



**THE STATES assembled on Tuesday,
28th July 1998 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Francis Charles Hamon, Esquire**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of –

Senator Pierre François Horsfall – out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island
Michael Edward Vibert, Deputy of St. Brelade– out of the Island

Prayers read by the Deputy Bailiff

The King's Troop, Royal Horse Artillery – visit

The Deputy Bailiff informed the Assembly that The King's Troop, Royal Horse Artillery, would parade with their chargers, horses and guns through the streets of St. Helier and march past the States' Building during the late morning of Tuesday, 8th September 1998.

The Bailiff had invited the Lieutenant-Governor to take the salute and it was proposed that the States would rise in time to observe this unique event.

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Civil Service Administration (Salaries) (Amendment No. 18) (Jersey) Order 1998. R & O 9276.

Education Committee – appointment of member

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

Matters presented

The following matters were presented to the States –

Administrative Decisions (Review) (Jersey) Law 1982, as amended: report of the Administrative Appeals Panel regarding complaints received between 1st January and 31st December 1997 – R.C.34/98.

Presented by the Special Committee to consider the relationship between Committees and the States.

Administrative Decisions (Review) (Jersey) Law 1982: report of the Panel of Members regarding

complaints received between 1st January 1994 and 31st December 1996 – R.C.35/98.

Presented by the Special Committee to consider the relationship between Committees and the States.

General Reserve: grant of additional funds to 30th June 1998 – R.C. 36/98.

Presented by the Finance and Economics Committee.

Housing: States Rental Waiting List as at 30th June 1998 – R.C.37/98.

Presented by the Housing Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 20th July 1998, recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land –

- (a) as recommended by the Housing Committee, the sale to Newchurch Limited of a small strip of land (measuring 370 square feet) currently forming part of St. Mary's Court, St. Helier, for a consideration of £370, on the basis that the land was to be used for the purposes of providing a pavement in order that a development of 12 two-bedroom units for social rented housing purposes could be constructed on part of the site known as Sacré Coeur, St. Helier, which development, when completed, was to be sold to the Jersey Homes Trust, with Newchurch Limited to be responsible for the public's legal expenses incurred in this transaction and also for all the costs of the necessary accommodation works required;
- (b) as recommended by the Housing Committee, the sale to Starboard Maintop Limited, the owners of the property known as Myrtle Grove, No. 42 New St. John's Road, St. Helier, of land (measuring a total of approximately 40 square feet) at Le Clos du Martin, St. Helier, for the sum of £500, subject to the provision that any electricity cables which served the public's property in the area should remain as established or else be moved at the expense of Starboard Maintop Limited, if so required, during the relocation of the Jersey Electricity Company Limited pillar onto the property known as Myrtle Grove, on the basis that it was intended that the Housing Committee would pass contract with the Jersey Electricity Company Limited in order to give that Company the right to lay cables over Le Clos du Martin, with Starboard Maintop Limited to be responsible for the payment of the legal fees incurred by the public and for any other applicable fees which might be incurred by the public in relation to the proposed transaction.

Matters lodged

The following matters were lodged "au Greffe" –

Draft Road Traffic (Amendment No. 49) (Jersey) Regulations 199 – P.169/98.

Presented by the Public Services Committee.

Draft Parish Rate (Jersey) Law 199 – P.170/98.

Presented by the Connétable of St. Clement.

Housing (Jersey) Law 1949: proposed amendments – P.171/98.

Presented by the Housing Committee.

St. Helier Waterfront area: acquisition of possible interest – P.172/98.

Presented by the Policy and Resources Committee.

Arrangement of public business for the present meeting

THE STATES noted that the President of the Housing Committee had withdrawn the proposition regarding amendments to the Housing (Jersey) Law 1949 (P.48/98 – lodged “au Greffe” on 17th March 1998), having lodged a revised proposition “au Greffe” at the present meeting (P.171/98).

