

Price : £2.00

THE STATES assembled on Tuesday,
12th May 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 Reginald Robert Jeune - out of the
Island.
Senator Anne Baal - ill.
Sylvia Margaret Rose Beadle, Deputy of St.
Brelade - ill.
Ronald Winter Blampied, Deputy of St.
Helier - ill.
Harry Hallewell Baudains, Deputy of St.
Clement - out of the Island.
Percy John Le Masurier, Deputy of St.
Ouen - out of the Island.
Patricia Ann Bailhache, Deputy of St.
Helier - out of the Island.
Margaret Anne Le Geyt, Deputy of St.
Saviour - out of the Island.

Prayers

The Deputy Bailiff, Vernon Amy Tomes, Esquire.

His Excellency the Lieutenant Governor made a
Statement in the following terms -

``Mr. Bailiff,

It is, I believe, unprecedented - certainly in recent times - for the Lieutenant Governor to address this House other than on his arrival or departure. While I would much rather not be the person to break such a precedent, I fear it is my duty to do so today.

While I shall need to speak at some length, I must start with an announcement which I recognise will come as a disappointment or even a shock to a great many people in this Island. Earlier today I had the unhappy task of informing Mr. Tomes that Her Majesty The Queen has decided that he will cease to be Deputy Bailiff of Jersey after 30th June this year. This decision was prompted by two considerations; first, the Crown's ultimate responsibility for the good government of Jersey and secondly, the United Kingdom's responsibility for the international relations of Jersey.

The first of these includes responsibility for the satisfactory administration of justice in the Island and I fear that Mr. Tomes has failed to fulfill the vital requirement of a judge, to deliver timely justice. The second includes responsibility for ensuring that the Jersey authorities comply with the European Convention on Human Rights, Article 6 of which requires the determination of civil rights or criminal charges within a reasonable time. Nevertheless, I should make clear that in reaching this decision Her Majesty has not only considered the recommendation of the new Home Secretary, which was that Mr. Tomes be removed from office. The Queen has also been informed of the proposals, made by the States' delegation, that a decision on Mr. Tomes should be deferred for six months, for the States and the Bailiff to consider changes designed to ensure that Mr. Tomes did not delay his judgments. Her Majesty has also taken full account of the petition which I forwarded to Buckingham Palace early last month. It will be evident from the announcement that Mr. Tomes will cease to be Deputy Bailiff that Her Majesty has been unable to accede to the prayer of that petition and earlier today I advised Mr. Filleul, who delivered the petition to me, of that decision. You will understand that, until Her Majesty's decisions were made known, the outcome remained uncertain.

As I said, I recognise that this news will come as a shock to many. It will come as a shock not just because of the high regard in which Mr. Tomes is held but also, I am afraid, because the information made available to most people on the Island up till now has not given the whole story. I have been uncomfortably aware of this but there was no alternative that would have been fair to Mr. Tomes. Had he taken the option to retire or had the proposal by the States' delegation been acceptable, then there would have been no need to recite in public the details of his shortcomings. But, in view of the widespread speculation and inaccurate rumours, it is now unfortunately necessary to give these details and it will be a surprise to some, I know, to learn just how serious the question of delayed judgments had become and how long it had been going on.

Over the last few weeks we have all seen or heard comments or claims that Mr. Tomes was a victim of a conspiracy by the Jersey establishment because he did not have the right background; that he had been unreasonably overburdened with work; and that he had not been given a proper opportunity to recover his backlog of judgments; that there had been a lack of proper consultation before serious steps were contemplated; and especially that the Home Office was interfering in what was rightfully the business of the States of Jersey. I have to tell you now that not one of these points has any firm foundation.

Had there been any conspiracy, neither my predecessor - for it all started during his time - nor I would have had any part of it and we would have stopped any such move in its tracks. It is, after all, to provide that sort of safeguard that Lieutenant Governors are appointed on Her Majesty's behalf. As regards Mr. Tomes' background, that has certainly not been an issue but had it been, since I, too, won a scholarship to a grammar school and was conscripted into the RAF as an aircraftsman - and you can't start lower than that - perhaps you might consider for a moment where my sympathies would naturally lie.

The issue has been solely that of delayed judgments. It has not - as some have come to believe - been over the odd delayed judgment but over a pattern of delay which began shortly after Mr. Tomes was appointed Deputy Bailiff in 1986 and which has continued over the years ever since. It has continued in spite of many efforts here in Jersey and the attempts later by successive Home Secretaries to try to persuade Mr. Tomes to recover his backlog of judgments and to incur no further delays.

I think it is desirable now to put on record the steps which have been taken to eliminate those delays since they first became apparent.

The Bailiff was made aware of arrears in the delivery of Mr. Tomes' written judgments in February 1988. It is more appropriate that the Bailiff himself tells you in detail the measures he then took, leading up to the report to the Home Secretary in 1990. But in short, for some 20 months from late 1988 the Bailiff arranged for Mr. Tomes to be relieved of any new, long and potentially difficult cases. The Bailiff, with Commissioners, took on the additional work. So it is not true to say, that at that time or any other, having incurred a backlog, Mr. Tomes was given insufficient opportunity to recover it. But despite the relief arranged by the Bailiff, Mr. Tomes failed to clear his backlog. And his delays were the subject of complaints by those waiting for judgments, of threats or pleas by advocates on their behalf, of criticisms by the Law Society and the Court of Appeal, and even of threats to sue.

