



THE STATES assembled on Tuesday,
21st August, 1984 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

All members were present with the exception of –

Senator John Clark Averty – out of the Island.

Charles Binet Ahier, Connétable of Trinity – out of the Island.

David John de la Haye, Deputy of St. Ouen – out of the Island.

Terence John Le Main, Deputy of St. Helier – absent.

Leonard Norman, Deputy of St. Clement – out of the Island.

Prayers read by Deputy Greffier.

Tribute to the late Mr. S.J. Le Breton – former Member of the House.

The Bailiff paid tribute to the late Mr. Stanley John Le Breton, a former Deputy of St. Helier.

Deputy T.J. Le Main of St. Helier – death of son.

The Bailiff informed the States of the death of Mr. Christopher Le Main, only son of Deputy Terence John Le Main of St. Helier and expressed condolences to the Deputy and his family in the name of the Assembly.

The States observed one minute's silence as a mark of respect to both persons.

**Welfare Benefit – revised rates from 1st October, 1984: report.
R.C.21.**

The Finance and Economics Committee by Act dated 8th August, 1984, presented to the States a Report setting out the revised rates of Welfare Benefit from 1st October, 1984.

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 8th August, 1984, 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 the leasing to The Jersey Electricity Company Limited of 1,084 square feet of land at La Collette industrial area, shown on Drawing No. 01.115.5A for the construction of a sub-station, for a period of 99 years at a rent of £1 a year payable in one sum of the passing of contract;
- (b) as recommended by the Harbours and Airport Committee the leasing to British Airways of an additional area of approximately 156 square feet in the Terminal Building at Jersey Airport at an annual rent of £5.00 a square foot for the remainder of their lease of other accommodation at the Airport, to expire on 31st December, 1985, made up as follows –
 - (i) the former left luggage office measuring 105 square feet for use as additional operations accommodation;
 - (ii) a seating and reservations reception area, contiguous with the new check-in desk facility, also measuring 105 square feet, subject to an adjustment in respect of 54 square feet in that area which was already leased by British Airways as the location of the previous Reservations Desk;

- (c) as recommended by the Harbours and Airport Committee the leasing to Mr. Peter McGahan of an office in the Freight Terminal Building at Jersey Airport, measuring 256.5 square feet for a period of three years from 1st July, 1984, at an annual rent of £4.50 a square foot for use as workshop facilities for the repair, testing and calibration of aircraft instruments.

Matters lodged.

The following subject was lodged “au Greffe” –

**Draft Attendance Allowances (Amendment No. 11)
(Jersey) Regulations, 198 . P.111/84.**

Presented by the Social Security Committee.

The following subjects were lodged “au Greffe” on 7th August, 1984 –

1. **Public Lotteries Board – appointment of member. P.106/84.**
Presented by the Gambling Control Committee.
2. **Field 107, Maufant, St. Saviour: lease. P.107/84.**
Presented by the Island Development Committee.
3. **Golf Course at La Moye: acquisition of Land. P.108/84.**
Presented by the Island Development Committee.
4. **Recruitment from United Kingdom of staff for the Island Development Committee. P.109/84.**
Presented by Senator Richard Joseph Shenton.

The States decided to take the abovementioned Papers into consideration at the present Sitting.

5. **Annulment of Motor Vehicles (Construction and Use) (Amendment No. 14) (Jersey) Order, 1984. P.110/84.**

Presented by Deputy Maurice Clement Buesnel of St. Helier.

Golf course: rezoning of land. P.88/84, and Golf course at La Moye: acquisition of land. P.108/84.

THE STATES acceded to the request of the President of the Island Development Committee to withdraw the Proposition relating to the Golf course: rezoning of land (P.88/84 – lodged on 26th June, 1984) which was set down for consideration under Public Business at the present Sitting and to substitute therefor the Proposition (P.108/84 – lodged on 7th August, 1984).

Golf course: rezoning of land at Les Quennevais. P.101/84.

