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THE STATES assembled on Tuesday,  
12th October 1993 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Peter Crill, C.B.E.

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All Members were present with the exception of -

John Le Gallais, Deputy of St. Saviour -  
out of the Island.  
Philip Roy Cabot, Deputy of Trinity - out  
of the Island.

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Prayers

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Communication by the Bailiff on ex-internees

The Bailiff made a statement in the following  
terms -

“On 24th August 1993 the States, adopting  
a proposition of Senator J.S. Rothwell -

- (a) expressed their support of claims for  
compensation made on behalf of those  
civilian residents of Jersey who were  
deported from the Island during the  
German Occupation to internment camps  
in Germany, contrary to international  
law;
- (b) requested Her Majesty's Government to  
make further representations to the  
German Government on behalf of the ex-  
internees in respect of their claims.

I communicated the States decision to  
H.M. Government, and I have now received a  
reply in the following terms -

Her Majesty's Government takes the view that the deportation of Channel Islanders was a breach of international law and the Channel Islanders who were deported have a claim against Germany.

However, there is no court in which Germany, a sovereign country, can be prosecuted or pursued in this respect. Nor is there a precedent for the payment of compensation for this - as far as Her Majesty's Government is aware, Germany has not paid compensation for similar claims from other countries. The only available avenue is persuasion. That is why Her Majesty's Government pressed the German Government hard over a long period of time and at many levels, including that of the Foreign Secretary. But in their definitive, negative, reply on the 7th April, 1993, the Germans made clear that their decision had been taken at a high political level and that they would not change their mind. Her Majesty's Government, therefore, doubts that further representations would cause the German Government to review its decision.

Finally, after considering the matter carefully, Her Majesty's Government has reluctantly concluded that there is no practicable way of taking the Channel Islanders' claims any further.'."

Maternity entitlement in employment - code of good practice (P.44/93): report of Special Committee on Sex Discrimination. P.157/93

The Special Committee on Sex Discrimination, by Act dated 15th September 1993, presented to the States a report on its proposition entitled Maternity entitlement in employment - code of good practice P.157/93.

Surgical and medical treatment in the United Kingdom - fund (P.50/93): comments of the Finance and Economics Committee. P.158/93

The Finance and Economics Committee, by Act dated 20th September 1993, presented to the

States its comments on the proposition entitled Surgical and medical treatment in the United Kingdom: fund (P.50/93).

Regulation of Undertakings and Development: six-monthly manpower returns. R.C.31

The Finance and Economics Committee, by Act dated 4th October 1993, presented to the States a report on manpower for the six month period to 30th June 1993.

Dental care for secondary school pupils and young adults. R.C.32

The Public Health and Social Security Committees, by Acts dated 6th October 1993, presented to the States a report on dental care for secondary school pupils and young adults.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 4th October 1993 showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Education Committee, to enter into a deed of arrangement with R.L.S. Properties Limited in order to clarify the eastern boundary of Resthaven, St. Saviour, with each party being responsible for its own legal expenses;
- (b) as recommended by the Housing Committee, to grant to Mr. Trevor Stanley Moore a pedestrian right of way from the rear of his property, 39 Trinity Road, St. Helier, to Trinity Road across the site of the Beau Vallon Housing Committee development, and the right to construct a garden gate at the rear of 39 Trinity Road to enable the right of way to be used, for the sum of £500, with Mr. Moore being responsible for all reasonable legal fees involved in the transaction;
- (c) as recommended by the Housing Committee, to grant to Mr. Gerard Vincent Healy and Mrs. Sally Elizabeth

Healy, née Shaw, certain rights of access in order to maintain the western elevation of their property, 51B Clearview Street, St. Helier, which bordered a private lane belonging to the public at the rear of Jane Sandeman Court, St. Helier. The right of access would include the right to erect scaffolding and the use of ladders, etc., as necessary, provided that it was limited to the area immediately adjacent to the property and did not block the lane. In addition, to grant the ratification of minor encroachments by the property towards the said private lane, namely five windows and one air vent in the western elevation and a slight roof overhang. The foregoing was granted for the sum of £500, with Mr. and Mrs. Healey being responsible for all reasonable legal fees involved in the transaction.

