



**THE STATES assembled on Tuesday,
4th November, 1986 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.**

All members were present with the exception of –

- Senator Ralph Vibert – out of the Island.
Senator Jane Patricia Sandeman – ill.
Senator Pierre François Horsfall – out of the Island.
Senator Anne Baal – out of the Island.
Senator John Stephen Rothwell – out of the Island.
John Philip Farley, Deputy of St. Helier – out of the
Island.

Prayers

Subordinate legislation tabled.

The following enactments were laid before the States, namely –

1. **Prison (Amendment No. 10) (Jersey) Rules, 1986.
R & O 7567.**
2. **Prison Officers (Jersey) Regulations, 1957
(Amendment No. 14) (Jersey) Order, 1986.
R & O 7568.**
3. **Road Traffic (Twenty Miles an Hour Speed Limit)
(Amendment No. 12) (Jersey) Order, 1986.
R & O 7569.**
4. **Road Traffic (Saint Saviour) (Jersey) Order, 1986.
R & O 7570.**

**5. Road Traffic (Saint Clement) (Amendment No. 9)
(Jersey) Order, 1986. R & O 7571.**

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 27th October, 1986, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Public Works Committee, the cession, free of charge, by Mr. John Francis Peter Abraham of Fairfield, Rue des Arbres, Trinity, of 193 square feet of land situated at the corner of La Grande Route de St. Jean (A.9) and La Rue des Arbres, to enable works to be carried out to improve visibility at this junction, with the Committee assuming responsibility for the cost of accommodation works and the payment of legal fees;
- (b) as recommended by the Public Works Committee, the purchase from Mr. William John Dyer and Mrs. Marilyn Dyer, née Brodie, the owners of Caesarea House, Rue à la Dame, St. Saviour, of 186 square feet of land required in connexion with the proposed provision of a footpath on the north side of the road from Five Oaks to Victoria Cottage Homes, St. Saviour, for a consideration of £372, with the Committee assuming responsibility for the costs of accommodation works and the payment of legal fees;
- (c) as recommended by the Public Works Committee, the granting to The Jersey Electricity Company Limited of a wayleave over public land in respect of a new cable to serve The Corbière Phare (previously the Corbière Pavilion Hotel), for a consideration of £100 in recognition of the fact that the public's ownership would be affected in perpetuity, with each party being responsible for the payment of its own legal fees.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. **The Budget 1987.**
Presented by the Finance and Economics Committee.
2. **Draft Merchant Shipping (Registry of British Ships) (Jersey) Law, 198 . P.144/86.**
Presented by the Harbours and Airport Committee.
The States decided to take this subject into consideration on 9th December, 1986.
3. **76 Val Plaisant, St. Helier: purchase P.145/86.**
Presented by the Public Works Committee.
4. **Draft Customs and Excise (General Provisions) (Amendment) (Jersey) Law, 198 . P.146/86.**
Presented by the Finance and Economics Committee.
The States decided to take this subject into consideration on 9th December, 1986.
5. **Norman’s Timber Yard, Pier Road, St. Helier: development and rezoning. P.147/86.**
Presented by the Island Development Committee. The States decided to take this subject into consideration on 2nd December, 1986.
6. **Draft Shops (Sunday Trading) (No. 7) (Jersey Regulations, 198 . P.148/86.**
Presented by Deputy David John de la Haye of St. Ouen.

Draft Franchise (Amendment No. 4) (Jersey) Law, 198 . P.126/86.

THE STATES acceded to the request of the President of the Legislation Committee that further consideration of the draft Franchise (Amendment No. 4) (Jersey) Law, 198 (lodged on 23rd September, 1986 and consideration commenced in 2nd Reading on 21st October, 1986) be deferred from 2nd December to 9th December, 1986.

Draft Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 198 . P.125/86.

THE STATES noted that Deputy David John de la Haye of St. Ouen had withdrawn the draft Shops (Sunday Trading) (No. 7) (Jersey) Regulations, 198 (lodged on 23rd September, 1986) having lodged revised draft Regulations at the present Sitting (P.148/86).

Draft Consumer Protection (Jersey) Law, 198 . P.91/86.

THE STATES acceded to the request of the President of the Legislation Committee that consideration of the draft Consumer Protection (Jersey) Law, 198 (lodged on 24th June, 1986) be deferred from the present Sitting to a later date.

Parking meters at Red Houses Car Park, St. Brelade. Question and answer.

Deputy Enid Clare Quénauld of St. Brelade asked Deputy Donald George Filleul of St. Helier, President of the Public Works Committee, the following question –

“Will the President agree to defer the installation of parking meters at Red Houses Car Park until full consultation has taken place with the Parish Authorities?”.