THE STATES acceded to the request of Deputy Graham Douglas Thorne of St. Brelade that the Proposition relating to the Golf course: rezoning of land at Les Quennevais (P.101/84 – lodged on 17th July, 1984) be taken immediately before the Proposition of the Island Development Committee (P.108/84) at the present Sitting.

Draft Gambling (Gaming and Lotteries) (Amendment No. 7) (Jersey) Regulations, 198 . P.92/84 – Deferment of Debate.

THE STATES acceded to the request of the Vice-President of the Gambling Control Committee that consideration of the draft Gambling (Gaming and Lotteries) (Amendment No. 7) (Jersey) Regulations, 198 (P.92/84 – lodged on 3rd July, 1984) which was deferred after discussion on 31st July, 1984) be deferred from the present Sitting to a later date.

Resignation of Mr. Guy Clendinnen. Questions and answers.

Senator Jane Patricia Sandeman asked Senator John Le Marquand, President of the Public Health Committee the following questions –

“In the statement issued by the President of the Public Health Committee on 16th July, 1984, concerning the resignation of Mr. Guy Clendinnen, it was stated –

‘... in addition, those colleagues have become critical recently of aspects of his clinical management. Mr. Clendinnen has refuted these criticisms, but recently agreed, in accordance with accepted procedures, for his work at the Hospital to be suspended to provide an opportunity for these criticisms to be carefully considered.’

1. Does the Public Health Committee accept the refutation by Mr. Clendinnen of these criticisms by medical colleagues?
2. During Mr. Clendinnen’s suspension, by whom were these criticisms ‘carefully considered’?
3. Was any independent medical investigation carried out into the criticisms and, if so, by whom?
4. If the answer to question 3 is negative, will the President say why an independent medical investigation was not carried out?
5. Will the President give an assurance that under the arrangements made with Mr. Clendinnen the medical, financial and compensatory interests of former patients are fully safeguarded?”

The President of the Public Health Committee replied as follows –

- “1. The Public Health Committee is not qualified to adjudicate upon questions of clinical management.

Had the matter proceeded to an independent Board of Enquiry for adjudication, which was a possibility under the Whitley Council procedure which is incorporated into Consultants’ contracts of employment, and had such a board supported Mr. Clendinnen’s rejection of the criticism, then the Public Health Committee would have considered itself bound by such a finding.

In the event the matter did not so proceed because in the prevailing circumstances Mr. Clendinnen elected to leave the public service. Accordingly, the Committee had no basis of independent qualified opinion from which to evaluate either the criticism or Mr. Clendinnen's rejection of it.

2. By Mr. Clendinnen himself and whomsoever he wished to consult.
3. No.
4. As indicated in the answer to Question 1, the Whitley Council procedure which is incorporated into Consultants' contracts of employment specifies that investigations of the kind in question would be undertaken by an independent Board of Enquiry.

The matter did not proceed in that direction because in the event Mr. Clendinnen decided that it was in his own best interests and those of the hospital that he should terminate his contract of employment. He is no longer in the employ of the Committee and has no connexion with the public service.

5. The arrangements made with Mr. Clendinnen do not in any way affect the rights of former patients."

Postal tariffs. Statement.

Deputy Jean Amy Le Maistre, President of the Committee for Postal Administration made a statement in the following terms –

“Members will be aware of the announced intention of the British Post Office Corporation to increase tariffs with effect from 3rd September, 1984. The First Class letter rate for postings within the United Kingdom and from there to the Channel Islands, Isle of Man and Republic of Ireland will start at 17 pence, and the Second Class rate at 13 pence, both for up to 60 grams. On the Overseas side the basic rate for letters to Europe, and by surface routes world-wide, will become 22 pence and the basic rate for airletters up to 20 grams will become

29 pence, 31 pence and 34 pence respectively for world Zones A, B and C, with increases in various Ancillary fees and tariffs.