Eventually, because Mr. Tomes was still in arrears in spite of the measures taken, in February 1990 the Bailiff formally referred the matter to my predecessor, recommending that Mr. Tomes be invited to retire. It was entirely right and proper for the Bailiff to do so, since he - not the States - is responsible in Jersey for the efficient administration of justice. But, as he will explain later, the Bailiff took this action only after extensive informal consultation here. His recommendation was sent on to the Home Office. This, too, was entirely correct. What was in question was the

efficient administration of justice, which is fundamental to good government. The Crown in Council is ultimately responsible for the good government of Jersey. And the Home Secretary is the Privy Counsellor with special responsibility for the Bailiwick. As the Bailiff will explain more fully, appointment to the office of Deputy Bailiff, and if necessary removal from it, is by the Crown, on the advice of the Home Secretary, by letters patent from Her Majesty; and it is by virtue of that appointment that the Deputy Bailiff is a judge of the Royal Court. Comments that the Home Secretary, or Home Office officials on his behalf, have interfered in an Island matter are, therefore, wholly without foundation.

In the summer of 1990, with the agreement of the then Home Secretary, Home Office officials informally consulted a wide selection of responsible people here, including some Jurats and several Members of this House about the Bailiff's recommendation. Opinion was divided on Mr. Tomes' overall suitability to continue as Deputy Bailiff. But there was a clear consensus both that he should not continue if his arrears of written judgments were not eliminated and that he should be given a chance to clear those arrears.

Following these soundings, the then Home Secretary decided that Mr. Tomes should be allowed to continue in office, but tied to a commitment to get up to date. In August 1990, when Mr. Tomes had still to complete three cases in which written judgment had been outstanding for at least two and a half years, he was seen by the then Home Secretary Mr. (now Lord) Waddington, who required and received from Mr. Tomes an undertaking that he would clear his backlog within six months.

In early September 1990, shortly after he had returned from seeing the Home Secretary, I went to see Mr. Tomes in his office. I stressed that it was vital that he set proper priorities in his work and between his work and his many other activities. I urged him to plan ahead his programme of work and if it seemed that he was overburdened he should say so at the outset while there was time to do something

about it. Finally, I stressed that if he had difficulties he could always come and see me. He thanked me and assured me that he would get up to date. I heard nothing more until the end of the six month period, on 1st March 1991, when I was shocked to learn that Mr. Tomes had failed in his undertaking; the three cases outstanding in August 1990 had still not been completed; and a further three cases, of at least nearly five months' duration, were also outstanding.

Mr. Tomes had given no warning in advance of these failures, which of necessity were notified to the then Home Secretary, Mr. Baker. Mr. Baker decided that Mr. Tomes should be allowed to explain why he should not be removed from office. During the following months Mr. Tomes' reasons for not having fulfilled the undertaking he had given to Mr. Waddington in August 1990 were carefully examined, including at a meeting in July 1991 between Mr. Tomes and Sir Clive Whitmore, the Permanent Under Secretary of State. It was confirmed to Mr. Tomes that the question of his departure from office arose only as a result of his performances of his judicial functions and not his other duties as Deputy Bailiff.

The then Home Secretary concluded that Mr. Tomes' representations, including claims of overwork, were not themselves arguments to excuse his delays. But having consulted the Bailiff and me, and in the belief that Mr. Tomes now appreciated the seriousness of his delays and was determined to correct them, Mr. Baker decided that Mr. Tomes should be given another chance, but this time subject to clear, written conditions. I will not repeat those conditions here, because they have already received wide publicity within the Island. Suffice to say that last October, following another meeting with Sir Clive Whitmore, Mr. Tomes accepted those conditions immediately, in writing, and without reservation. Sir Clive Whitmore's letter recording those conditions made clear that the excuses for his previous failures which Mr. Tomes had put forward could not in themselves be accepted. Mr. Tomes therefore understood that the quality of his judgments when finally delivered, and claims of overwork when what was involved were simply the

normal duties of his office, could not excuse delay in completing cases and so in delivering justice.

This brings me to the general point of workload. In spite of all claims to the contrary, the most thorough investigations have shown that Mr. Tomes' responsibilities are not too onerous. His primary duties - certainly 90 per cent of his work - are as a judge. And he has most usually, over a number of years, sat on fewer days than that would entail. When Mr. Tomes accepted the conditions, the Home Office were able to reply to a number of testimonials which they had received on Mr. Tomes' behalf, some from Members of the States, and which the Home Secretary had taken into account. It was clear that many of the writers had not really understood the long history of Mr. Tomes' delays. But the replies, written with Mr. Tomes' agreement, were as considerate of his position in Jersey as they could be, whilst explaining the true position.

Last October, Mr. Tomes had a backlog of six cases, the delays ranging between three months and just over a year. In accepting the Home Secretary's conditions he understood that, by 31st January 1992, he would be expected to clear his backlog. He also accepted and understood that failure would immediately constitute grounds for the Home Secretary to consider requiring his departure from office.

I again saw Mr. Tomes and stressed that this really was his last chance and it was vital that his backlog of judgments was fully recovered by the deadline he had been given. He assured me that there would be no further difficulties. I heard no more until early February this year when the deadline had passed and I was devastated - I can put it no less - to learn that two judgments, one dating from November 1990 and the other from May 1991, had still not been completed, and, I gather, even now have not been completed.