Messrs. Collin and Dominic Egré – questions and answers (Tape No. 459)

Deputy Robin Charles Hacquoil of St. Peter asked Deputy James Thomas Johns of St. Helier, President of the Harbours and Airport Committee, the following questions –

- “1. In view of the findings of the recent Board of Administrative Appeal on the dealings of the Committee and the Airport authority with Mr. Collin Egré and his son, namely that they were treated unjustly, oppressively and in a discriminatory manner, is the President prepared to make an unqualified apology today to both Egrés on the way in which they were treated?
2. Given the important questions arising from the Board’s findings about the unjust and oppressive handling of matters involving people by the Airport authority, what steps has the Committee taken to tighten up on its controls over the actions of its staff?
3. Given the damning nature of the Board’s findings, what steps does the Committee propose to take to compensate the Egrés for the damage to their reputations caused by the Committee’s and the Airport Authority’s actions?
4. In view of the criticisms of the Committee and its officers in the Board’s findings, would the President agree to set up an independent review of two other matters, namely – the reasons for releasing Mr. Collin Egré from his contract of employment with the Committee; and for the termination of access by Mr. Dominic Egré to the facilities of the Electronics Department as part of his project studies?”

The President of the Harbours and Airport Committee replied as follows –

- “1. The Committee believes the findings of the Board of Administrative Appeal to be perverse and flawed and preliminary legal advice from the Law Officers Department appears to confirm this view.

For example, the finding of the Board is that, if the Airport Authority believed that the Egrés were infringing any rule, ‘then the Police Authority surely should have been used’. This totally ignores the fact that under law the Policing Authority of the Airport is the Airport Director.

The Airport Director has the powers of a centenier within the Airport’s boundaries (Article 3 of the Aerodromes (Administration) (Jersey) Law 1952). The Committee considers, therefore, under advice, that it would have been oppressive and excessive for the Committee to call in the police rather than for the Airport Director to deal with the matter himself.

The Committee is concerned that the Board may have misdirected itself in law and reached its decisions on the basis of an erroneous understanding of the law. The States has placed upon the Committee and the Airport Director responsibility for inter alia the policing of the Airport, and the Committee believes that it would be failing in its duty and possibly compromising its ability to fulfil its statutory functions in the future, if it were to accept what appears to be an erroneous finding.

The Committee has, therefore, concluded that the proper course is to obtain a formal legal opinion from the Attorney General as to whether the Board of Administrative Appeal was entitled to reach the conclusions it did.

Until that opinion is received the Committee proposes to take no further action.

2. The general answer to this question has already been given in the answer to question 1. However it is certainly fair for me to say, on behalf of the staff involved, that there has been no over-

zealous behaviour by any member of the Airport staff and therefore the presumption behind the question does not apply.

3. No claim for compensation has been received by the Committee. Should such a claim be received it will be forwarded to the Attorney General for advice, but should he confirm the preliminary advice then clearly, no compensation will be due.
4. These complaints were not pursued by the Board of Administrative Appeal and therefore the Committee can see no value in considering these further.”

Refurbishment of No. 23 Hill Street, St. Helier– questions and answers (Tape No. 459)

Deputy Jeremy Laurence Dorey of St. Helier asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions –

- “1. Would the President inform the States –
 - (a) whether the refurbishment of No. 23 Hill Street is currently on schedule and within budget;
 - (b) what are the expected completion date and total cost; and
 - (c) to what use the building will be put on completion?

The President of the Planning and Environment Committee replied as follows –

- “(a) Structural works involving 23 Hill Street were completed successfully as part of the main Morier House “develop and build” contract with Stansells. The refurbishment of 23 Hill Street by Colan Limited was originally due for completion on 13th July this year and an extension of time was approved. It was due for completion yesterday, i.e. 27th July. The contractor has requested a further eight days’ extension of time, which is under consideration, due to delays in sub-contractor work and additional structural works to the front elevation. The costs of these works are included within the project budget for the Morier House development, which the latest project report indicates is within budget;
- (b) Subject to the extension of time requested, the expected completion date of 23 Hill Street is 5th August 1998. The contract sum with Colan Limited for the refurbishment was £323,500. The latest project report shows a total increase of £42,379 from the original tender document less reductions. These changes are within the contingency provision of £50,000 for this work. In addition, direct works of £19,096 have been incurred for shelving and computer/IT connections. A total expenditure of £382,596 is expected exclusive of professional fees which are separately budgeted.