As the great majority of mail destined for Overseas from Jersey passes via the U.K., and many if not all Parcels and Ancillary Services are integrated or reciprocal, the Postal Committee will as usual take action reflecting the increases necessary from 3rd September in the U.K., but has decided that this should be deferred, and on this occasion take effect in Jersey only from 1st January, 1985.

With regard to Letter Post and related tariffs within the Island and from Jersey to the U.K., the other Channel Islands, Isle of Man, and Republic of Ireland, the Committee undertook when announcing the first increase in these for nearly two years, effective from 1st January, 1984, to hold them firm throughout 1984, and is happy to announce that that present scales, starting at 9 pence within the Island and 12 pence to the U.K., the other Islands and Eire for up to 100 grams, will now be maintained at least until April 1985. That this further deferment is possible is due first to the support of the Public in the still increasing use of Postal services, which assists greatly in the absorption of fixed costs and overheads, and secondly to the careful attention paid to constraining as far as possible tendencies towards rising costs.”

Ferry services. Statement.

Senator Bernard Thomas Binnington, Chairman of the Transport Advisory Council, made a statement in the following terms –

“Members will know that there is a keen interest being shown in the provision of passenger shipping services between the Island and the United Kingdom for 1985, and the years beyond. Against the background of the fears expressed earlier this year in some quarters concerning the impact on the Island of the privatisation of

Sealink U.K. Limited this is a situation which I am sure members will share with the Transport Advisory Council in welcoming. The interest shown confirms this view held by the Council that the level of freight and passenger traffic between the Island and the United Kingdom is sufficient to support a viable shipping service and attract investment in the provision of such a service.

While publicity has already been given to the intentions of the shipping companies concerned I wish to acquaint Members with the current position as it is known to the Transport Advisory Council.

The first point I would wish to make is that the Sealink services that the Island has enjoyed for so many years are to be continued and enhanced by the new owners of that company, Sea Containers Limited. While the services are to be changed in content to improve the viability of the route, the Transport Advisory Council at a recent meeting with the Chairman of Sea Containers was pleased to learn that, contrary to initial impressions, passenger services are to be maintained to Portsmouth and Weymouth. The Earl Godwin and the Earl Granville are to have their passenger capacity increased and improved and will operate two daytime services to Weymouth leaving the Island early morning and returning in the evening, with one service calling at Guernsey and the other operating direct. This service will be provided through the summer months and the level of operations in the winter months will depend on an assessment by Sea Containers of the demand for such a service.

The Earl William, and the Ailsa Princess which ship presently operates the Weymouth-Cherbourg service, will run over night, year round, between Portsmouth and Jersey and vice versa and these vessels will have increased cabin capacity and carry freight, cars and passengers. The use of these two vessels during the day between Portsmouth and Cherbourg will entail a linking service between Jersey and Cherbourg which will offer an additional opportunity for travel between the Island and the Continent.

In addition to the plans of Sea Containers Limited for the existing Sealink services, the Transport Advisory Council has also been informed by Huelin Renouf/Brittany Ferries of their plans to operate from April next year a ro-ro service year round, daily in summer and six days a week in the winter, between the Islands and Portsmouth; and by Torbay Seaways of their intention to operate from early summer a ro-ro service between Torbay and the Island via Guernsey, twice a week.

The Torbay Seaways ship has a capacity of up to 600 passengers and 50 cars, to be shared with Guernsey, and is planned to arrive in Jersey at around 10.30 and depart between 12.00 and 15.00. There being no prior claim on the ro-ro ramp at these times the company is to be informed that the required harbour facilities can be made available to accommodate the planned service.

The allocation of the ro-ro ramp to Sea Containers Limited, and to Huelin Renouf/Brittany Ferries, cannot be determined until representatives of the former company have visited the Island in the next week to 10 days to discuss points of detail with the Harbourmaster. When Sea Containers' plans are conveyed formally to the Council, consideration will be given to the allocation of the ro-ro ramp having regard to the established use of this facility by Sealink and with the best long term interests of the Island in mind.

