

THE STATES assembled on Tuesday,
22nd August, 1989 at 10.15 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Admiral Sir William Pillar, G.B.E., K.C.B.

,
was present.

All Members were present with the exception
of -

Senator Richard Joseph Shenton -
absent.

Senator Terence John Le Main - out of
the Island.

Snowdon George Robins, Connétable of
St. Saviour - ill.

Stanley John de la Haye, Connétable
of St. Martin - out of the Island.

Ronald Winter Blampied, Deputy of St.
Saviour - out of the Island.

Prayers

Senator R.J. Shenton - sympathy.

The Bailiff extended his and the
States' sympathy to Senator Richard Joseph
Shenton on the recent death of his father.

Subordinate legislation
tabled.

The following enactments were laid
before the States, namely -

1. Agricultural Preparations (Prohibition of Importation and Use) (Amendment) (Jersey) Order, 1989. R & O 7943.
2. Social Security (Earnings Limit) (Jersey) Order, 1989. R & O 7944.
3. Battle of Flowers (Jersey) Order, 1989. R & O 7945.
4. Bicycle Marathon (Jersey) Order, 1989. R & O 7946.
5. Road Traffic (Saint Lawrence) (Amendment No. 11) (Jersey) Order, 1989. R & O 7947.
6. Collective Investment Funds (Recognised Funds) (General Provisions) (Amendment No. 3) (Jersey) Order, 1989. R & O 7948.
7. Employment of Children (General Provisions) (Jersey) Order, 1989. R & O 7949.

States of Jersey Police Force:
Report for 1988.

The Defence Committee by Act dated 3rd August, 1989 presented to the States a Report on the States of Jersey Police Force for the year 1988.

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

Joint Advisory Council: revision of weights used to calculate the Jersey Retail Index. R.C.15.

The Finance and Economics Committee by Act dated 7th August, 1989 presented to the States a Report on the revision to the weights used in the calculation of the Jersey Retail Prices Index.

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

Matters noted - land transactions.

THE STATES noted Acts of the Finance and Economics Committee, dated 24th July and 7th August, 1989, 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 of Fields 253 and 254, Les Marais, Grouville, to Mr. Charles Alan Le Maistre for a period of three years, commencing on 25th December, 1988, at a fixed annual rent of #30 a year;
- (b) as recommended by the Public Works Committee, the purchase from Mrs. Ann Margaret Bellows, née Shephard and Mr. Antony Mathieu Bellows of 404.8 square feet of land adjacent to the properties known as "St. Bueno" and "Bettina", St. Brelade's Bay, required for the provision of a footpath at St. Brelade's Bay, for a consideration of #809.60, with the Committee being responsible for the accommodation works and the payment of legal fees;
- (c) as recommended by the Public Works Committee, the purchase from Messrs. George Le Bas Pallot and Donald Roy Pallot of 288 square feet of land situated at No. 31, Val Plaisant, St. Helier, required for road widening purposes, for a consideration of #576, with the Committee being responsible for the accommodation works and the payment of legal fees;
- (d) as recommended by the Public Works Committee, the purchase from Mr. Alan Ball of 330 square feet of land situated at the Sylvania Private Hotel, Bel Royal, St. Lawrence, required for the provision of a footpath, for a consideration of #660, with the Committee being responsible for the accommodation works and the payment of legal fees;