Mr. Tomes, in a letter to Sir Clive Whitmore, claimed that exceptional circumstances had prevented him from getting up to date. In essence he claimed that the fact that he had been obliged to

sit on one lengthy case from November constituted exceptional circumstances. The then Home Secretary decided that this claim could not be accepted. The short reason was that, if Mr. Tomes had not sat on that one case, he would have sat on others for much the same number of days in the relevant period. The then Home Secretary therefore felt obliged to decide that Mr. Tomes must cease to be Deputy Bailiff. The principal function of that office is as a judge. And Mr. Tomes left the Home Secretary with no confidence that, in that capacity, he could properly be relied upon to discharge the vital requirement to deliver timely justice.

Every assurance that Mr. Tomes had given, over a number of years, to remedy delay and avoid it, had proved hollow and unfulfilled. The then Home Secretary reached his decisions in consultation with me and the Bailiff and, in view of all the background, with our agreement. The decisions were, as you know, conveyed to Mr. Tomes on 18th March; and you are all familiar with developments since then.

I have not attempted to explain in any detail the rôle of the Bailiff, as President of the Royal Court, in these matters. In a few moments he will explain that himself. He will also explain in more detail the constitutional relationship between Jersey and the United Kingdom and the Home Secretary's responsibility, as a Privy Counsellor, to advise Her Majesty on the appointment of Crown Officers.

I have not looked forward to making this statement today and, as Mr. Tomes knows, I had hoped I would not have to do so. But it is my duty to do so in order that the Members of this House and the people of Jersey too are made aware of the full sequence of events which has led to the decision that Mr. Tomes should cease to be Deputy Bailiff. The decision has been taken by Her Majesty on the advice of Mr. Kenneth Clarke, who is the third Home Secretary to review Mr. Tomes' performance and to consider all aspects of this unhappy case.

On a personal note, I am very sorry indeed that it has come to this. I am well aware of the contribution Mr. Tomes has made to

this Island over the years, how helpful and approachable he can be and how highly he is regarded. I had hoped - indeed from what I have said you will see that I had every reason to believe - that he would resolve the problem of outstanding judgments. It is tragic that he has not done so."

The Bailiff made a Statement in the following terms -

"I too am sorry that the events of the last few years in regard to Mr. Tomes have led to today's unhappy conclusion. That there had been a friendship between us over many years is obvious from the fact that Mr. Tomes and I were in private practice together. And ironic as it may seem now, it was my support which secured his nomination as Deputy Bailiff, when his succession to that office was by no means assured. It is unfortunate and painful for me now that, in my capacity as Bailiff, I have been obliged to take measures which, in the end, have led to Mr. Tomes' removal from the office of Deputy Bailiff.

Let me begin, as President of this House by informing Members of the Home Secretary's response to the request by the delegation which met Sir Clive Whitmore on 2nd April 1992 that a decision on Mr. Tomes' future be deferred for six months, for the States, with me, to consider changes designed to ensure that Mr. Tomes did not delay his judgments. It will already be evident from today's events that the Home Secretary could not accede to that request but it is my formal duty to inform you of the contents of the letter which I received last night notifying me, through the Lieutenant Governor, of that decision. The letter reads -

"The purpose of this letter is to invite you to convey to the States the decision of The Queen on the advice of the Home Secretary that the Deputy Bailiff, Mr. Vernon Tomes, should not continue in office. I have written simultaneously to Mr. Tomes to inform him of the decision.

You will recall that the resolution of the States which appointed the delegation which I received on the then

Home Secretary's behalf on 2nd April requested that The Queen be not advised to dismiss the Deputy Bailiff. The delegation itself proposed that the decision be deferred for six months during which time the States and the Bailiff would consider whether changes could be made in the arrangements for the administration of justice in Jersey to ensure the prompt delivery of justice by the Deputy Bailiff. I reported the delegation's representations to the Home Secretary who decided that the matter should be looked at afresh after the election.

The present Home Secretary has now carefully considered the points put forward on the States' behalf. He has also reviewed the information available to his predecessor and has consulted both you and the Lieutenant Governor. He understands the concern of the States and has taken account also of the consideration due to Mr. Tomes in respect of his past services.

The principal points advanced by the delegation on 2nd April were that the judicial duties of the Deputy Bailiff were too onerous and that he should be relieved of his duties so as to catch up with outstanding cases. Appreciating the spirit in which these points were made but proceeding from the fact that responsibility for ensuring the proper functioning of the Island's judicial system is one for the Crown alone, the Home Secretary has concluded that neither point identifies grounds for deferring decision. As to the first point, in your capacity as President of the Royal Court you have advised that the Deputy Bailiff's workload is not unreasonable. As to the second point, the Home Secretary has noted that when acting as President of the Royal Court, you had over a period of 20 months lightened Mr. Tomes' workload, he had failed to clear his backlog and deliver timely judgments. Mr. Tomes in addition twice gave undertakings to successive Home Secretaries that he would do so and failed despite the clearest possible warning of the consequences on the second occasion which he

acknowledged in writing. Nothing in Mr. Tomes' past behaviour gives grounds therefore for expecting that further lightening or deferment is likely to produce acceptable improvement. Granted the Crown's ultimate responsibility for the good government of the Island, the Home Secretary concluded that overriding priority had to be given to the fundamental requirement that justice be not unreasonably delayed. It followed that he had to advise The Queen to remove Mr. Tomes because the latter had forfeited his confidence that he was capable of discharging all the proper duties of his office.

