

THE STATES assembled on Tuesday,
27th April 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 -

Senator Richard Joseph Shenton - out of the
Island.
Senator Terence John Le Main - absent.
Senator Anthony Beresford Chinn - out of
the Island.
Derek Ryder Maltwood, Deputy of St. Mary -
out of the Island.
Patricia Ann Bailhache, Deputy of St.
Helier - out of the Island.
Stuart Syvret, Deputy of St. Helier - ill.

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Post Office (General Provisions)
(Amendment No. 37) (Jersey) Order 1993.
R & O 8534.
2. Post Office (Foreign Parcel Post
Provisions) (Amendment No. 15) (Jersey)
Order 1993. R & O 8535.
3. Collective Investment Funds (Permit
Fees) (Jersey) Order 1993. R & O 8536.

Social Security Committee - appointment
of member

THE STATES appointed Deputy Evelyn Mabel Pullin of St. Saviour to serve on the Social Security Committee.

States Committees' vote transfers,
inflation and pay awards

THE STATES noted an Act of the Finance and Economics Committee dated 19th April 1993, informing the House of decisions taken under sub-paragraph (a)(i), and (ii) of paragraph (2), of Article 18 of the Public Finances (Administration) (Jersey) Law 1967, as amended.

Annual report and accounts of the States of Jersey for 1992

The Finance and Economics Committee by Act dated 5th April 1993, and in pursuance of Article 21(3) of the Public Finances (Administration) (Jersey) Law 1967, as amended, presented to the States the annual accounts of the States of Jersey for the financial year ended 1992.

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

Telecommunications Board report for 1992

The Telecommunications Board, by Act dated 26th March 1993, presented to the States its annual report for 1992.

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

Committee for Postal Administration report for 1992

The Committee for Postal Administration, by Act dated 14th April 1993, presented to the States its annual report for 1992.

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 19th April 1993

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

- (a) as recommended by the Island Development Committee and in accordance with an Act of the States dated 25th August 1992, the purchase from the Royal Jersey Agricultural and Horticultural Society of 8,920 square feet of land at the Springfield/Robin Hood Junction, St. Helier, shown outlined in pink on drawing No. 366/1/B with full vacant possession not later than 1st October 1993, required for road improvement purposes, for the sum of £100,000, with the Committee being responsible for accommodation works and the payment of legal fees;

- (b) as recommended by the Island Development Committee, the lease from the Royal Jersey Agricultural and Horticultural Society of 14,320 square feet of land adjacent to Springfield, St. Helier, shown outlined in green on drawing No. 366/1/B for a maximum period of 12 months at a rent equivalent of £10,000 a year, the rent for the first six months to be paid monthly in advance with the option of the tenant to terminate the tenancy on one month's notice thereafter, the land to be used by the contractors to facilitate the construction of the new roadworks;

- (c) as recommended by the Island Development Committee the lease from Macpor Developments Limited of Flat 2, 29 Midvale Road, St. Helier for a period of six months from 25th March 1993, at a rent of £1,534 a quarter and with an option to renew on a monthly basis thereafter, for occupation by an essential employee;

- (d) as recommended by the Island Development Committee the lease from Mr. Iain Charles McKay and Mrs. Wendy Ann McKay, née Le Sueur, of Le Grand Mourier Cottage, St. John for the period 15th March 1993 to 30th May 1994, at an annual rent of £10,400 a year, with a lessee's one year option to renew, for occupation by an

essential employee.

Matters noted - financial transactions

THE STATES noted Acts of the Finance and Economics Committee dated 19th April 1993, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Education Committee had accepted the lowest of six tenders, namely that submitted by Charles Le Quesne (1956) Limited, in the adjusted sum of £1,739,231 in respect of Phase 1 of the repairs to Les Quennevais School;
- (b) the Housing Committee had accepted the second lowest of nine tenders, namely that submitted by J.P. Mauger Limited in a contract period of 36 weeks, in the sum of £538,226 for alterations and extensions to Trinity School. (The lowest tenderer Mark Amy Limited withdrew its tender).

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Projet de Loi (199) (Amendement No. 11) sur l'Etat Civil. P.53/93.
Presented by the Comité de l'Etat Civil.
2. Draft Social Security (Amendment No. 10) (Jersey) Law 199 . P.54/93.
Presented by the Social Security Committee.
3. Liquid waste disposal: policy report. P.55/93.
Presented by the Public Services Committee.
4. Contributory unemployment benefit scheme. P.56/93.
Presented by Senator C. Stein.