These figures are included within the project report which my Committee approved last week for forwarding to the Finance and Economics Sub-Committee meeting this Friday. This report shows in detail the outcome for the whole development which I am pleased to say is within the budget of £8.6 million, the amount which was fixed in 1996 under the leasing agreement with Hambros.

- (c) The States approved the development of Morier House on the basis that the historic part of the 23 Hill Street premises would be refurbished and form an integral part of the new States offices.

Excluding space used for servicing, the refurbished late 18th Century building of 23 Hill Street

provides the following –

- (i) approximately 2,100 square feet of quality fitted-out office space on three floors. These offices will be occupied by the Department of Property Services and will house 11 people with sufficient space to accommodate a further three persons in future;
- (ii) the ground floor will provide a reception area for the public;
- (iii) two meeting rooms are provided, one on the first floor which is for the general use of Morier House staff who can gain access via a link to 23 Hill Street;
- (iv) a computer/printing area; and
- (v) a filing room which will house files on States property; these files are regularly used by the Law Officers' Conveyancing Department with whom the Property Services Department were co-located for this reason.

The premises which will be vacated by the Property Services Department at Library Place will be occupied by the Probation Department's Community Services Section currently housed at Westaway Chambers, allowing their lease to be cancelled, saving in external rentals."

Personal statement by Senator Shenton

Senator Richard Joseph Shenton, on behalf of the States members, expressed sympathy to the families of the three young people who had died in a car crash early on the previous Sunday morning. He also paid tribute to all the emergency services who had dealt with the accident.

Year 2000 compliance by States of Jersey Police – statement

The President of the Defence Committee made a statement in the following terms –

"Members will recall that on 14th July 1998, a question was asked by Deputy Dorey concerning computer compliance for the Year 2000 by the States of Jersey Police. Following my response, the House asked for clarification of three central issues, Firstly, what proportion of the 2,417 man days and £799,000 is directly attributable to Year 2000 compliance. Secondly, where has the revenue for the police compliance originated, and thirdly, an explanation of the training costs required.

Of the 2,417 manpower days, it is estimated that 1,825 are directly linked to Year 2000 compliance, in that 11 computer systems have to be replaced, including the main Crime Recording System. It is estimated that 592 manpower days will be required on projects which are indirectly connected to the Year 2000 problem, in that new hardware is required to support the replacement systems. As far as the financial cost is concerned £388,704 out of the total budget of £799,000 is directly linked to Year 2000 compliance. The remaining £410,296 is indirectly connected to the Year 2000 problem. This sum covers the new hardware and network upgrades on which to run the new systems, together with training that will be required. As can be seen, the Year 2000 problem has forced the replacement of computer systems which would ordinarily have lasted much longer – this had a knock-on effect in terms of the need to purchase other equipment.

The revenue required to address Year 2000 compliance has been met from three sources –

£118,000 from the Capital Budget
£455,704 from the Revenue Budget and
£225,000 from the central Year 2000 Compliance Budget

The project management and training requirement in terms of staff time and financial costs are not

additional to existing resources and are catered for and met from the revenue budget allocation. Extra staff will not be employed to carry out training, nor will staff be working additional hours for this purpose. 58 per cent of the manpower days are required for staff training on new systems. The training will be implemented by existing staff at no extra financial cost to the organisation.”

Kent Lodge: 21 Clarendon Road, St. Helier: sale

THE STATES commenced consideration of a proposition of the Housing Committee regarding the sale of Kent Lodge, 21 Clarendon Road, St. Helier. After discussion, and on the proposition of Deputy Shirley Margaret Baudains of St. Helier, the proposition was lodged “au Greffe”.