#### Matters lodged

The following subjects were lodged ``au Greffe" -

1. Draft Compulsory Purchase of Land (Fees) (Jersey) Regulations 199 . P.152/93.  
Presented by the Legislation Committee.
2. Draft Sea Fisheries (Jersey) Law 199 . P.153/93.  
Presented by the Agriculture and Fisheries Committee.
3. Draft Territorial Sea (Consequential Provisions) (Jersey) Law 199 . P.154/93.  
Presented by the Policy and Resources Committee.
4. Draft Data Protection (Regulation of Financial Services, etc.) (Subject Access Exemption) (Amendment No. 2) (Jersey) Regulations 199 . P.155/93.  
Presented by the Finance and Economics Committee.
5. Traffic and transport policy:  
transfer to Public Services Committee.

P.156/93.  
Presented by the Policy and  
Resources Committee.

6. Draft Social Security (No. 2)  
(Jersey) Regulations 199 . P.159/93.  
Social Security Committee.

#### Arrangement of Public Business for the present Sitting

THE STATES agreed to a request from the President of the Housing Committee that consideration of the draft Building Loans (Miscellaneous Provisions) (Amendment No. 23) (Jersey) Regulations 199 (P.144/93 - lodged on 28th September 1993) be deferred from the present Sitting to a later date.

THE STATES agreed to a request from the Vice-President of the Public Services Committee that consideration of Field 454A, St. Saviour: purchase of land (P.126/93 - lodged on 24th August 1993) be deferred from the present Sitting and that it be taken as the first item of Public Business on 26th October 1993.

The President of the Policy and Resources Committee withdrew the draft Territorial Sea (Consequential Provisions) (Jersey) Law 199 (P.14/93 - lodged on 2nd February 1993) having lodged revised draft Regulations (P.154/93) at the present Sitting.

THE STATES agreed to a request from Deputy S.M. Baudains that consideration of her proposition, together with the comments made by the Finance and Economics Committee, on Surgical and medical treatment in the United Kingdom: fund (P.50/93) lodged on 13th April 1993, be deferred from the present Sitting to a later date.

#### Arrangement of Public Business for the next Sitting on 26th October 1993

THE STATES confirmed that the following subjects lodged "au Greffe" should be considered at the next Sitting on 26th October 1993 -

Field 454, St. Saviour: purchase of land.  
P.126/93.  
Lodged: 24th August 1993.  
Public Services Committee.

Maternity entitlement in employment:  
code of good practice. P.44/93.  
Lodged: 6th April 1993.  
Senator C. Stein.

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

Draft Compulsory Purchase of Land  
(Fees) (Jersey) Regulations 199 . P.152/93.  
Lodged: 12th October 1993.  
Legislation Committee.

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

British Geological Society. Questions and  
answers (Tape No. 207)

Senator John Stephen Rothwell asked the Vice-  
President of the Public Services Committee the  
following questions -

- ``1. Would the Vice-President inform  
the States of the terms on which  
his Committee engaged the services  
of the British Geological Society?
2. How much has been paid out to the  
British Geological Society and what  
outstanding amounts remain to be paid,  
and when does the Committee envisage  
the completion of work by the British  
Geological Society?
3. Would the Vice-President advise the  
States how much law drafting time has  
been spent so far on the preparation of  
the proposed legislation to conserve  
and protect the water supplies of the  
Island?"

The Vice-President replied as follows -

- ``1. The verbatim brief for British  
Geological Survey, provided in  
1989 is as follows -
  - (i) Establish a hydrogeological

database for the Island to determine location and quantification of available groundwater resources together with yield and response to abstraction, rainfall and drought, including risks of marine invasion.