With the emphasis being given to the carriage of freight on the Portsmouth service by both Sea Containers and Huelin Renouf/Brittany Ferries it is not expected that the services to be operated will lead to any marked increase in the number of visitor cars. However, there will be a switch of freight from conventional lift-on/lift-off ships to the ro-ro services. This will bring in its train the need to accommodate an increased number of trailers, and proposals may need to be brought to the States at an early date relating to the necessary provision of facilities at St. Helier Harbour and adjacent areas to cater for this traffic.

The Transport Advisory Council has confidence in the future of the shipping services between the Island and the United Kingdom. Further discussions have to take place, and decisions taken, and the Council has yet to receive details of the likely fare levels for next year. But there is in prospect for 1985 and the years beyond ro-ro services catering for passengers, cars and freight that will extend, and improve on, those presently enjoyed. When the plans of the companies concerned are firm the Transport Advisory Council would propose to present a report to the States to give Members an opportunity of expressing their views on the Island's passenger shipping services to and from the United Kingdom that are in prospect."

Court of Appeal (Remuneration of Ordinary Judges) (No. 2) (Jersey) Act, 1984.

THE STATES, in pursuance of Article 6 of the Court of Appeal (Jersey) Law, 1961, as amended, made an Act entitled the Court of Appeal (Remuneration of Ordinary Judges) (No. 2) (Jersey) Act, 1984.

Clearview Street School, St. Helier: transfer of administration.

THE STATES, adopting a Proposition of the Housing Committee approved the transfer of the administration of Clearview Street School, St. Helier, to the Education Committee.

37 Midvale Road, St. Helier: approval of drawings.

THE STATES, adopting a Proposition of the Housing Committee –

1. approved Drawings Nos. 2785/3, 2785/4, 2785/5 and 2785/6 showing the construction of 37 Midvale Road, St. Helier to provide two one-bedroomed units of accommodation;
2. authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Draft Wines and Spirits (Revenue Duties) (Amendment) (Jersey) Law, 198 .

THE STATES commenced consideration of the draft Wines and Spirits (Revenue Duties) (Amendment) (Jersey) Law, 198 and, on the Proposition of Senator Richard Joseph Shenton, referred the draft Law back to the Finance and Economics Committee.

Members present voted for the reference back as follows –

“Pour” (29)

Senators

Le Marquand, Shenton, Sandeman, de Carteret, Ellis.

Connétables

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

Deputies

Mourant(H), Quenault(B), Perkins(C), Le Gallais(S),
Le Brocq(H), Le Quesne(S), St. Martin,
Vandervliet(L), Le Fondré(L), Rumboll(H),
Buesnel(H), Grouville, Beadle(B), Thorne(B),
Wavell(H), Billot(S), St. John.

“Contre” (19)

Senators

Vibert, Jeune, Binnington, Horsfall, Baal, Rothwell.

Connétables

St. Ouen, St. Saviour, St. John, St. Peter.

Deputies

Morel(S), Le Maistre(H), Roche(S), Trinity,
Filleul(H), St. Peter, Farley(H), St. Mary,
Blampied(H).

Golf course: rezoning of land at Les Quennevais.

THE STATES rejected a Proposition of Deputy Graham Douglas Thorne of St. Brelade to –

- (a) request the Island Development Committee to submit proposals to the States for the rezoning of about 250 vergées of land in the Les Quennevais/ Mont à la Brune area of St. Brelade as delineated on Drawing No. GT 1984 for use as an 18-hole golf course;
- (b) request the Island Development Committee, in consultation with the Finance and Economics Committee, to negotiate with the owners of any land shown on the said Drawing which is not land already owned by the public or Mr. G.A. Bisson, for the acquisition of that land, on the understanding that compulsory purchase procedures will not be used, and to report back to the States in due course;
- (c) agree that the publicly owned land and the additional land to be acquired should, in due course, be leased to Mr. G.A. Bisson to enable him to establish and operate a golf course on a commercial basis; and
- (d) agree that suitable land owned by the public and situated in the vicinity of Les Creux, St. Brelade, may be offered in exchange to owners from whom agricultural land would be acquired.

