



THE STATES assembled on Tuesday,
3rd February, 1981 at 10.15 a.m. under
the Presidency of the Bailiff, Sir Frank
Ereaut.

All members were present with the exception of –

Senator Ralph Vibert – absent.

David John de la Haye, Deputy of St. Ouen – out of the
Island.

Arthur Bertram Carter, Deputy of Grouville – out of the
Island.

Brian Edward Troy, Deputy of St. Saviour – out of the
Island.

Donald George Filleul, Deputy of St. Helier – ill.

Prayers.

Subordinate legislation tabled.

The following enactments were laid before the States,
namely –

1. Depositors and Investors (Prevention of Fraud) (List of Registered Persons) (Jersey) Order, 1981. R & O–6898.
2. Road Vehicles Lighting (Amendment No. 9) (Jersey) Order, 1981. R & O–6899.
3. Export of Agricultural Produce (Amendment No. 2) (Jersey) Order, 1981. R & O–6900.

Family Allowances Scheme – Report. P.9/81.

The Social Security Committee by Act dated 22nd January, 1981, presented to the States a Report on its examination of certain aspects of the Family Allowances Scheme as requested by the States on 25th March, 1980.

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

Matters noted – land transactions.

THE STATES noted an Act of the Finance and Economics Committee dated 28th January, 1981, 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 the Jersey Sports Stadium Limited of 330 square feet of land in front of the New Era Cinema, St. Clement, shown red on Drawing No. MS/111/1A, on condition that the Committee paid all legal fees and also resurfaced the whole of the area between the front of the cinema and the road;
- (b) as recommended by the Public Works Committee, the leasing from Mr. John Stephen Orange Arthur and Miss Ethel Sophy Arthur of Fields Nos. 158 and 159, Crabbé, St. Mary, required for the continuation and completion of the bridle paths between Devil's Hole and Crabbé, for a period of nine years, with effect from 25th December, 1980, at an annual rent of £15 for each field, payable in one sum in advance;
- (c) as recommended by the Public Works Committee, the leasing to Hotel L'Horizon of a small strip of land measuring some 85 feet in length and between 4 feet and 8 feet in width, owned by the Public, and situated between the Promenade at St. Brelade and the property "La Rousse", for a period of nine years, with effect from 25th December, 1980, at an annual rent of £10, payable in one sum in advance;

- (d) as recommended by the Public Works Committee, the leasing to Mrs. Barbara Audrey Knight, née Le Breton of the kiosk in Coronation Gardens, Millbrook, for a further period of three years, with effect from 25th December, 1980, at an annual rent of £600;
- (e) as recommended by the Public Health Committee, the renewal of the lease to the Jersey Council on Alcoholism of 28, West Park Avenue, St. Helier, for a further period of three years with effect from 1st August, 1981, at the existing annual rent of £1,000, payable quarterly in advance.

Matters noted – financial business.

THE STATES noted Acts of the Finance and Economics Committee dated 17th December, 1980 and 28th January, 1981, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules, 1967, as amended, the Committee had noted that –

- (a) the Housing Committee had accepted the lowest of five tenders, namely that submitted by R.W. Lewis Limited in the sum of £133,705.00 in a contract period of 39 weeks for the renovation and conversion of 10 Raleigh Avenue, St. Helier into 5 one-bedroomed flats and the construction of a new block of 2 one-bedroomed flats and a bedsitter;
- (b) the Education Committee had accepted the lowest of five tenders, namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the sum of £1,029,108.00 for the extensions to Grainville School.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. Draft Patents (Amendment) (Jersey) Law, 198 . P.10/81. *Presented by the Finance and Economics Committee.* The States decided to take this subject into consideration on 24th February, 1981.

2. Gorey Village Development: exchange and transfer of administration of land. P.11/81.
Presented by the Island Development Committee.
The States decided to take this subject into consideration on 17th February, 1981.
3. Proposed settlement of the Ballast Nedam Groep N.V. claim on La Collette Land Reclamation Contract. P.12/81.
Presented by the Harbours and Airport Committee.
The States decided to take this subject into consideration on 24th February, 1981.

Container lorries. Questions and answers.

Deputy Mrs. Iris Medora Le Feuvre of St. Lawrence asked Senator John Roland Christopher Riley, President of the Defence Committee, the following questions –

- “1. In view of the recent accidents involving lorries carrying containers, does the President consider it time to restrict their use, perhaps allowing them to use only roads previously authorised for use by double-decker buses?
2. Would the President agree that there is a need to introduce restrictions on the overall height of lorries carrying containers as already exist on their length and width?
3. Is the President satisfied that the present legislation governing the securing of loads carried by motor vehicles is sufficient and that the provisions are being observed and implemented?

The President of the Defence Committee replied as follows –

“1. and 2.

The carriage of freight, particularly perishable or fragile items, in standardised containers, is now a universal system of transport: to forbid the use of them in the Island would be to add dramatically to the cost of delivery, use of labour and to the number of commercial vehicle journeys on our roads.

To restrict their use to the main road from Gorey to Corbière (that authorised for double-decker buses) would be equally unacceptable as many of the unloading points are not on this route.

The 'immovable object – irresistible force' syndrome is brought about by the fact that whilst the height of a standard container on its transporter is 13ft. 6ins., the Branchage requirement is only 12ft.