- (e) as recommended by the Public Works Committee, the purchase from Mrs. Grace May Ball, née Geeves, of 320 square feet of land at the property known as "Casa Del Playa", Bel Royal, St. Lawrence, required for the provision of a footpath, for a consideration of #640, with the Committee being responsible for the accommodation works and the payment of legal fees;
- (f) as recommended by the Harbours and Airport Committee, the leasing to Mr. Richard Holmes of an area of land, measuring 594 square yards, situated on the northern boundary of the airfield on the former site of the property known as Clementa, St. Peter (designated Letting L71), for a further period of three years, with effect from 1st July, 1989, at an annual rent of #35;
- (g) as recommended by the Housing Committee, the granting to The Jersey Electricity Company Limited of servitudes in perpetuity, required for high tension electricity cable wayleaves at Gorey Phase II, shown in red and blue on Drawing No. 2693.13 produced by the Department of Public Building and Works, for a consideration of #10 with each side being responsible for the payment of its own legal fees;
- (h) as recommended by the Housing Committee, the sale to the Parish of St. Helier of an area of land measuring 640 square feet in Le Geyt Street, St. Helier, for a nominal consideration of #10, with each side being responsible for the payment of its own legal fees;
- (i) as recommended by the Resources Recovery Board, the purchase from Le Chalet Hotel (Corbière Development) Limited of 2,734 square feet of land, shown on Drawing No. 460/2A, required for the construction of a pumping

station, for a consideration of #2,734, with the Board being responsible for the cost of reinstating a 15 metre length of a three metre wide access track from the hotel grounds to La Rue du Grouet, adjacent to the proposed pumping station, and the payment of legal fees;

(j) as recommended by the Education Committee, the renewal of the lease from Mr. Martyn Alan Manning of the property ``Dajong'', 9 Le Clos Vert, Victoria Village, Trinity, for a period of two years with effect from 1st August, 1989, at an annual rent of #7,280, to be increased by the rise in the Jersey Cost of Living Index from 1st August, 1990, required for occupation by an essential employee;

(k) as recommended by the Public Health Committee, the leasing from Mr. George Bernardes and Mrs. Rut Manga Bernardes, née Bagenholm, of the property `Alzola', Upper King's Cliff, St. Helier, for a further period of six months, with effect from 1st July, 1989, at a weekly rent of #162.35, required for occupation by medical staff.

Matters noted - financial transaction.

THE STATES noted an act of the Finance and Economics Committee dated 7th August, 1989, showing that in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Housing Committee had accepted the lowest of three tenders, namely that submitted by D.J. Arthur Limited in the sum of #86,525 in a contract period of sixteen weeks for the construction of refuse stores at Le Geyt Flats and Tower Maisonettes.

Matters lodged.

The following subjects were lodged
"au Greffe" -

1. Glasshouse industry: refund of harbour dues. P.120/89.
Presented by the Agriculture and Fisheries Committee.
2. Projet de Règlements (198) sur le tarif des honoraires des Jurés-Justiciers. P.121/89.
Presented by the Finance and Economics Committee.

The following subjects were lodged on 1st August, 1989 -

1. Drunk and incapable in public: alternative to the penal system. P.111/89.
Presented by the Public Health Committee.
2. Draft Sea-Fisheries (Fishing Nets) (Amendment No. 2) (Jersey) Regulations, 198 . P.112/89.
Presented by the Agriculture and Fisheries Committee.
3. Rezoning of land for Category A housing (P.57/89): amendment. P.113/89.
Presented by the Agriculture and Fisheries Committee.

The following subjects were lodged on 8th August, 1989 -

1. Draft Health and Safety at Work (Jersey) Law, 1989 (Appointed Day) Act, 198 . P.114/89.
Presented by the Social Security Committee.
2. Draft Summer Time (Jersey) Act, 198 . P.115/89.
Presented by the Legislation Committee.
3. Victoria College stonework: remedial work. P.116/89.
Presented by the Education Committee.
4. Le Pré de Mal Assis, Grands Vaux,

St. Saviour: rezoning and purchase of land. P.117/89.
Presented by the Island Development Committee.

5. Public Employees Contributory Retirement Scheme - legislation (P.110/89): amendments. P.118/89.
Presented by the Establishment Committee.

6. Draft Harbours (Vehicle Ramps) (Jersey) Regulations, 198 .
P.119/89.
Presented by the Harbours and Airport Committee.

Public Employees Contributory Retirement Scheme - legislation (P.110/89): amendments. P.118/89. Withdrawn.

THE STATES noted that the President of the Establishment Committee had withdrawn the Proposition relating to amendments of the Public Employees Contributory Retirement Scheme (lodged on 8th August, 1989).