At the same time, the Home Secretary has expressly requested me to emphasise that he attaches great importance to the maintenance of a healthy relationship between the Island and the Crown. He has acted as he has on the basis of the current balance of responsibilities. Insofar as the present events have given rise to the view - especially among Members of the States - that changes in that balance need to be contemplated, he will be prepared to have any specific proposals considered if on further consideration the States would wish to make any such proposals.'

As His Excellency has said I now set out the sequences of events which led me in the end to refer the matter to the Home Secretary, through the Lieutenant Governor of the day and to recommend that Mr. Tomes be asked to resign.

Mr. Tomes' arrears began shortly after he took up his appointment as Deputy Bailiff. At the beginning of 1988, when Mr. Tomes had been in post for two years, I first became aware of delays but not of the extent of them and asked my secretary to see that as far as possible Mr. Tomes' workload was lightened. In the summer of that year I began to receive complaints and I appointed Mr. Francis Hamon as an additional Commissioner to allow Mr. Tomes more time to catch up. At that time Mr. Tomes said he would be able to do so in two to three months. But by the end of November 1988 the number of outstanding judgments

had increased to 12 and one advocate had threatened to sue the court. With the Jurats' agreement I then took Mr. Tomes off any new contentious cases to allow him even more time to catch up. This meant that, apart from emergency cases, Mr. Tomes was not required to sit in court except for the normal Friday Court, a few States' Sittings and to cover illnesses and holidays. The cases which he would otherwise have heard were dealt with by the Commissioners or myself.

By April 1989 Mr. Tomes had still not caught up and the Jersey Law Society then complained shortly afterwards about the delays to Sir Godfray Le Quesne's Committee. I was becoming increasingly concerned at these delays and I asked Mr. Tomes for a programme of dates by which he expected to be able to complete the various judgments. In his reply he offered to take early retirement, although he later withdrew this offer. By February 1990 Mr. Tomes had still not recovered his backlog in spite of having been relieved of the majority of his court work for the previous 15 months. As it became clear that whatever measures I took had little effect I recommended to the then Lieutenant Governor that Mr. Tomes be invited to take early retirement. But before doing so I consulted 15 people - including members of the judiciary, the legal profession and four senior Members of this House. All agreed that I had no option but to make the recommendation I did.

So much for steps taken here in Jersey before the matter was referred to the Home Secretary in 1990. The Lieutenant Governor has outlined the subsequent events and the actions of the Home Secretaries of the day and their officials. Let me make it clear that I have been consulted by and I have offered advice to the Home Office at every stage of these events. Primarily this has been in my capacity as President of the Royal Court for it is I - and not Members of this House - who carry responsibility to the Crown for the efficient administration of justice in Jersey. The assurance of the proper administration of justice, together with fair and stable political institutions is the very basis of a free and democratic society. Secondly, the existence and

maintenance of a proper system for the administration of justice is one of the features of our life and society which has made Jersey attractive as a centre for finance activities. If we allow our standards in the administration of justice to fall, the consequences for the continuing prosperity of the Island could be very serious indeed and our reputation for justice suffers if there is a belief about that difficult financial cases might take years rather than months to dispose of. For example, already one Member of this House has had adverse comments from a businessman in the Far East expressing concern at the slowness of some judgments in Jersey. Two qualities are necessary to establish a satisfactory system of justice. First, the law should be certain or at least ascertainable. Second, it must be ascertainable reasonably promptly.

What I find surprising in the various comments and coverage of this affair over recent weeks is that there has not been one word about the hardship which has had to be endured by those who have been obliged to wait for so long to be told the outcome of their court cases. Just getting a case to court is a harrowing enough experience for most people but then having to wait for a long time - in many cases for more than a year - to learn the outcome can only add considerably to worry and stress. As you have heard, one of the litigants threatened to sue. But as those waiting for judgments found, there was nothing they could do. They could not appeal, they could not sue and they have no right of compensation for lost opportunities, inconvenience or the effect on health caused by the worry of uncertainty. To them the phrase 'justice delayed is justice denied' was very real and any claim that a judgment may have been a model of clarity when it eventually arrived was little consolation.

Finally, as the Lieutenant Governor mentioned, I should explain to you the existing constitutional relationship between Jersey and the United Kingdom.

Jersey is a dependency of the Crown, not an independent sovereign state. As well as responsibility for the defence and international relations of Jersey, the

Crown has ultimate responsibility for the good government of the Island. One aspect of good government is clearly the administration of justice. Furthermore, the determination of civil rights and criminal charges within a reasonable time is a right of each individual in Jersey by virtue of the European Convention on Human Rights, Article 6. That Convention has been ratified with the agreement of Jersey by the United Kingdom Government, which is responsible for ensuring that the insular authorities comply with its provisions.