Opera House, Gloucester Street, St. Helier: guarantee of loan– P.167/98

THE STATES, adopting a proposition of the Finance and Economics Committee –

- (a) authorised an unconditional guarantee by the States for the repayment of a loan of up to £5.5 million together with interest thereon from Barclays Bank Plc to the Jersey Arts Trust to allow the restoration of the Opera House to proceed without delay;
- (b) authorised the Finance and Economics Committee to make the necessary arrangements in respect of such guarantee.
- (c) authorised the Greffier of the States to sign the guarantee on behalf of the States.

Members present voted as follows –

“Pour” (48)

Senators

Shenton, Rothwell, Le Maistre, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard.

Connétables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Martin, St. C St. John, Trinity, St.Saviour.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H), Igeyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Dorey(H), Layzell(B), Breckon(S), Grouville, St. Martin, St. John, Le Main(H), Blampied(H)Rabet(H), Crowcroft(H), de la Haye(B), LeCornu (C), St. Peter, Dubras(L), St. Ouen.

“Contre” (0)

Court of Appeal (Amendment No. 7) (Jersey) Law 199 – P.113/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Court of Appeal (Amendment No. 7)(Jersey) Law 199 .

Loi (199) concernant la police honorifique de St. Sauveur- P.114/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (199) concernant la police honorifique de St. Sauveur.

Royal Court (Amendment No. 10) (Jersey) Law 199 – P.119/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Royal Court (Amendment No. 10) (Jersey) Law 199 .

Smoke detectors for senior citizens: financial assistance – P.137/98 Revised

THE STATES commenced consideration of a proposition of Deputy Alan Breckon of St. Saviour regarding financial assistance for the provision of smoke detectors for senior citizens and adopted an amendment of Deputy Breckon that in sub-paragraph (c) for the words “to make available the sum of” there should be substituted the words “to underwrite any shortfall of expenditure, after other sources of funding have been exhausted.”.

THE STATES adopted the proposition, as amended, and –

- (a) agreed that a smoke detector should be installed in each household solely occupied by senior citizens;
- (b) requested the Defence Committee to authorise the Chief Fire Officer to make available Fire Service personnel to undertake the installation of the smoke detectors in the households described in (a) above;
- (c) requested the Finance and Economics Committee to underwrite any shortfall of expenditure, after other sources of funding had been exhausted, up to £100,000 to the Defence Committee to meet the cost of the purchase and installation of the smoke alarms.

Public Lotteries Board: appointment – P.148/98

THE STATES, adopting a proposition of the Gambling Control Committee, and in pursuance of Regulation 2 (2) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, as amended, appointed the following persons as Chairman and members of the Public Lotteries Board for a period of five years, from 27th July 1998, namely –

Mr. Ian Barnes, Chairman
Mr. John Clennett
Mr. Peter Cruickshank
Mr. Paul Crespel
Mr. Geoffrey James Roscouet
Mr. Derek Wallis
Mrs. Mary Ellen Horton.

Deputy David Leon Crespel of Trinity, having declared an interest in the matter, withdrew from the Chamber prior to the debate.

Police Authority: constitution – P.156/98. Debate *in camera*.

The Bailiff, in pursuance of an Act of the States dated 19th May 1998 regarding the policing of the Island, and in accordance with Standing Order No. 46(2), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the appointment of the Chairman and members of the Police Authority be debated *in camera*.

THE STATES, having deliberated thereon *in camera*, proceeded to vote in public assembly and, adopting a proposition of the Defence Committee, referred to their Act of 19th May 1998, when they approved the establishment of a Police Authority, and appointed the following persons to act as Chairman and Members of the Police Authority for a period of four years, with effect from 1st September 1998 –

Mr. Robin Ernest Richard Rumboll, Chairman
Deputy Jacqueline Jeannette Huet, Defence Committee
Deputy Alastair John Layzell, Defence Committee
Connétable Enid Clare Quénauld
Connétable Kenneth Priaulx Vibert
Mr. John Le Gallais
Mrs. Julie Hughes.