Fields 769, 770, 741 and adjoining land, Longueville, St. Saviour: petition regarding proposed rezoning. P.122/89.

Deputy Francis Hedley Morel of St. Saviour presented to the States, on behalf of certain persons living or farming in the area of Longueville, St. Saviour, a petition regarding the proposed rezoning of Fields 769, 770, 741 and adjoining land at Longueville, St. Saviour.

Debtors. Questions and answers.

Deputy Maurice Clement Buesnel of St. Helier asked Deputy Edgar John Becquet of Trinity, President of the Legislation Committee, the following questions -

- ``1. Will the President give details as to the procedure by which a person who has incurred debts can be put in prison at the instance of his creditor?

2. Is the President satisfied that the procedure is not outmoded and is in all respects appropriate in 1989?
3. If the answer to question 2 is in the negative, will the President undertake to bring the necessary legislation to the House as soon as possible to improve this procedure?"

The President of the Legislation Committee replied as follows -

``Since he was not a member of the House at the time I cannot be critical of the Deputy if he was unaware that the questions he has put were answered in the fullest possible way on 25th June, 1985, in a reply, presented in my absence by my Vice-President, to a broadly similar series of questions by Senator Shenton, more particularly concerned with the procedure of dégrèvement against a debtor's immovable property (i.e. houses, land, buildings, etc.) but to which issues of imprisonment for debt were linked.

As those questions and the answers are fully recorded in the States Minutes of that date, a copy of which I have furnished to the Deputy, I would not propose to repeat them in full unless the Deputy wishes to press the matter.

1. In answer to question 1, I hope it will therefore suffice for me to say that, broadly speaking, a debtor may be imprisoned for debt by virtue of a Judgment of the Royal Court or the Petty Debts Court or a provisional Order issued by the Bailiff or the Judge of the Petty Debts Court.
2. Question 2 is again particularly similar in tenor to that of Senator Shenton in 1985 when I was asked `to give my views as to the relevance of imprisonment for debt in present

day circumstances'. I indicated then that my Committee was satisfied that adequate safeguards exist to ensure that the procedure is not abused or used oppressively and that provision exists for a debtor to secure his release unless it can be shown that he could afford to pay the debt but is refusing to do so, or is acting in bad faith. I had then taken full account of the Convention for the Protection of Human Rights and Fundamental Freedoms and I may now add of the particular factor of our insular situation from which it is relatively easy for a debtor to flee the jurisdiction and the desirability also of creditors being adequately protected.

3. The answer to question 2 being in the affirmative it follows in relation to question 3 that I am not aware of any recent development or public concern about the existing legislation which merits a review of the situation."

1989 Census of population.
Statement.

The President of the Etat Civil
Committee made a statement in the following
terms -

``Members will know that in March of this year a census of population was held, the main purpose being to monitor the rate of population growth and to analyse the causes of that growth.

I am pleased now to be able to give Members the first results of that census. The total resident population of the Island in March of this year - that is those present on the census night of 12th/13th March, excluding visitors, plus those normally resident but absent on census night - was 82,536, or 2,324 more than in 1986.

Of that increase 500 is accounted for

by the natural increase of the population - that is, the excess of live births over deaths - and 1,824 by net immigration. This represents a rate of net immigration of 608 per annum between 1986 and 1989, which compares with a figure of 820 per annum between 1981 and 1986.

The Census Officer has prepared a short preliminary report on the census for my Committee, and this will be circulated to members during this morning's Sitting. A full report on the census will be prepared by the Census Officer and my Committee will present this to the States at the earliest possible date.

I should like to take this opportunity of publicly thanking all who have been involved in the census - the Census Officer, Colin Powell, and his assistant, John Christensen; the assistant census officers, supervisors and enumerators who undertook the field work and the clerks who coded the census questionnaires prior to their despatch to the United Kingdom where the results were processed and tabulated by Dr. McNabb and his team at University of Wales in Cardiff. Carrying out a census is a very considerable task, and work on the next census in 1991 has already begun."