The President of the Public Works Committee replied as follows –

“The Public Works Committee is prepared to explain to the Parish Authorities its reasons for deciding to treat these public parking spaces in the same way as others under its administration.

It has to point out to the Deputy that the area is primarily a shoppers’ car park and the current use of such spaces unrestricted in respect of time and free of charge to the motorist, encourages longer stays.

This brings about a significant reduction in the number of vehicles which can utilise the facility during the course of the day and is therefore detrimental, both to the shopper and to the business community. The policy of the Committee is to attempt to provide a parking amenity for the greatest number of motorists wishing to avail themselves of the shopping facilities in this area and it is difficult to see why this scheme should any longer be administered in a manner different to that appertaining to St. Helier, where for some years a cost differential applied to shoppers' car parks has made space available at reasonable cost to many more users.

This seems to be a perfectly equitable approach to what has become a serious problem in the Quennevais area.

The Constable of St. Brelade is a member of the Public Works Committee which, at its meeting last Thursday, agreed to discuss the matter with his officers before implementing the new arrangements.”.

Committee of Inquiry into Fuel Oil: Report. Questions and answers.

Deputy Dereck André Carter of St. Helier asked Senator Richard Joseph Shenton, President of the Committee of Inquiry into the supply and distribution of fuel oil in Jersey, the following questions –

- “1. The Committee of Inquiry has stated it expects the oil companies to remove the ‘La Collette Premium’ (5 pence a gallon on petrol, 1 penny a gallon on heating oil) ‘FORTHWITH’. Has this been done?
2. The Committee has stated that larger garages are overcharging for petrol by at least 5 pence per gallon – is the President aware of any moves to lower prices?

3. What steps will the President take towards implementing the four main recommendations of the Committee of Inquiry?"

The President of the Committee of Inquiry into fuel oil replied as follows –

- “1. The present position in relation to the La Collette premium is set out in Paragraph 22 on page 17 of the Committee’s Report.

Esso have removed all premia in respect of the Channel Islands but indicated that net prices would continue to take account of the difference in cost in supplying customers in Jersey, including the additional capital servicing cost arising from La Collette.

Shell said that they would be maintaining the La Collette premium as an addition to United Kingdom Schedule prices but that their net prices would remain competitive.

In practice, therefore, the premium has not been removed forthwith as suggested by the Committee, but there is nothing further that the Committee itself can do to bring about the change. It is thought that the introduction of a fourth oil company would secure the desired reduction, but, failing that, it would be open to an appropriate Committee of the States to take the matter up again with the companies concerned.

2. I have not so far been informed by the Jersey Motor Trades Association or by any individual retailer of petrol that it is intended to make a reduction in the price charged in Jersey.

It is, of course, up to each retailer to decide what he will charge.

To the extent that the price actually charged is influenced by the recommendations of the Jersey

Motor Trades Association, I noted, as no doubt the Deputy also did, that the spokesman of the Association was reported in the Jersey Evening Post of 29th October, 1986, as saying that the members of the Association would not be discussing their reaction until its Committee had met 'to consider the Report next week'.

3. I have nothing to add to what I said to representatives of the media last week.

My comments were accurately summarised on the front page of the Jersey Evening Post of 29th October, 1986, but so that there may be no doubt as to my position in the matter at present, I wish to confirm my views that as the whole matter of the supply and distribution of fuel oil in Jersey was brought to the attention of the House, and rightly so by Senator Sandeman, it is only courteous that she should have the opportunity to study our Report and recommendations carefully and then present to the States any Proposition she considers necessary.

There are other Committees of the States which have an interest in the matter, in particular the Resources Recovery Board (which produced an earlier report) and the Finance and Economics Committee, and they may also wish to comment on the findings and recommendations contained in our Report.

In any event, I can assure the House that if nothing happens within the next few weeks, I shall myself bring forward my own Proposition based on the conclusions of the Committee of Inquiry as set out in its Report."

Public 18-hole Golf Course at La Moye. Personal Statement.

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

“In my closing speech at the Meeting of this Assembly on Tuesday last on the subject of the proposed 18-hole public golf course at La Moye (P.112/86), I stated that on 18th July, 1984, when Senator Shenton was President of the Agriculture and Fisheries Committee, the Technical Services Manager had reported to him. I quoted the Technical Services Manager’s comments with regard to the land in the ownership of the public as follows –

‘Whether there should be others interested in the land I do not know, however, when the States debated the purchase of the land in December 1982, there was no outcry that valuable land was being taken nor have the Island Development Committee since received requests by individuals to rent the land’.

