199 . P.155/93

THE STATES, in pursuance of Articles 29 and 40 of the Data Protection (Jersey) Law 1987, as amended, made Regulations entitled the Data Protection (Regulation of Financial Services, etc.) (Subject Access Exemption) (Amendment No. 2) (Jersey) Regulations 1993.

THE STATES rose at 15.05 p.m.

G.H.C. COPPOCK

Greffier of the States.