The Crown is therefore under a duty to take measures to eliminate the delay in delivery of judgments which has regularly occurred. The Crown is also responsible for the appointment of Crown Officers, of whom the Deputy Bailiff is one, and may terminate those appointments where necessary. Such decisions as to appointment and dismissal of a Crown Officer are taken on the advice of the Home Secretary as Privy Counsellor responsible for Channel Island affairs. The constitution requires no formal consultation with the States of Jersey before such decisions are taken. However, the position endorsed by the Royal Commission on the Constitution in 1973 is that consultation takes place in the Island before any Crown appointment is made. It has been suggested that similar consultations should take place before a Crown appointee is removed. Whilst as a general principle that proposition may have some merit there are a number of reasons why widespread consultation in the Island in Mr. Tomes' case would not have been appropriate.

Primarily, as I have already stated, the Crown was under a duty to put right the unfortunate situation of a failure in the administration of justice; the fact that the only possible remedy, after all other efforts had failed, was the dismissal of a Crown Officer could not require the full procedures suitable to the appointment of a Crown Officer to be invoked. This was because the issue was not the fitness of a particular individual for the post of Deputy Bailiff, but the restoration of a proper system of justice at the earliest opportunity.

Nevertheless, the Home Office, before giving advice to the Crown on the matter of dismissal of Mr. Tomes, did properly and at every stage, consult the Lieutenant Governor and me. Indeed, it was I who originally reported the problem to the Home Office via the Lieutenant Governor. You may rest assured that our advice was taken into account in the decision to set in motion the series of steps which led sadly to the decision of Her Majesty that the appointment of Mr. Tomes as Deputy Bailiff must be brought to an end.

In addition, as the Lieutenant Governor has explained, in 1990 Home Office officials took extensive, informal soundings here; and the consensus among those consulted was that Mr. Tomes should be given the opportunity to clear his arrears of written judgments, but not continue if he failed to do so. That advice was acted upon, with Mr. Tomes' interview with the then Home Secretary. The informal consultation normally consistent with decisions about Crown appointments was therefore undertaken properly at the correct point, and was not appropriate or necessary thereafter, as at each later stage Mr. Tomes failed to meet undertakings to successive Home Secretaries.

There is one other point for me to add. Some of the criticisms of the action taken in Mr. Tomes' case have widened into expressions of dissatisfaction with some aspects of the constitutional relationship between the Island and the United Kingdom. It may be that those expressions will be reconsidered now that those who made them have the opportunity properly to understand what has in fact been done and why. But the States have, of course, a perfect right to consider at any time whether they wish to propose to Her Majesty's Government changes in the relationship; and the letter conveying the decision of the Home Secretary which I have read out confirms his willingness to have such proposals considered. We should, however, all bear in mind that some of the suggestions for change which have been made would have far reaching, unsettling and potentially serious implications for our relationship with the Crown."

Subordinate legislation tabled

The following enactments were laid before the States, namely -

1. Social Security (Transitional Provisions) (Amendment No. 2) (Jersey) Order 1992 R & O 8380.
2. Road Traffic (Saint Lawrence) (Amendment No. 3) (Jersey) Order 1992 R & O 8381.
3. Road Traffic (Saint Peter) (Amendment) (Jersey) Order 1992 R & O 8382.

Island Development Committee - appointment of member

THE STATES appointed Henry George Coutanche, Deputy of St. Lawrence as a member of the Island Development Committee.

Information Technology R.C. 17/92

The Establishment Committee by Act dated 28th April 1992, presented to the States its report on Information Technology in the Public Service.

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 1st May 1992, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Health Committee, the extension of the lease from Mr. George Bernardes of the four-bedroom property Alzola, Upper King's Cliff, St. Helier, from 1st March 1992, subject to three months' notice given by either side, at an annual rent of £10,764;
- (b) as recommended by the Public Health

Committee, the extension of the lease from Mr. Timothy Allbut and Mrs. Paula Allbut née Jouault, of the three-bedroomed property No.3 Les Buttes, La Grande Route de St. Martin, St. Martin, for a period of three months from 7th October to 31st December 1992, at the existing annual rent of £8,400;

(c) as recommended by the Public Health Committee the renewal of the lease from F. Le Sueur and Son Limited of the one-bedroomed flats, Nos. 2 and 8 Roseland Court, St. Aubin's Road, St. Helier, for a period of one year from 1st April 1992, at an annual rent of £4,160 for each unit;

(d) as recommended by the Public Health Committee, the renewal of the lease from F. Le Sueur and Son Limited of the one-bedroomed flat No. 6 Roseland Court, St. Aubin's Road, St. Helier, for a period of six months from 1st April 1992 at a rent of £80 a week;

(e) as recommended by the Public Health Committee the renewal of the lease from Mrs. Joan Annie Perrée née Swift, of the two-bedroomed property Flat 3, 73 Rouge Bouillon, St. Helier, for a period of one year from 1st April 1992 with an option to renew for a further year at an annual rent of £5,720;

(f) as recommended by the Public Health Committee, the lease from Mrs. Ruth Mary Morris née Le Brocq, of the three-bedroomed terraced house 31 West Park Avenue, St. Helier, for a period of three years from 1st May 1992 with an option to renew for a further two years, at an annual rent of £7,800, subject to annual cost of living increases;

(g) as recommended by the Public Health Committee, the lease from Mr. Robert George Day of the four-bedroomed property The Dower House, Clos des Arbres, La Rue de la Retraite, St. Saviour, for a period of one year from 1st April 1992 at an annual rent of £13,000;

(h) as recommended by the Public Health

Committee, the assignment of the lease from Mrs. Carolyn Jane Walsh née Mills of the two-bedroomed property Barachois, La Grande Route de St. Jean, St. Helier (owned by Mrs. Kathleen Luce née Le Marquand), from 5th April 1992 to 31st March 1994 at an annual rent of £8,397.84, subject to a review on 4th April 1993 in line with the Jersey Cost of Living index.