Golf course at La Moye: acquisition of land.

THE STATES commenced consideration of a Proposition of the Island Development Committee to acquire land at La Moye for use as a public 18-hole golf course. The States accepted an

amendment of Senator John Le Marquand that after paragraph (c) there should be added the following paragraph –

- (d) to agree that notwithstanding the provisions of Article 4 of the Island Planning (Jersey) Law, 1964, as amended, the power of compulsory purchase should not be used in relation to the acquisition of land in the La Moye Manor/Les Creux area for a public 18-hole golf course.

Members present voted for the Amendment as follows –

“Pour” (35)

Senators

Le Marquand, Shenton, Jeune, Binnington,
Sandeman, Ellis, Baal, Rothwell.

Connétables

St. Ouen, St. Mary, Grouville, St. Saviour, St. John,
St. Brelade, St. Martin, St. Clement, St. Lawrence.

Deputies

Mourant(H), Morel(S), Le Maistre(H), Quenault(B),
Roche(S), Trinity, St. Martin, St. Peter, Farley(H),
Le Fondré(L), Rumboll(H), Buesnel(H), Grouville,
Beadle(B), Wavell(H), Blampied(H), Billot(S),
St. John.

“Contre” (12)

Senators

Vibert, de Carteret, Horsfall.

Connétables

St. Peter, St. Helier.

Deputies

Perkins(C), Le Gallais(S), Le Brocq(H),
Le Quesne(S), Filleul(H), Vandervliet(L), St. Mary.

THE STATES after further discussion rejected the Proposition of the Island Development Committee to –

- (a) request that Committee, in consultation with the Finance and Economics Committee, to negotiate with the owners of the land in the La Moye Manor/ Les Creux area of St. Brelade, required for use as a public 18-hole golf course, delineated on Drawing No. 12.161.1A for the acquisition of the land and to report back to the States in due course;
- (b) request that Committee, working in conjunction with other appropriate Committees and Departments, to prepare a design brief and obtain estimates for the design and construction of the proposed public golf course and associated facilities, and to report back to the States in due course;
- (c) request the Fort Regent Development Committee, in consultation with the Finance and Economics Committee, to study and make proposals for the management and running of the proposed golf course;
- (d) agree that notwithstanding the provisions of Article 4 of the Island Planning (Jersey) Law, 1964, as amended, the power of compulsory purchase should not be used in relation to the acquisition of land in the La Moye Manor/Les Creux area for a public 18-hole golf course.

Members present voted as follows –

“Pour” (22)

Senators

de Carteret, Baal, Rothwell.

Connétables

St. Ouen, St. Martin, St. Peter, St. Helier.

Deputies

Mourant(H), Perkins(L), Le Gallais(S), Roche(S),
Le Brocq(H), Le Quesne(S), St. Martin, Filleul(H),
Vandervliet(L), St. Peter, Farley(H), Le Fondré(L),
St. Mary, Beadle(B), Billot(S).

“Contre” (24)**Senators**

Vibert, Le Marquand, Shenton, Jeune, Binnington,
Sandeman, Horsfall.

Connétables

St. Mary, Grouville, St. Saviour, St. John,
St. Brelade, St. Clement, St. Lawrence.

Deputies

Morel(S), Le Maistre(H), Quenault(B), Trinity,
Rumboll(H), Buesnel(H), Grouville, Wavell(H),
Blampied(H), St. John.

Deputy Graham Douglas Thorne of St. Brelade having
declared an interest in the matter, withdrew from the Chamber.

Adjournment.

THE STATES adjourned until 10.15 a.m. on 28th August,
1984, when the remaining items of Public Business would be taken
into consideration.

THE STATES rose at 5.15 p.m.

R.S. GRAY,

Deputy Greffier of the States.