- (ii) The quantification of the relationship between ground and surface water, including the effect of agricultural irrigation on recharge.
- (iii) To evaluate groundwater chemistry and to determine vulnerability of water supplies to pollution from commercial, agricultural and domestic sources and to recommend possible remedial measures.

This groundwater source database will be based on a survey of existing wells and boreholes at a density of one per km grid square. BGS to be responsible for all arrangements including identification, monitoring and sampling of boreholes.

- (iv) To evaluate the potential groundwater resource and the reaction of the St Ouen's Bay sand aquifer to rainfall, drought and abstraction, by means of a computer model.
- (v) To supply monitoring equipment for a minimum period of 12 months for a longer term groundwater monitoring process. Public Building and Works Department to identify locations of possible boreholes, and BGS to comment on suitability and monitoring requirements. The results of this survey would be used for possible further refinements to the groundwater survey at a later date.

2. From its original involvement in 1989 until the present day, British

Geological Survey have been paid a total £165,961.07, and further commitments amount to £5,200.00.

During this period British Geological Survey have undertaken investigation and monitoring work, produced five comprehensive technical reports and an Hydrogeological Map of the Island.

The detailed catchment study, currently underway, together with updated monitoring data will need to be analysed, evaluated and reported on by the British Geological Survey. The time span for this work will depend upon the outcome of the ongoing studies but it is not expected to be less than two more years.

3. The Law Draftsman has had occasional meetings with the Chief Engineer, Public Services Department, the Public Services Committee, and a leading environmental legal consultant who has been engaged by the Department to prepare the drafting instructions for the proposed new Water Resources Law.

The purpose of these meetings was to discuss the background to the proposed legislation and to agree with the consultant the form and content of the drafting instructions.

Although the law drafting instructions have been forwarded to the Law Draftsman they have not yet been finalised. Therefore, no law drafting time has been spent on the preparation of the proposed legislation, but the Law Draftsman estimates that the meetings referred to above have occupied about two working days in total."

Maximum rate of interest for States Loans.  
Questions and answers (Tape No. 207)

Senator Richard Joseph Shenton asked Deputy Leonard Norman, President of the Housing Committee the following questions -

1. Will the President inform the House when the current maximum

interest rate for States Loans was set at 11 per cent?

2. Will the President inform the House as to the current bank interest rate at that time?
3. Will the President inform the House as to current bank interest rates?
4. When is the Housing Committee, in consultation with the Finance and Economics Committee, going to reduce the present exorbitant States Loan interest rates in line with their policy of fluctuation?"

The President of the Housing Committee replied as follows -

1. The current maximum interest rate for States Loans entered into from 14th October 1992, was set at 11 per cent on 13th October 1992.
2. At that time, a typical commercial mortgage rate was ten per cent.
3. A typical commercial mortgage today is available at 7.99 per cent.
4. In November 1992 when commercial rates dropped to about nine per cent, my Committee reviewed the rate of 11 per cent in relation to commercial mortgage interest rates and recommended to the Finance and Economics Committee that the maximum rate be reduced to ten per cent.

The Finance and Economics Committee considered my Committee's proposal at its meeting of 14th December 1992, and recommended that the maximum rate be left at 11 per cent for the time being. In its Act of 14th December 1992, the Finance Committee commented as follows -

The Committee recalled that one of the benefits of the States Loan Scheme was that borrowers who were on the maximum rate were able to obtain a subsidised rate on their loan when their financial

circumstances changed. It further recalled that one of the reasons for maintaining the maximum rate above the commercial rate was to encourage borrowers to obtain private loans. If borrowers wanted to benefit from the flexibility of the States Loan Scheme, they could choose to enter the Scheme at a higher rate, rather than obtaining a lower rate privately; it was up to the borrower to choose.'

When my Committee considered the recommendation of the Finance and Economics Committee, it decided to accept that recommendation for the reasons given and which I have just quoted. Whilst my Committee has monitored the situation since that time, it has not decided to reduce the rate.