I also quoted a further passage as follows –

‘My original reaction to this proposal after walking this land was to advise the Committee to inform the Island Development Committee that the land was of limited value and its use could not be strongly opposed’.

It is true that the conclusion of the report was that a possible alternative site adjacent to Mont à la Brune had obvious attractions agriculturally in that the land involved there was of a far lower value than La Moye, and made the point that ‘land lost is lost for ever’. The report also said of the land owned by the States at La Moye, that of all the land involved in the golf-course proposal ‘apart from one or two isolated fields owned by individuals this is the land of the lowest potential’. I feel that I was entitled, as a debating point, to ask whether Senator Shenton, who was championing the agricultural cause, had forgotten the report. Inconsistency is a matter of opinion and I make no apology for claiming inconsistency between the views he expressed and the real situation regarding the value of the land in question, as evidenced by that report. However, I do accept that, notwithstanding that

report, Senator Shenton led the fight against the golf course in September 1984, and in that respect has been personally consistent. If I gave a contrary impression I regret it.

In my closing speech I went on to suggest that the President of the Agriculture and Fisheries Committee had changed his position and that loyalty to Committees could be taken too far. Senator Horsfall was President of the Island Development Committee when on 15th September, 1981, the Committee lodged a Proposition (P.100/81) to purchase the La Moye or Beauport land adjoining the Joyce Trent Park. That report, which was approved by the States on 29th September, 1981, contained the following –

‘About 69 vergées of the area comprised disused and badly neglected farmland, upon which the Department of Agriculture and Fisheries has been asked to comment. Its report says that the land is of little agricultural value.... The remaining area comprises about 7 vergées of headland and woodland, and about 4 vergées of land at and around the former farm buildings’.

The report went on to propose rezoning for recreational purposes and stated – ‘Further preliminary enquiries made by the Committee suggest that the formation of a municipal golf course is a distinct possibility’. The Senator, having changed Committees, was now leading opposition to the golf course on agricultural grounds. On that aspect of the matter I unhesitatingly maintain my position.

However, I went on to claim ignorance of there being anyone seeking to lease the land from the States. My question to my officers during the adjournment had been – ‘Have we had any approaches for the Beauport land?’ – which question had received a negative reply. I confirm that my Department had not received any specific approach from any named farmer asking to lease the land. I readily concede that there had been correspondence and discussions between the two

Departments about the future use of the land including the possibility of creating a new farm unit by erecting a new farmhouse and buildings and the alternative of letting the land. On further research having been made I have to say that early in 1985 one telephone enquiry had been received by my Department from an individual farmer who was advised to contact the Agriculture and Fisheries Committee. Consequently, that farmer corresponded with the Technical Services Manager of the Department of Agriculture and Fisheries. Following an exchange of Acts between the two Committees in February and March of 1985, in which it was noted that 'interest had been made known ... by established growers', a joint meeting was held on 20th June, 1985, at which I was present. The Act of that meeting shows that –

'The President of the Agriculture and Fisheries Committee said that it would be necessary for the officers of that Committee to evaluate the proposals for a golf course at Les Creux. He had to draw attention to the fact that the Committee had in fact had a proposal from a local farmer who had a cohesive plan for bringing the land in public ownership there back into agriculture. The Agriculture and Fisheries Committee would have to evaluate the land on its potential rather than on its present state'.

To that extent my own recollection, as well as that of my officers, was at fault and I apologise for it. In fairness to Senator Horsfall, I take this opportunity to set the record straight.

Senator Horsfall has made it known, through the Chair, that he does not accuse me of having deliberately misled the House and is wholly satisfied that I would not have stated a fact that I knew to be untrue.”.

100 Halkett Place, St. Helier: transfer of administration. P.19/85.

THE STATES, adopting a Proposition of the Public Health Committee, approved the transfer of administration from that Committee to the Public Works Committee of 100 Halkett Place, St. Helier.

Public Lotteries: distribution of profits. P.124/86.

THE STATES commenced consideration of a Proposition of the Gambling Control Committee and having deleted paragraph (a) –

“to appoint a body to be known as the Public Lotteries Trust consisting of two Jurats of the Royal Court nominated by the Superior Number of the Court, two members of the Gambling Control Committee and two members of the Finance and Economics Committee and a chairman appointed by the States on the recommendation of both Committees;”,

re-lettered paragraph (b) as paragraph (a) and agreed, in the re-lettered paragraph (a), to substitute for the words “to delegate to that Trust authority to distribute” the words “to pay to the Association of Jersey Charities”.

Paragraph (c) – “to review the operation of the Trust after five years;” – was deleted.

Paragraph (d) was re-lettered paragraph (b).

