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THE STATES assembled on Tuesday,
16th March 1993 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Peter Crill, C.B.E.

His Excellency the Lieutenant Governor,
Air Marshal Sir John Sutton, K.C.B.,
was present.

All Members were present with the exception of -

John Pepin Le Sueur, Connétable of St.
John - out of the Island.
Arthur Philip Querée, Connétable of St.
Ouen - out of the Island.
Derek Ryder Maltwood, Deputy of St. Mary -
out of the Island.
Alan Payn Bree, Deputy of Grouville - out
of the Island.
John Nicolle Le Fondré, Deputy of St.
Lawrence - out of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Jersey Open Air Market (Jersey)
Order 1993. R & O 8525.
2. Health Insurance
(Pharmaceutical Benefit) (General
Provisions) (Amendment) (Jersey) Order
1993. R & O 8526.

Agricultural loans: report for 1992. R.C.10/93

The Agriculture and Fisheries Committee, by Act

dated 4th March 1993, presented to the States a report on the Agricultural Loans and Guarantees Fund for the year ended 31st December 1992.

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

Traffic and transport policy. P.33/93

The Policy and Resources Committee, by Act dated 23rd February 1993, presented to the States a report on traffic and transport policy.

THE STATES agreed to discuss the report in a Committee of the Whole House.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 8th March 1993 showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Public Services Committee, to enter into a Deed of Arrangement with Aubin Mews House Association in relation to the development of Aubin Mews, Elizabeth Lane, St. Helier, to permit the encroachment of four windows to the boundary for a consideration of £700; to permit access for the purposes of repair and maintenance and to agree the boundary between the adjacent property, with all legal costs to be the responsibility of the developer;
- (b) as recommended by the Housing Committee, the granting to the Jersey Electricity Company Limited of a wayleave, free of charge, and the sale of the site of the section pillar to the company, both at Le Clos d'Avoine, Fields 553 and 554, La Moye, St. Brelade, for the sum of £10, with each side being responsible for its own legal costs.

Matters lodged

The following subjects were lodged ``au Greffe" -

46 Rouge Bouillon, St. Helier: purchase.
P.32/93.
Presented by the Island Development

Committee.

Constitution of the States: Special
Committee. P.34/93.
Presented by Senator Corrie Stein.

THE STATES noted that in pursuance of Standing
Order 17(6) the following subject, which was
lodged ``au Greffe", had been withdrawn -

Lawyers fees. P.39/92.
Lodged: 17th March 1992.
Senator R.J. Shenton.

Draft Motor Traffic (Third Party Insurance)
(Amendment No. 8) (Jersey) Law 199 . P.28/93

THE STATES acceded to the request of the
President of the Defence Committee that
consideration of the draft Motor Traffic (Third
Party Insurance) (Amendment No. 8) (Jersey) Law
199 (P.28/93 - lodged ``au Greffe" on 2nd
March 1993) be deferred from the Sitting on 30th
March 1993.

Arrangement of Public Business for the next
Sitting on 30th March 1993

THE STATES confirmed that the following subjects
lodged ``au Greffe" should be considered at the
next Sitting on 30th March 1993 -

Grouville Hospital site: community leisure
centre. P.20/93.
Lodged: 16th February 1993.
Connétable of Grouville.

Waterfront Enterprise Board. P.16/93.
Lodged: 2nd February 1993.
Island Development Committee.

Waterfront Enterprise Board
(P.16/93): amendment. P.19/93.
Lodged: 9th February 1993.
Senator R.J. Shenton.

Waterfront Enterprise Board
(P.16/93): second amendment. P.24/93.
Lodged: 16th February 1993.
Deputy S. Syvret of St. Helier.

46 Rouge Bouillon, St. Helier:
purchase. P.32/93.
Island Development
Committee.

Police Court Magistrate: appointment. Questions
and answers. (Tape No. 176)

Deputy Leonard Norman of St. Clement asked Senator Richard Joseph Shenton, President of the Establishment Committee, the following questions -

- ``1. Will the President name those persons who comprised the Appointments Board, and those persons who were present, when candidates for the post of Police Court Magistrate were interviewed on the afternoon of Friday 26th February, 1993?
2. Is the President aware that, before attending for interview, each candidate received correspondence from the States Personnel Department indicating that his application was being dealt with as ``strictly private and confidential"?
3. Will the President say how the Jersey Evening Post came by the information which enabled it, on the front page of its edition of Monday, 1st March, 1993, to name the candidates who had been interviewed on the preceding Friday afternoon?
4. If the President is unable to say how the Jersey Evening Post came by that information, will he say what steps he has taken to investigate the matter?
5. Is the President aware that, having relied upon the guarantee of confidentiality, the unsuccessful candidates, all of whom are senior lawyers in the public sector, were likely to suffer professional as well as personal embarrassment as a result of the breach of confidentiality?
6. Does the President accept that potential applicants for States and Crown appointments in the future may be deterred from applying by the prospect of their confidential applications being reported on the front page of the Jersey Evening Post?"