Elizabeth and Mont Orgueil Castles:
transfer of management to Jersey Heritage Trust.
P.45/93

THE STATES acceded to the request of the President of the Public Services Committee that consideration of the proposition regarding the transfer to the Jersey Heritage Trust of the management of Elizabeth Castle and Mount Orgueil Castle be deferred from the present Sitting.

Arrangement of Public Business for the next Sitting on 11th May 1993

THE STATES confirmed that the following subjects lodged "au Greffe" should be considered at the next Sitting on 11th May 1993 -

Parish Rate Appeals P.135/92.
Lodged: 15th September 1992.
Senator R.R. Jeune.

Welfare benefits for unemployed persons. P.49/93.
Lodged: 13th April 1993.
Deputy M.C. Buesnel of St. Helier.

Projet de Loi (199) (Amendement No. 11) sur l'Etat Civil. P.53/93.
Comité de l'Etat Civil.

Draft Social Security (Amendment No. 10) (Jersey) Law 199 . P.54/93.
Social Security Committee.

Liquid waste disposal: policy report. P.55/93.
Public Services Committee.

Contributory unemployment benefit scheme. P.56/93.
Senator C. Stein.

Fairview Farm Limited, Maufant, St. Saviour: construction of agricultural buildings. P.57/93.
Agriculture and Fisheries Committee.

Abortion Law Review

The President of the Public Health Committee

made a statement in the following terms -

1. Members will recall that the Public Health Committee, in its Five Year Policy Report which was approved by this House on 25th August last year, stated that it intended to present to the States a discussion paper to open up public debate on the implications of introducing an abortion law in Jersey, having regard to the fact that over 300 Jersey residents obtained abortions in England each year.
2. As a first step the Committee sought the advice of H.M. Attorney General on the present law in Jersey, and I would like to take this opportunity to thank Mr. Bailhache for his considered opinion and help. Secondly, a Working Party on Unplanned Pregnancy was established, in order to determine whether action could be taken to help reduce the incidence of unplanned pregnancy. Recommendations of the Working Party are currently being finalised in respect of improved family planning services, education and counselling.
3. My Committee does not believe that this problem will be wholly resolved through these efforts and, sadly, some women will inevitably find themselves faced with an unwelcome pregnancy and will travel to the United Kingdom for an abortion. For this reason, it is considered that the law in regard to abortion needs to be reviewed. The views of the Jersey Council of Churches and other religious bodies have already been sought and my Committee has met with their representatives. I would like to thank all concerned for their valuable contribution to date.
4. I can also report that meetings have taken place with health care professionals and it is intended that further discussions take place in order that the Committee be in a position to bring a report before the States later this year. This report should provide a sound basis for informed discussion and

further consultation throughout the community on this most difficult subject. It is intended that firm proposals be put to the States for debate next year."

La Caroline, St. Mary

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

1. Introduction

Members of the House will recall that, in February 1991, a Special Committee of Inquiry was set up to inquire into the course of events which led to my Committee granting change of use consent for a haulage, plant hire and demolition contractors depot at the site of La Caroline in the Parish of St. Mary.

This followed objections from local residents about environmental problems associated with the use, and questions in the House by Senator Rothwell about how consent was granted.

2. Report of Special Committee

The report of the Special Committee, published in June 1991, concluded that there was no procedural irregularity or impropriety in my Committee's handling of the case, but was critical of the actual decision to grant consent, having regard to the ensuing environmental problems.

Although not within its remit, the report of the Special Committee concluded with certain recommendations, one of which was that the States should acquire the shed, demolish it, and re-integrate the area into the surrounding agricultural land.

3. Island Development Committee response to Inquiry Report

In my Committee's response to the report (July 1991), a number of points

were disputed and the reasons why permission had been granted were re-explained, including the fact that the building at La Caroline had previously been used for an agricultural contractors and haulage business for some 20 years (through a period of seven Committees) and was not, therefore, a 'typical' agricultural shed in the countryside. Also that no objections had been raised on the application by the Department of Agriculture, who stated that the building "..... had never been used for agricultural purposes".

Although these and other stated factors were submitted as reasonable considerations underlying the grant of consent, my Committee did accept that there had been environmental problems since the approval in February 1988.