The Defence Committee does not intend to recommend any change in the Branchage Law as it would require not only the 'lopping' but removal of many trees.

Little problem arises from 'visiting' vehicles as these are vetted prior to arrival and their intended routes checked for safety.

By far the largest number are operated by local companies and the Committee believes that it is the responsibility of management and drivers to use only those roads which, from their local knowledge, they know to be safe.

As a matter of interest, the recent accident on Westmount Road shows that the container hit the tree at a height of 11ft. 6ins., due to the camber of the road.

The Committee is seeking legal advice as to whether the 'hitting' of a tree constitutes an offence under either:

Road Traffic Law Articles 14 and 15 – 'Reckless or Careless driving'; or alternatively

Construction and Use Order Article 53 – 'Conditions of loading so as not to be a danger'.

The Committee believes this to be a course of action preferable to imposing an unrealistic limit on the height of containers carried on vehicles.

3. My Committee believes that the present legislation – paragraphs 2 and 3 of Article 53 of the Construction and

Use Order (as amended in order to cover this specific problem) is satisfactory.

The Committee's policy over a number of years has been to encourage the use of twist lock clamps; whilst most new vehicles used by local companies to carry containers are so fitted, it will be some eighteen months before it is reasonable to make this a statutory requirement.

Nevertheless it is *now* an offence to carry an insecure load and the attention of the Honorary and States Police is being drawn to the matter.

It must be pointed out that the fitting of twist lock clamps (generally speaking) means increasing the width of the transporter from the regulation 7ft. 6ins. to 8ft. or more (which requires a licence). This, and the fact that if a 'locked' container hits an obstruction it is likely to overturn the transporter as well as the container, must be taken into consideration.

The Defence Committee is well aware of the problems of reconciling 20th century economic demands with the protection of the environment – we are not alone in respect of this and other developments.”

H.M.S. Jersey Trust – appointment of Trustees.

THE STATES, adopting a Proposition of the Finance and Economics Committee, approved the appointment as Trustees of “H.M.S. Jersey Trust” of –

Peter Leslie Crill, Esq., C.B.E.
Jurat The Honourable John Coutanche
John Roland Christopher Riley, Esq.
Edward James MacGregor Potter, Esq.
John Clennett, Esq.

Archlow Villa, St. Peter – purchase

THE STATES commenced consideration of a Proposition of the Harbours and Airport Committee relating to the purchase of Archlow Villa, St. Peter. After discussion, and on the proposition

of Deputy Michael Walter Bonn of St. Peter, the Proposition was lodged “au Greffe”. The States decided to take this subject into consideration on 24th February, 1981.

Road Traffic (No. 20) (Jersey) Regulations, 1981.

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December, 1851, and by Article 49 of the Road Traffic (Jersey) Law, 1956, as amended, made Regulations entitled the Road Traffic (No. 20) (Jersey) Regulations, 1981.

The Lord Portsea Gift Fund (Jersey) Act, 1971 (Amendment) Act, 1981.

THE STATES adopted the Lord Portsea Gift Fund (Jersey) Act, 1971 (Amendment) Act, 1981.

Depositors and Investors (Prevention of Fraud) (Amendment No. 5) (Jersey) Law, 1981.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Depositors and Investors (Prevention of Fraud) (Amendment No. 5) (Jersey) Law, 1981.

Housing (General Provisions) (Amendment No. 6) (Jersey) Regulations, 1981.

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. 6) (Jersey) Regulations, 1981.

Loi (1981) (Amendement No. 3) réglant la Procédure Criminelle.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (1981) (Amendement No. 3) réglant la Procédure Criminelle.

Field 516, Mont Arthur, St. Brelade.

THE STATES, adopting a Proposition of the Island Development Committee, rescinded their Act of 27th November, 1979, requesting that Committee not to allow any development on Field 716, St. Brelade.

“Pour” (34)*Senators*

Le Marquand, Averty, Riley, Sandeman, de Carteret, Horsfall.

Connétables

St. Peter, St. Ouen, St. Martin, St. Helier, St. Mary, Grouville, St. Saviour, St. John.

Deputies

Ellis(H), Mourant(H), St. Mary, Morel(S),
Le Maistre(H), St. John, Farley(H), Quenault(B),
Perkins(C), Baal(H), Le Gallais(S), Roche(S),
Le Brocq(H), Dupré(H), Le Quesne(S), Trinity,
St. Martin, Le Feuvre(L), St. Peter, O’Connor(C).

“Contre” (6)*Senators*

Shenton.

Connétables

St. Lawrence, Trinity.

Deputies

Marett(B), Luce(B), Vandervliet(L).

The Connétable of St. Brelade abstained from voting. Senator Reginald Robert Jeune declared an interest in the matter and withdrew from the Chamber.

Judicial Fees (Amendment No. 2) (Jersey) Regulations, 1981.

THE STATES, in pursuance of Article 12 of the Departments of the Judiciary and the Legislature (Jersey) Law, 1965, as amended, made Regulations entitled the Judicial Fees (Amendment No. 2) (Jersey) Regulations, 1981.

THE STATES rose at 3.05 p.m.

E.J.M. POTTER,

Greffier of the States.