The President of the Establishment Committee replied as follows -

- ``1. The Appointments Board comprised Senator Shenton, Chairman, Senator Jeune, representing Policy and Resources Committee, and Senator

Horsfall, representing Finance and Economics Committee. The Advisers to the Appointments Board were The Bailiff and Mr. Machin (Chief Executive Officer, States Personnel Department).

2. Yes.
3. I suggest that the questioner puts the question to the Jersey Evening Post.
4. I am unable to answer the question because I do not know the answer and unless the House so directs, I was not intending to do anything.
5. No, I am not aware of that.
6. No."

Bouley Bay pier: closure of road. Questions and answers. (Tape No. 176)

Deputy Philip Roy Cabot of Trinity asked Deputy John Le Gallais of St. Saviour, President of the Public Services Committee, the following questions -

1. Is the President aware of the anger and resentment felt by the part-time and professional fishermen, hoteliers, and café owners of Bouley Bay caused by his announcement that the road leading to Bouley Bay pier would be closed? Does he not think that the Connétable, the President of the Boat Owners' Association and the owners/managers of the hotels and café at Bouley Bay should at the very least have been notified of this decision, if not consulted, before the decision was released to the media?
2. At an informal meeting arranged at short notice at the Water's Edge Hotel on Friday, 12th March between the Chief Engineer of Public Services, the Harbourmaster, the Connétable, myself as the Parish Deputy, the President of the Bouley Bay Boat Owners' Association and owners of the hotels and café, it was felt by all concerned that it would be to everyone's advantage if work to make the cliff face safe was delayed until the end of September. Would the President give an assurance that this will be the case?

3. It was also agreed that a temporary walkway should be provided to enable fishermen and others to reach the pier. Will the President give an assurance that work to this end will commence immediately?
4. As the already limited parking at present available at Bouley Bay would be greatly reduced by the closure of the road leading to the pier, will the President give an assurance that, together with the parish authorities, he will monitor the parking situation closely and, if it is found necessary, provide a park and ride facility to Bouley Bay?"

The President of the Public Services Committee replied as follows -

1. In answer to this question I need to explain the background to the problem that has arisen at Bouley Bay.

In 1991 a fire in the vegetation on the cliff face between the slipway and the jetty at Bouley Bay occurred and which required large volumes of water to extinguish.

The destruction of the majority of the vegetation combined with the particularly dry winter of 1991/92 caused a number of small falls of rock and earth from the cliff face. In June 1992, the department erected a wooden barrier at the base of the cliff to prevent falling material coming onto the road and provide protection to pedestrians and vehicles using the road. In July, the department appointed Matthew Warner and Associates to assess the extent of the problem and make recommendations for its resolution.

Looking at the cliff face, it must be apparent that the consultants' work was extremely difficult, however, in December they advised that the road should be closed to non essential traffic. The department accordingly placed barriers across the road and arranged with the fishermen that they should open and close the barrier when travelling to the jetty.

The department first held discussions with Matthew Warner on their

preliminary findings at the end of January 1993 and prepared a report for the Committee on 22nd February. Between 22nd February and the Committee's meeting on 8th March, Matthew Warner's final report was received which persuaded the department's engineers to advise the Committee that the road should be closed to both pedestrians and traffic immediately.

The Committee accepted that advice and I considered the public should be informed at the first opportunity.

I understand the inconvenience the closure of the road will cause all those who work or visit Bouley Bay. Faced with independent professional advice on the degree of potential danger, the Committee would have been failing in its responsibility for public safety not to have implemented the decision it made with the least delay. It was the Committee's intention that those who have a particular interest in Bouley Bay should have the situation explained and the meeting which took place last Thursday was arranged by the department.

I accept it would have been a courtesy to have spoken to the Connétable of Trinity on Monday evening after the Committee's decision and I apologise for failing to do so.

2. Yes.
3. The feasibility of such a pedestrian walkway is at present being investigated as a matter of urgency and if a safe walkway can be provided this will be done without delay.
4. The parking situation will be monitored by my department. However there are 16 parking spaces on the jetty, the loss of which would not justify a park and ride scheme.

Debate in camera

The Bailiff, in pursuance of Article 9 of the Police Force (Jersey) Law 1974 and in accordance with Standing Order 46(2), ordered the withdrawal of strangers and the closing of the

doors of the Chamber in order that the appointment of the Chief Officer of the States of Jersey Police Force be debated in camera.