Matter noted - financial transaction

THE STATES noted an Act of the Finance and Economics Committee dated 1st May 1991, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Health Committee had accepted the lowest of six tenders, namely that submitted by R.J. Wilkinson Limited, in the sum of £576,695 for an extension to the Pathology Department at the General Hospital.

Matters lodged

The following subjects were lodged ``au Greffe" -

1. Denis Ryan Court, David Place, St. Helier: development. P.63/92
Presented by the Housing Committee.
2. Draft Agricultural Land (Control of Sales and Leases) (Amendment No. 3) (Jersey) Law 199 . P.64/92.
Presented by the Agriculture and Fisheries Committee.
3. Green Zone sites: agricultural buildings. P.65/92.
Presented by the Island Development Committee.
4. Field 951, St. Brelade: temporary accommodation. P.66/92.
Presented by Senator J.S. Rothwell
5. Springfield, St. Helier: rezoning of land. P.67/92.

Presented by the Sport, Leisure
and Recreation Committee

6. Public entertainment:
responsibility for content. P.68/92.
Presented by Deputy S. Syvret of
St. Helier.

7. Jersey Gas Company Limited:
purchase. P.69/92.
Presented by the Policy and
Resources Committee

Draft Agricultural land (Control of Sales and
Leases) (Amendment No. 3) (Jersey) Law 199 .
P.2/92. Withdrawn.

THE STATES noted that the President of the
Agriculture and Fisheries Committee had
withdrawn the draft Agricultural land (Control
of Sales and Leases) (Amendment No. 3) (Jersey)
Law 199 (lodged on 21st January 1992) having
lodged a revised Bill at the present Sitting
(P.64/92).

Arrangement of Public Business for the
next Sitting on 26th May 1992

THE STATES confirmed that the following subjects
lodged au Greffe should be considered at the
next Sitting on 26th May 1992 -

Advocates (Jersey) Law 1968, as amended -
University of Caen: request to Legislation
Committee. P.62/92
Lodged: 28th April 1992.
Senator R.J. Shenton.

West of Albert Pier: construction of
yacht marina. P.54/92
Lodged: 21st April 1992.
Harbours and Airport Committee.

West of Albert Pier: construction of
yacht marina - amendment. P.60/92
Lodged: 28th April 1992.
Senator N.L. Quérée.

Denis Ryan Court, David Place, St.
Helier: development. P.63/92
Housing Committee.

Green Zone sites: agricultural

buildings. P.65/92
Island Development Committee.

Field 951, St. Brelade: temporary
accommodation. P.66/92
Senator J.S. Rothwell.

Adjournment of the States

THE STATES rejected a proposition of Senator
Dereck André Carter ``That the States do now
adjourn".

Access for the disabled to public buildings.
Question and answer (Tape No. 134)

Deputy Stuart Syvret of St. Helier asked the
Connétable of St. John, President of the Island
Development Committee the following question -

``Do current building regulations require
buildings to which the public has access
such as schools, shops and banks, to
include access for the disabled?"

The President of the Island Development
Committee replied as follows -

``The present Public Health (Control of
Buildings) Bye-Laws were made in 1960 and
do not cover the requirements for access to
buildings by the disabled. The department
has been reviewing every section of the
bye-laws in detail for the past 18 months.
This revision involves amendments to 128
bye-laws, and is well advanced. In December
last year my department briefed Mr. L.
Davis, MBE, a consultant to the United
Kingdom Department of the Environment and
in Europe, to examine our detailed
proposals with a view to producing a
consultative draft in April, for
circulation to interested bodies, e.g. the
Association of Jersey Architects.

The Law Draftsman will shortly be receiving
this draft and preparing the legal format
required for enactment by my Committee. We
will than take on board any amendments to
the technical content arising from the
consultation before enacting them.

Bye-laws are issued under the Public Health
(Control of Building) (Jersey) Law 1956, a

Law whose responsibility was transferred to the Island Development Committee. This enables us to pass bye-laws for the construction of buildings and the materials to be used and also sanitary conveniences. The United Kingdom Regulations were issued in 1985 for Access for Disabled People, Document M covers -

- (a) means of access;
- (b) sanitary conveniences;
- (c) audience or spectator seating.

Item (b) presents no difficulty. However, the Law Draftsman has advised my Committee that the opinion of the Attorney General should be sought whether the Interpretation of "construction of buildings" can deem to include the means of access. Any uncertainty in this area will require an amendment to the Law, as will any other access which might be argued to be outside the scope of Article 2 of the substantive Law.

I would point out to the Deputy that there is nothing to prevent designers of public buildings from including such disabled features in their buildings. The Law only sets minimum standards. If they do so they will receive every help and support from my Committee's department."

Housing designed for people in wheelchairs.
Questions and answers (Tape 134)

Deputy Stuart Syvret of St. Helier asked Deputy Leonard Norman of St. Clement, President of the Housing Committee the following questions -

- 1. How many units of housing designed for people in wheelchairs exist in the public housing stock?
- 2. Does the Housing Committee intend to build more?"