Jersey New Waterworks Company Limited: appointment of director P.157/98 and P.168/98

THE STATES commenced consideration of a proposition of the Finance and Economics Committee regarding the appointment of a director of the Jersey New Waterworks Company Limited in which it had proposed that Mr. Carlyle John Le Hérissier Hinault, Connétable of St. John, be appointed.

An amendment of Deputy Alan Breckon of St. Saviour proposed that for the words “Mr. Carlyle John Le Hérissier Hinault, Connétable of St. John,” there should be substituted the words “Mr. Philip John Rondel, Deputy of St. John,”.

THE STATES having proceeded to a secret ballot, the Deputy Bailiff declared that the result of the ballot was as follows –

Connétable of St. John	34 votes
Deputy of St. John	12 votes.

THE STATES thereupon approved the appointment of Mr. Carlyle John Le Hérissier Hinault, Connétable of St. John, as a director of the Jersey New Waterworks Company Limited, in accordance with Article 74(a) c the Articles of Association of the Company, to replace Mr. Jack Roche, former Connétable of St. Saviour.

Criminal Justice (Evidence and Procedure) (Jersey) Law 199 – P.161/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Evidence and Procedure) (Jersey) Law 199 .

Jersey Battle of Flowers Association: reduced interest loan – P.163/98

THE STATES, adopting a proposition of the Tourism Committee –

- (a) authorised the granting of a loan to the Jersey Battle of Flowers Association to assist with structural improvements to its headquarters at Meadow Bank, St. Lawrence;
- (b) agreed that the loan should be in the sum of £50,000, should bear interest at a rate of four per cent a year and be repayable in equal instalments over a period of ten years, with the first payment falling due in the year 2000.

La Moye School, St. Brelade: extension and refurbishment (Phase 1): approval of drawings- P.165/98

THE STATES, adopting a proposition of the Education Committee –

- (a) approved drawings Nos. 2235:96:03A and 2235:96:11 to 2235:96:16 showing the proposed extension to and refurbishment of La Moye School, St. Brelade;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Members present voted as follows –

“Pour” (35)

Senators

Rothwell, Stein, Qu  ree, Bailhache, Syvret, Norman, Walker.

Conn  tables

St. Clement, St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Martin, St. John, Tri
St. Saviour.

Deputies

Wavell(S), Le Sueur(H), Coutanche(L), St. Mary, Pullin(S), Johns(H), Dorey(H), Breckon(S),
St. John, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), de la Haye(B), Le Cornu(C), St. Pet
Dubras(L), St. Ouen.

“Contre” (0)

Grouville School, Grouville: extension and refurbishment (Phase 1): approval of drawings– P.166/98

THE STATES, adopting a proposition of the Education Committee –

- (a) approved drawings Nos. 588:96:10 to 14, 588:96:16 and 588:96:17 showing the proposed extension to and refurbishment of Grouville School;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Limited Liability Partnerships (Insolvent Partnerships) (No. 2) (Jersey) Regulations 1998– P.149/98

THE STATES, in pursuance of Article 44 of the Limited Liability Partnerships (Jersey) Law 1997 made Regulations entitled the Limited Liability Partnerships (Insolvent Partnerships) (No. 2) (Jersey) Regulations 1998.

Financial Services Commission (Jersey) Law 1998 (Appointed Day) Act (No. 2) 1998 – P.150/98

THE STATES, in pursuance of Article 24 of the Financial Services Commission (Jersey) Law 1998, made an Act entitled the Financial Services Commission (Jersey) Law 1998 (Appointed Day) (No. 2) Act 1998.

Borrowing (Control) (Amendment No. 4) (Jersey) Law 199 – P.152/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted a Law entitled the Borrowing (Control) (Amendment No. 4) (Jersey) Law 199 .

THE STATES rose at 3.55 p.m.

G.H.C. COPPOCK

Greffier of the States.