Chief Officer, States of Jersey Police Force:
appointment

THE STATES, having deliberated thereon in camera, proceeded to vote in public assembly and, adopting a proposition of the Defence Committee, appointed Mr. Robert Hugh Le Breton as Chief Officer of the States of Jersey Police Force with effect from 1st October 1993.

Debate in camera

The Bailiff, in accordance with Standing Order 46(2), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the appointment of a Magistrate be debated in camera.

Suspension of Standing Order No. 18

THE STATES, adopting a proposition of the Establishment Committee, agreed to suspend Standing Order No. 18 to allow consideration at the present Sitting of the proposition of the Committee to appoint a Magistrate.

Magistrate: appointment

THE STATES, having deliberated thereon in camera, proceeded to vote in public assembly and adopting a proposition of the Establishment Committee, appointed Mr. Terence Cubitt Sowden, Q.C., to the post of Magistrate with effect from 1st January 1994.

Customary Law (Choses Publiques) (Jersey) Law 199 . P22/93 and P.31/93

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted in Third Reading a Law entitled the Customary Law (Choses Publiques) (Jersey) Law 1993.

Functions and Rôle of the Bailiff: Committee of the Whole House

THE STATES rejected a proposition of Senator Anthony Beresford Chinn that Standing Order No. 38A (2)(b) be suspended and that the States

resolve into a Committee of the Whole House to discuss the issues arising from the proposition of the Policy and Resources Committee regarding the Functions and Rôle of the Bailiff (P.15/93).

Functions and rôle of the Bailiff. P.15/93

THE STATES rejected paragraph (a) of a proposition of the Policy and Resources Committee to replace the existing office of Deputy Bailiff with the office of Judge of the Royal Court, whereupon the President of the Committee withdrew the remaining paragraphs (b) and (c) of the proposition.

Members present voted on paragraph (a) as follows -

``Pour" (23)

Senators

Jeune, Binnington, Horsfall, Baal,
Rothwell, Carter, Stein.

Connétables

St. Lawrence, Trinity.

Deputies

Le Gallais(S), Rumboll(H), Wavell(S), H.
Baudains(C), Buesnel(H), Le Sueur(H), St.
Ouen, Coutanche(L), Bailhache(H), St.
Martin, Le Geyt(S), Walker(H), Pullin(S),
Trinity.

``Contre" (24)

Senators

Le Main, Le Maistre, Quérée, Chinn.

Connétables

St. Clement, St. Mary, St. Brelade, St.
Martin, St. Peter, Grouville, St. Helier,
St. Saviour.

Deputies

Beadle(B), Blampied(H), Norman(C), St.
John, St. Peter, Huelin(B), Jordan(B),
Rabet(H), S. Baudains(H), Clarke-
Halifax(S), Syvret(H), Crespel(H).

Dwelling Houses (Rent Control) (Standard Tenancy Agreement) (Jersey) Regulations 1993. P.26/93

THE STATES, in pursuance of Article 7 of the Dwelling Houses (Rent Control) (Jersey) Law 1946, as amended, made Regulations entitled the Dwelling Houses (Rent Control) (Standard Tenancy Agreement) (Jersey) Regulations 1993.

Draft Ecclesiastical District of St. Luke with
St. James (Jersey) Law 1993 and Petition.
P.27/93

THE STATES, adopting a proposition of the
Legislation Committee -

- (a) agreed to petition Her Majesty in
Council for the revocation of the
Orders in Council of the 6th day of
April 1846, establishing the
Ecclesiastical District of St. Luke,
Jersey, and the 7th day of March 1904
establishing the District Chapelry of
St. James, Jersey;
- (b) requested the Bailiff to transmit the
Petition to Her Majesty in Council;
and
- (c) subject to the sanction of Her Most
Excellent Majesty in Council, adopted
a Law entitled the Ecclesiastical
District of St. Luke with St. James
(Jersey) Law 1993.

Draft Pilotage (General Provisions) (Amendment
No. 5) (Jersey) Regulations 1993. P.30/93

THE STATES, in pursuance of Article 2 of the
Pilotage (Jersey) Law 1988 made Regulations
entitled the Pilotage (General Provisions)
(Amendment No. 5) (Jersey) Regulations 1993.

Adjournment

THE STATES then adjourned, having agreed that
the following outstanding item of Public
Business should stand over until the next
Sitting -

Voting and employment rights of non-British
E.C. citizens. P.159/92

Voting and employment rights of non-British
E.C. citizens: report. P.25/93

THE STATES rose at 5.37 p.m.

G.H.C. COPPOCK

Greffier of the States.