The President of the Housing Committee replied as follows -

- 1. The Housing Committee has 22 dwellings which are specifically designed for occupation by

wheelchair users.

In addition a number of other existing units of accommodation have been adapted in a variety of ways to accommodate tenants who are wheelchair dependent or have other physical difficulties.

A further 14 sheltered housing units at present under construction at The Limes, which will be ready for occupation in June 1993, have also been designed to cater for people who may be wheelchair dependent. The States are aware of our plans for new sheltered housing units on the Haut de la Garenne Site, and a proportion of these will be designed with this need in mind.

My Committee is conscious of the special needs of tenants with physical disabilities including those who are wheelchair dependent and will upon request, and in consultation with the Department of Health, install chair lifts, hoists, sanitary and other aids as appropriate.

2. As stated above, the Housing Committee has an ongoing commitment to provide suitable accommodation for people with physical disabilities, including those using wheelchairs and therefore provision is made wherever possible in new developments.

Families which include a person who is wheelchair bound vary widely in their particular needs and therefore certain dwellings in new developments may be designated as suitable for wheelchair use but, until allocated, are kept in all other respects to the normal specification. These are then easily adapted to individual needs.

In the current Development Programme, dwellings suitable for occupation by wheelchair users have been identified on a number of developments including, for example, Keith Baal Gardens (Ritz Site) and the Grouville Hospital Site.

Where there is a known need these dwellings will be allocated well in

advance in conjunction with the Department of Health who will advise on any specific adaptations necessary."

Disabled People. Questions and Answers (Tape No. 134)

Deputy Stuart Syvret of St. Helier asked Deputy Terence Augustine Le Sueur, President of the Social Security Committee the following questions -

1. How many people are registered as disabled with the Social Security Committee and how many of this number are physically disabled?
2. How many of this number are confined to wheelchairs?
3. How many disabled people are under the age of 18?
4. Has the Social Security Committee considered adopting the United Kingdom method of assessing degrees of disability?
5. Is the Social Security Committee looking at a mobility allowance for disabled people and if so, how will this operate?
6. How closely does Social Security liaise with other Committees such as Public Services and the Island Development Committee concerning the provision of access and mobility for disabled people?"

The President of the Social Security Committee replied as follows -

1. There are no disabled people registered with the Social Security Committee. A register of disabled has not been pursued in Jersey, and in fact there is no definition of 'disabled'. Indeed many people suffering from some disability are reluctant to have themselves classified as 'disabled'.

Nevertheless the Social Security

Committee provides a range of benefits for persons who are partially or totally disabled. I can advise that at 30th September 1991 there were 267 persons registered as in receipt of disablement allowance, and 603 registered for attendance allowance.

In addition of course persons may be entitled to benefit from sickness benefit, injury benefit or invalidity benefit. If the Deputy refers to our annual report recently issued to Members, he will observe that in the year to 30th September 1991 the department paid a total of 278,874 days of invalidity benefit at a cost of £3,582,915.

Our records are not able to identify specifically which claimants are physically disabled, but I am confident that the majority of claimants fall into that category.

2. I regret that we do not have this information specifically available, but our enquiries, of which I say more in answer to question 5, suggest that there may be several hundred people in the Island confined to or regularly using wheelchairs.
3. Because of the difficulty in defining 'disabled' I am unable to give a firm answer. Reference to our annual report shows that at 30th September 1991, 68 of the 267 persons entitled to disablement allowance were children under the age of 16. This proportion of 20 per cent - 25 per cent seems to remain constant from year to year.
4. One of the first projects undertaken by my Committee on taking office last year was a thorough review of the need to provide assistance to those with difficulty in getting around. A sub-committee including my Vice-President, Deputy Shirley Baudains and Deputy Carl Hinault has been looking, amongst other things, at ways of assessing disability, and at finding ways of giving further assistance to such people as those about whom Deputy Syvret is concerned. We have considered

adopting the United Kingdom method of assessing degrees of disability, but we are conscious that this method was not only inexact but was frequently degrading to claimants, and is currently in course of revision. We would not at this stage wish to adopt the United Kingdom method.

5. In March 1988 the Social Security Committee of the day brought to this House, with the blessing of the Finance and Economics Committee, proposals which increased the level of benefits by some 20 per cent in recognition of the difficulties faced by handicapped or disabled persons. These proposals had been discussed with and supported by the Association of Jersey Charities and were adopted by the States as being the correct procedure to follow.

Nevertheless my Committee felt it their duty to review all aspects of our policy, and I am sure that Members (who may have already heard snippets of news from the media) will be pleased to know that we have now finalised our examination of proposals for a scheme to help those with problems of mobility, and at our meeting on 6th May 1992 decided to lodge a proposition recommending the introduction of a scheme to give financial assistance to those disabled persons who have difficulty getting out and about. The extent of the assistance we hope to provide may be limited by the financial constraints by which all Committees are bound, but we intend to bring this proposition to the House within the next three months to provide some such assistance.

I am sure that the Deputy, and other Members, will be pleased with this news and await this debate with interest. If the Deputy wishes to discuss details either with the department or my Committee I should be pleased to help.

6. Whilst the Social Security Department has only limited expertise in technical matters of this nature we do liaise wherever possible, and I believe that the Public Services and Island

Development Committees can join with me in being satisfied that we are making increasing provision in public and private places for assisting in the access and mobility of disabled persons.