THE STATES, adopting the Proposition as amended, rescinded their Act of 7th April, 1981 and decided –

- (a) to pay to the Association of Jersey Charities the lottery profits from the Summer “Bumper” Draw and the Christmas “Bumper” Draw for the benefit of the community and the charitable needs of the Island;

- (b) to set aside the remainder of the Lottery profits to offset development costs at Fort Regent for the next five years.

Grouville: Homes for the elderly – financial assistance. P.139/86.

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

- (a) approved the granting of a loan to the Parish of Grouville for the purpose of assisting the building of homes for aged persons;
- (b) agreed that the loan should be 50 per cent of the cost of the work to be undertaken (including professional fees) up to a maximum of £250,000, should bear interest at 4 per cent per annum and should be repayable in equal annual instalments over a period of 15 years; and
- (c) agreed that the loan should be subject to the condition that no person shall be allowed to take up accommodation in the development without the prior knowledge and agreement of the Housing Committee.

Rue Fondon Trading Estate, St. Peter: sale of industrial sites. P.140/86.

THE STATES commenced consideration of a Proposition of the Island Development Committee regarding the sale of the light or service industry sites at the Rue Fondon Trading Estate, St. Peter. After discussion, and on the proposition of Deputy Jean Amy Le Maistre of St. Helier, the Committee accepted a reference back.

The Connétable of St. John, having declared an interest in the matter, withdrew from the Chamber prior to the debate.

Housing (General Provisions) (Amendment No. 8) (Jersey) Regulations, 1986. P.141/86

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law, 1949, as amended, made Regulations entitled the Housing (General Provisions) (Amendment No. 8) (Jersey) Regulations, 1986.

Members present voted for the Preamble as follows –

“Pour” (38)

Senators

Le Marquand, Jeune, Ellis.

Connétables

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

Deputies

Mourant(H), St. Ouen, Morel(S), Le Maistre(H), Quénauld(B), Le Gallais(S), Roche(S), Le Brocq(H), Trinity, Filleul(H), Vandervliet(L), Le Fondré(L), Rumboll(H), St. Mary, Thorne(B), Wavell(H), Blampied(H), Billot(S), Norman(C), St. John, Carter(H), Mahoney(H), St. Martin.

“Contre” (6)

Senators

Shenton, Binnington, Le Main.

Deputies

Le Quesne(S), Grouville, St. Peter.

Housing Committee: consents under Regulation 1(1)(k). P.15/86.

THE STATES rejected a Proposition of Senator Richard Joseph Shenton that the Housing Committee should be asked not to issue any further consents under Regulation 1(1)(k) of the Housing

Regulations until the Committee has submitted to the States a report on the present position with regard to the level of transactions in that category and the repercussions on the local property market; the report to include comments on the situation by the Economic Adviser.

Members present voted as follows –

“Pour” (17)

Senator

Shenton.

Connétables

Grouville, Trinity, St. Brelade, St. Clement, St. Lawrence, St. Mary, St. Ouen.

Deputies

St. Ouen, Quénault(B), Le Gallais(S), Le Brocq(H), Grouville, Thorne(B), Billot(S), St. Peter, Carter(H).

“Contre” (24)

Senators

Le Marquand, Jeune, Binnington, Le Main, Manton.

Connétables

St. John, St. Martin, St. Peter, St. Helier, St. Saviour.

Deputies

Mourant(H), Morel(S), Roche(S), Trinity, Filleul(H), Vandervliet(L), Le Fondré(L), Rumboll(H), St. Mary, Blampied(H), Norman(C), St. John, Mahoney(H), St. Martin.

Navarimo, 76 Stopford Road, St. Saviour: purchase. P.132/86.

THE STATES, adopting a Proposition of the Island Development Committee –

- (a) approved the acquisition by that Committee of the property “Navarimo”, at 76 Stopford Road, St. Saviour from Mr. Lynn Jarvis Trenchard and Mrs. Viola Trenchard (née de Louche), for the sum of £165,000 (one hundred and sixty-five thousand pounds) for the freehold interest;
- (b) authorised the Island Development Committee to make a compensation payment of £15,000 (fifteen thousand pounds) as compensation for disturbance, and to grant a rent-free stay of possession of up to twelve months in order to allow Mr. and Mrs. Trenchard to acquire alternative accommodation;
- (c) authorised the payment or discharge of expenses to be incurred in connexion with the acquisition of the said property and all interests therein, and the payment of all legal expenses incurred by both parties from the Island Development Committee Major Reserve (Vote No. C.0904);
- (d) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which it might be found necessary to pass in connexion with the acquisition of the said property and any interests therein.

THE STATES rose at 5.30 p.m.

R.S. GRAY,

Deputy Greffier of the States.