Office development. Statement.

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

``The President of the Policy and Resources Committee recently called on the Finance and Economics Committee and Island Development Committee to exercise a moratorium on office development for the next five years on the basis that sufficient schemes had been permitted to meet foreseeable needs.

The Finance and Economics Committee responded with a policy

statement at the meeting of the States on 25th July indicating its policy towards office and luxury housing development in exercising its duties under the Regulation of Undertakings and Development Law. My Committee fully endorses the policy that the Finance and Economics Committee is pursuing.

My Committee considered implementing a moratorium on office developments under the Island Planning Law, but had reservations about the legality of doing so and sought the advice of Her Majesty's Attorney General. He has confirmed that it is not possible to do so.

My Committee also had reservations about whether it was appropriate to use the Island Planning Law in this way for two reasons -

- (a) that one of the purposes of the Island Plan is to lay down a set of policies, proposals and guidelines to ensure that applications for development under the Planning Law are determined in a fair and consistent manner over the long term, in the interests of good government. These policies, of course, need to be reviewed from time to time to ensure that they are still relevant and act in the best interests of the community. However, in the Committee's view it would be patently wrong to amend the policies for short term or expedient reasons as this would negate the long term consistency that the policies seek to achieve;
- (b) there is another piece of legislation administered by another Committee (the Regulation of Undertaking and Development Law) designed specifically for the purpose of balancing the supply and demand, and controlling the rate, of participating types of development. As Her Majesty's Crown Officers have advised on many occasions, it is not

appropriate to seek to achieve the purposes of one Law through the exercise of another.

The Island Plan seeks to limit the opportunities for new office development to defined areas in the centre of St. Helier. There are two areas defined on the Town Map -

- (a) around Grenville Street;
- (b) along the Esplanade between Marina Court and Caledonia Place.

In specifically zoning these areas the States have effectively conferred on the properties within them the acceptance in principle of office use. Outside these areas the Island Plan seeks to restrict the sporadic and indiscriminate establishment of office use.

Policy CM12 of the Island Plan reads as follows -

‘The location of new office development will generally be restricted to the defined areas of the town of St. Helier where proposals will be considered on their merits. Developments outside the defined area will normally be resisted’.

The use of the words generally and normally in this policy are significant. From their use it can be inferred that the Committee has discretion (a discretion that the Law places as a duty on the Committee to exercise when considering all applications put to it).

Since the Island Plan was approved the Committee has exercised its discretion in the following ways -

- (a) outside the office development areas, where premises have an established use for offices, by allowing office redevelopment;
- (b) where vacant or under-used upper floor spaces exist above retail or

commercial premises which are suitable for small-scale offices, by allowing new office use;

- (c) where the restoration of an historic building is dependent on the revenue from office use, by allowing new office use;
- (d) where opportunities exist for planning "gain" by allowing new office use as part of a mixed development on the site which includes the provision of new housing units and environmental improvements;
- (e) where ancillary or extended office facilities are required for the efficient operation of established businesses, by allowing new office development.

In view of the current housing problems that the Island faces, the Committee in future, when exercising its discretion, will be even more vigilant in ensuring that office development proposals outside the office development areas, on sites which are clearly suitable for residential development and which do not have an established office use, will not be permitted, particularly where they involve a large element of office accommodation. It should be recognised, however, that in order to secure the residential development the States may need to acquire the land, possibly at a valuation considerably in excess of its value for housing purposes."

Weather radar tower, La Rue Baal,
La Moye: construction.

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

- (a) approved Drawings Nos. 842/SK/03D, 842/02B, 03, 04B, 09, 10A, 11A, 13C and 20 showing the construction of a new weather radar tower at La Rue Baal, La Moye, St. Brelade;

- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Jane Sandeman Court, St. Helier:
approval of Drawings.