At the time of this statement, there was a pending Royal Court appeal by the owners against one of the planning conditions attached to the permit (a 'personal use' condition), and it was pointed out that the outcome of such an appeal could affect the value of the site, if the States were indeed to consider site acquisition. The matter was therefore held in abeyance.

4. Current position

The current position is that the said appeal has not been proceeded with, the previous beneficial owners of Oak Tree Developments Limited have left the Island, and the site is now owned by Batisse Limited, who it is understood had previous security over the property. The site and buildings are presently vacant, with a current authorised use for a haulage/plant hire and demolition contractor's depot. The current asking price for the overall site, including the bungalow at the front, is £400,000.

5. Recent applications

During the last year my Committee has refused three applications for use

of the site for alternative commercial purposes, including a joiner's workshop, an engineering workshop and a builder's depot. Residents' objections had been received on all three applications. A previous application to redevelop the site for six new dwellings was also refused back in March 1991.

6. Current application

An application has now been submitted for demolition of the existing shed (comprising 4,000 square feet floor space plus 1,400 square feet lean-to) and its replacement by one two-storey dwelling of traditional design and comprising approximately 3,000 square feet floor space. The proposal would involve both the existing bungalow and proposed new dwelling being connected to mains drains.

As part of the consultation procedure on this application, the Agriculture Department raised objections on grounds that the proposal would involve loss of an agricultural shed in which two local farmers have previously expressed an interest.

In response, my Committee sent an Act to the Agriculture Committee stating -

- (i) that the building has an authorised 'commercial' use and cannot therefore be described as an agricultural shed;
- (ii) that the Agriculture Department had previously raised no objections to the application for the haulage/plant hire use in 1987, and at that time stated that the building "had never been used for agricultural purposes";
- (iii) that the Island Development Committee would have no objections to the building being used for agricultural purposes by either of the farmers mentioned, but considered it unlikely that a farmer would be willing to pay the

asking price;

- (iv) that if the authorised haulage/plant hire use was reactivated, the previous environmental problems could arise.

It was pointed out that, unlike the previous applications for alternative commercial uses, only one resident's letter of objection had been received on the current application, and this from one of the farmers mentioned. The Agriculture and Fisheries Committee has responded by confirming that the building should revert to agriculture.

7. Conclusion

On balance, my Committee has decided that, because the current proposal would involve extinguishment of the existing commercial use, at no expense to the States, and would also involve a significant environmental improvement, it intends to grant development permission. However, in view of the sensitive history of the site, my Committee wish to notify the States of this decision before the formal consent is issued."

Supplementary and additional votes of credit

THE STATES considered an Act of the Finance and Economics Committee dated 19th April 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
	£	£
Policy and Resources Committee		
6507 Waterfront Enterprise Board		100,000

Finance and Economics Committee

Welfare Service
0500A Payments 800,000
0500B Administration costs
(parishes) 30,000

Total request 830,000

S A
£ £

Education Committee

Structural maintenance
3096 General maintenance and
emergencies 199,000

Etat Civil

4702 Premises 18,700

Legislation Committee

5901 Consultancy fees 26,000

CAPITAL VOTES OF CREDIT

Public Services Committee

C0352 Beauport Bay - potato
leachate 400,000

Island Development Committee

C0903 Acquisition and servicing
of land 250,000

The total requests granted for the April
Supply Day amounted to £1,823,700.

Fairview Farm Limited, Maufant, St.
Saviour: construction of agricultural buildings.
P.57/93

The States commenced consideration of a
proposition of the Agriculture and Fisheries
Committee regarding the construction of
additional agricultural buildings at Fairview
Farm, Maufant, St. Saviour. On the proposition
of Deputy Terence Ahier Jehan of St. Martin,

the proposition was lodged ``au Greffe".

Family Nursing Services and Jersey Home Helps
(Amalgamation) (Jersey) Law 1993. P.46/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Family Nursing Services and Jersey Home Helps (Amalgamation) (Jersey) Law 1993.

Traffic and transport policy. P.33/93. Committee of the Whole House

THE STATES, on the proposition of the President of the Policy and Resources Committee, resolved into a Committee of the Whole House in order to discuss the Report on Traffic and Transport Policy, presented by the Policy and Resources Committee on 16th March 1993.

THE STATES rose at 1.05 p.m.

Greffier of the States.