My Committee intends to review whether or not the current maximum rate should be altered before the end of this calendar year. Whether or not we decide to reduce it will depend on a number of factors - e.g. whether commercial rates change in the meantime, whether or not evidence exists which suggests that the current arrangement is preventing first-time buyers from buying property, etc. I have only recently explained to the House that the rationale of the States Loan Scheme since it was restructured in 1991 and 1992 is to direct subsidies to those who need them (i.e. young families on low or modest incomes who could never realise their ambition of owning their own homes without those subsidies). It is not now designed to help those who can afford to borrow privately and who do not need States subsidies for this purpose.

I should remind Members that in 1992 my Committee granted 276 loans and expects to grant a similar number in both 1993 and 1994. This compares with figures of 36 in 1988, 35 in 1989, 70 in 1990 and 77 in 1991. We currently have approximately £75M. outstanding in loans and this figure is expected to rise to approximately £100M. over the

next few years.

There are currently approximately 3,500 borrowers, and of these only 18 are paying at the 11 per cent level. The annual earnings of these 18 borrowers range from £28,399 to £39,717. Their loan repayments, as a proportion of income, range from as low as 16 per cent to the maximum proportion payable under the terms of the Scheme.

If we are to continue to provide funds for those first-time buyers who cannot afford commercial rates, it is imperative that those on good incomes, and who do not need taxpayer support to buy their homes, are encouraged to borrow privately. This is the rationale behind the approach which the Finance and Housing Committees have taken to the question of the maximum interest rate and there are already clear signs that it is succeeding in that more first-time buyers on higher incomes are using private as opposed to public funds for this purpose."

Commodore Shipping (Jersey) Limited: lease of land at St. Helier Harbour

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

- (a) suspended Standing Order No. 18(2);
- (b) approved the lease to Commodore Shipping (Jersey) Limited of 20,000 square feet of land situated in Elizabeth Harbour in St. Helier, shown on the Plan 405/1, for a period of 42 years commencing 1st November 1993, at 80 pence a square foot, subject to review every five years, to enable the said company to construct and maintain the second Elizabeth Harbour warehouse/transit shed at its own expense;
- (c) authorised the Attorney General and Greffier of the States to pass the necessary contracts on behalf of the public;

(d) authorised the Treasurer of the States to receive the payments as they became due.

Building Loans (Amendment No. 12) (Jersey) Law 1993. P.129/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Building Loans (Amendment No. 12) (Jersey) Law 1993.

Protection of Children (Jersey) Law 1993. P.134/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Protection of Children (Jersey) Law 1993.

Criminal Justice (Young Offenders) (Jersey) Law 1993. P.138/93 and 150/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Young Offenders) (Jersey) Law 1993.

Prison (Amendment No. 3) (Jersey) Law 1993. P.148/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Prison (Amendment No. 3) (Jersey) Law 1993.

Food and Drugs (Amendment No. 2) (Jersey) Law 1993. P.139/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Food and Drugs (Amendment No. 2) (Jersey) Law 1993.

Public Employees (Retirement) (Amendment No. 4) (Jersey) Law 1993. P.145/93

THE STATES, subject to the sanction of Her Most

Excellent Majesty in Council, adopted a Law entitled the Public Employees (Retirement) (Amendment No. 4) (Jersey) Law 1993.

Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 3) (Jersey) Regulations 1993. P.146/93

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, as amended, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 3) (Jersey) Regulations 1993.

Convention on Social Security between the United Kingdom and Cyprus: Amendments. P.147/93

THE STATES, adopting a proposition of the Social Security Committee, requested the Bailiff to inform the Secretary of State that it was the wish of the Assembly that the Amendments, as proposed in a draft Exchange of Letters, of the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Republic of Cyprus should apply to Jersey.

Public Holidays and Bank Holidays (Jersey) Act 1993. P.149/93

THE STATES, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951, as amended, made an Act entitled the Public Holidays and Bank Holidays (Jersey) Act 1993.

THE STATES rose at 12 noon.

G.H.C. COPPOCK

Greffier of the States.