THE STATES, adopting a Proposition
of the Housing Committee -

- (a) approved Drawings Nos. 86281-18, 30, 31, 32, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 51, 52, 53, 54 and 55, showing the development of Jane Sandeman Court (the former Le Brun's Bakery complex), Brighton Road and Columbus Street, St. Helier, to provide 35 one-bedroomed and 7 two-bedroomed units of accommodation;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Haut du Mont - Phase II, Pier
Road, St. Helier: approval of Drawings.

THE STATES, adopting a Proposition
of the Housing Committee -

- (a) approved Drawing Nos. 2788/5, 2788/6 and 2788/7 showing Phase II of the development of Haut du Mont, Pier Road, to provide 11 units of one-bedroomed accommodation;
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Archirondel Cottage, St. Martin:
refurbishment. P.123/89.

THE STATES commenced consideration of a Proposition of the Housing Committee regarding refurbishment of Archirondel Cottage at St. Martin. After discussion, and on the proposition of Deputy Sir Martin Le Quesne of St. Saviour, the Proposition

was lodged ``au Greffe".

Refuse incinerator plant
extension: approval of Drawings.

THE STATES, adopting a Proposition
of the Resources Recovery Board -

(a) approved Drawings Nos
1/882017/A/002B and 003D showing
the extension to the refuse
incinerator plant at Bellozanne
Valley, St. Helier;

(b) authorised the Greffier of the
States to sign the said Drawings
on behalf of the States.

Sewage treatment works extension:
approval of Drawings.

THE STATES, adopting a Proposition
of the Resources Recovery Board -

(a) approved Drawings Nos. JSB/3/002,
003, 005, 006, 007, 012, 016 and
JSB/2/212, 8911/01, 32001/5/015,
022, showing the construction of a
small control room and civil
engineering works associated with
the extension to the digester
plant at Bellozanne Valley, St.
Helier;

(b) authorised the Greffier of the
States to sign the said Drawings
on behalf of the States.

Minimum income for elected members
of the States: removal of age limit.
P.93/89.

THE STATES rejected a Proposition
of Deputy Maurice Clement Buesnel of St.
Helier requesting the Legislation Committee
to amend the Act of the States dated 28th
April, 1981, with regard to the provision
of a minimum income for elected members of
the States so as to remove the age
restriction of sixty-five years.

Members present voted as follows -

``Pour" (10)

Senators

Baal, Carter.

Connétable

Grouville.

Deputies

de la Haye(H), St. Martin, Buesnel(H),
Huelin(B), Bailhache(H), Rabet(H),
S.M. Baudains(H).

``Contre" (37)

Senators

Jeune, Binnington, Horsfall, Ellis,
Rothwell, Brooke, Le Maistre, Stein.

Connétables

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

Deputies

Morel(S), Le Gallais(S), Roche(S), Le
Quesne(S), Trinity, Vandervliet(L),
R.E.R. Rumboll(H), Beadle(B),
Wavell(H), Billot(S), Norman(C), St.
John, St. Peter, H.H. Baudains(C),
C.M. Rumboll(H), Le Sueur(H), St.
Ouen, Coutanche(L), Jordan(B), St.
Mary.

Rezoning of land for Category A
housing. P.57/89.

(Petitions regarding rezoning of land -
P.94/89, P.106/89, P.107/89 and P.122/89
refer).

THE STATES commenced consideration
of the Proposition of the Island
Development Committee on the rezoning of
land for Category A residential
development. After discussion, the States
agreed to defer further consideration of
the Proposition until Tuesday, 29th August,
1989.

Victoria College stonework:
remedial work. P.116/89.

THE STATES, adopting a Proposition

of the Education Committee -

- (a) accepted the tender submitted by Cathedral Works Organisation (Chichester) Limited for remedial work on the stonework of Victoria College in the sum of #1,709,000 over a tender period of 70 weeks, subject to the necessary bond being obtained;
- (b) authorised the Greffier of the States to sign the necessary agreement with the contractor.

THE STATES adjourned at 6.05 p.m.
until Tuesday, 29th August, 1989.

Greffier of the States.