Progress is inevitably constrained by limitations of cost and manpower, but an increasing number of town pavements and crossings now have lowered kerbs for the benefit of those in wheelchairs, whilst the Island Development Committee have ensured that new public buildings, such as the Jersey Museum and the Living legend, have adequate provision for the disabled. There is still much that can be done, but I am sure that these Committees are fully alive to this need."

Protection of the Island's environmental and cultural heritage. Questions and answers (Tape No. 134)

Deputy Stuart Syvret of St. Helier asked Senator Dereck André Carter, Vice-President of the Tourism Committee, the following questions -

- ``1. Does the President agree that the environmental and cultural heritage of the Island plays an important rôle in its tourist industry?
2. Does the President feel that a greater proportion of the income from tourism should be contributed to environmental protection than is the case at present?"

The Vice-President of the Tourism Committee replied as follows -

- ``1. Yes, I do agree that the environmental and cultural heritage of the Island play a very important rôle in attracting visitors to our Island. Both are referred to in the Tourism Business Plan and, in the last few years, the Tourism Department has worked much more closely with those involved with our heritage

and our environment.

People are becoming more aware of environmental issues and there is an increasing need to manage the relationship between tourism and the environment.

2. The Tourism Committee is pleased that other Committees of the States and, indeed, the States as a whole, are now giving far more emphasis to environmental issues. Initiatives are being taken, especially by Policy and Resources, Island Development and Public Services. These initiatives are supported by the Tourism Committee. Also, Jersey Tourism has joined Green Flag International so that we are well informed about how the tourism industry can make improvements to its environment.

However, we do not believe that it is the rôle of the Tourism Committee to decide how the income from the Tourism industry should be spent. This is the rôle of the States. Tourism is confident that the States will continue to vote funds for priority environmental issues and we will, of course, lobby in support of particular projects if we believe that they are important on environmental grounds."

Ival, La Route de la Haule, St. Peter - lease

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

- (a) approved the lease by the Public Health Committee from Mr. Desmond Albert Pinel and Mr. Winston Clifford Pinel of the five-bedroomed property, Ival, La Route de la Haule, St. Peter, for a period of five years commencing 13th April 1992 at an annual rent of £15,600, subject to annual increases in line with the Jersey Cost of Living Index;
- (b) authorised the Greffier of the States to sign the necessary lease;
- (c) authorised the Treasurer of the States to pay the rent as it becomes due.

New North Quay - lease of warehouse

THE STATES, adopting a proposition of the Harbours and Airport Committee -

- (a) agreed to lease a warehouse on the New North Quay, Letting No. N16, to Brit European Transport (C.I.) Limited for a three year period commencing 1st February 1992 at an annual rent of £19,040.00;
- (b) authorised the Greffier of the States to sign the necessary agreement with the company; and
- (c) authorised the Treasurer of the States to receive the rent as it becomes due.

Banking Business (Amendment) (Jersey) Law 1992.
P.48/92

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

Regulation of Undertakings and Development (Amendment No. 5) (Jersey) Law 1992. P.49/92

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Regulation of Undertakings and Development (Amendment No. 5) (Jersey) Law 1992.

Regulation of Undertakings and Development (Amendment No. 5) (Jersey) Regulations 1992.
P.50/92

THE STATES, in pursuance of Article 2 of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, made Regulations entitled the Regulation of Undertakings and Development (Amendment No. 5) (Jersey) Regulations 1992.

Collective Investment Funds (Recognized Funds) (Compensation for Investors) (Amendment) (Jersey) Regulations 1992. P.51/92

THE STATES in pursuance of Article 11 of the Collective Investment Funds (Jersey) Law 1988, as amended, made Regulations entitled the Collective Investment Funds (Recognized Funds) (Compensation for Investors) (Amendment) (Jersey) Regulations 1992.

Sea-Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 1992
P.55/92

THE STATES, in pursuance of Article 2 of the Sea-Fisheries (Jersey) Law 1962, as amended, made Regulations entitled the Sea-Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 1992.

Sea-Fisheries (Size Limits) (Amendment No. 4) (Jersey) Regulations 1992. P.56/92

THE STATES, in pursuance of Article 2 of the Sea-Fisheries (Jersey) Law 1962, as amended, made Regulations entitled the Sea-Fisheries (Size Limits) (Amendment No. 4) (Jersey) Regulations 1992.

Policing of Roads (Amendment No. 4) (Jersey) Regulations 1992. P.57/92

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December 1851, Article 49 of the Road Traffic (Jersey) Law 1956, as amended, and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, as amended, made Regulations entitled the Policing of Roads (Amendment No. 4) (Jersey) Regulations 1992.

Policing of Parks (Amendment No. 8) (Jersey) Regulations 1992. P.58/92

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December 1851, Article 49 of the Road Traffic (Jersey) Law 1956, as amended, and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, as amended, made Regulations entitled the Policing of Parks (Amendment No. 8) (Jersey) Regulations 1992.

Policing of Beaches (Amendment No. 8 (Jersey)
Regulations 1992. P.59/92

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December 1851, Article 49 of the Road Traffic (Jersey) Law 1956, as amended, and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, as amended, made Regulations entitled the Policing of Beaches (Amendment No. 8) (Jersey) Regulations 1992.

THE STATES rose at 11.20 a.m.

C.M. NEWCOMBE

Deputy Greffier of the States.