



**THE STATES assembled on Tuesday,
16th June 1998 at 9.30 a.m. under
the Presidency of Senator Richard
Joseph Shenton, O.B.E.**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of –

Jack Roche, Connétable of St. Saviour– ill
Derek Ryder Maltwood, Deputy of St. Mary– out of the Island
Evelyn Mabel Pullin, Deputy of St. Saviour– out of the Island.

Prayers

Visit – Ambassador of Sweden

The Bailiff informed the Assembly that His Excellency Mr. Mats Bergquist, Ambassador of Sweden to the Court of St. James, would pay an official visit to the Island between 7th and 9th July 1998.

Senator R.J. Shenton, O.B.E. – congratulations on award

Senator Pierre François Horsfall, on behalf of all the members, congratulated Senator Richard Joseph Shenton on his appointment as an Officer of the Order of the British Empire.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Motor Cars (Driving Instruction) (Amendment No. 9) (Jersey) Order 1998. R & O 9243.

Motor Vehicles (Driving Licences) (Amendment No. 10) (Jersey) Order 1998. R & O 9244.

Motor Vehicles (Construction and Use) (Amendment No. 38) (Jersey) Order 1998. R & O 9245.

Matter presented

The following matter was presented to the States –

Millennium Town Park: petition (P.190/97): report – P.135/98.

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 8th June 1998, recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land –

- (a) as recommended by the Housing Committee, a Deed of Arrangement with Mr. Iain John Quenault, who had recently acquired the property known as No. 37 Poonah Road, St. Helier, in respect of the grant of drainage rights over the publicly-owned properties known as No. 33 Poonah Road and Hampshire Gardens, both administered by the Committee, subject to the payment of a single capital sum of £250 and the payment of the public's legal costs arising from the transaction, the contract also to include a clause cancelling the existing right of the owner of No. 37 Poonah Road to draw water from a well originally sunk on part of the public's property;
- (b) as recommended by the Housing Committee, the sale to Starboard Maintop Limited, the owners of the property known as Myrtle Grove, No. 42 St. John's Road, St. Helier, of land located at Le Clos du Martin, St. Helier, measuring a total of approximately 40 square feet, for the sum of £500, subject to the provision that any electricity cables which served the public's property in the area remained as established, or would be moved at the expense of Starboard Maintop Limited, if so required, during the relocation of the Jersey Electricity Company Limited pillar onto the property known as Myrtle Grove, and subject to the further provisions detailed in the Act of the Committee dated 17th April 1998, with Starboard Maintop Limited to be responsible for the payment of any legal fees incurred by the public, and any other applicable fees which might be incurred by the public in relation to the transaction;
- (c) as recommended by the Housing Committee, a Deed of Arrangement with Jayka Investments Limited in order to clarify the boundary separating York House, York Street, St. Helier to the south, and certain land intended to be a pedestrian precinct forming part of the property known as Hue Court, St. Helier, belonging to the public, to the north; with Jayka Investments Limited, owner of York House, being granted rights of access at all times in order to construct a Tourelle, and thereafter to maintain and upkeep the said structure, having given the Housing Committee written notice of such works two weeks in advance, except in the case of an emergency, and with the owner being allowed to replace the five existing windows overlooking Hue Court with three windows of clear glass, but with all the glass within the Tourelle to be opaque, and with Jayka Investments Limited being responsible for all the reasonable legal costs incurred by the public in relation to this transaction, and for the payment of £3,000 for the abovementioned rights upon completion of the contract.

Matters lodged

The following matters were lodged "au Greffe" –

Draft Agriculture (Loans) (Amendment No. 10) (Jersey) Regulations 199 – P.136/98.
Presented by the Agriculture and Fisheries Committee.

Smoke detectors for senior citizens: financial assistance – P.137/98 (Revised).
Presented by Deputy A. Breckon of St. Saviour.

Car and passenger ferry service between Jersey and the United Kingdom – P.138/98.

Presented by the Jersey Transport Authority.

Draft Hire Cars (Amendment No. 8) (Jersey) Regulations 199 – P.139/98.
Presented by the Defence Committee.

Draft Public Service Vehicles (Fees) (Amendment No. 9) (Jersey) Regulations 1998– P.140/98.
Presented by the Defence Committee.

States members' income support and expense allowance (P.207/97): second amendment of third amendment (P.72/98 (Revised))– P.141/98.
Deputy P.J. Rondel of St. John

States Resource Plan 1998 (P.112/98): amendment – P.142/98.
Senator S. Syvret.

States Resource Plan 1998 (P.112/98): second amendment – P.143/98.
Education Committee.

States Resource Plan 1998 (P.112/98): third amendment – P.144/98.
Deputy J.L. Dorey of St. Helier.

States Resource Plan 1998 (P.112/98): fourth amendment – P.145/98.
Housing Committee.

States Resource Plan 1998 (P.112/98): sixth amendment – P.147/98.
Planning and Environment Committee.

Arrangement of public business for the next meeting on 30th June and 1st July 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 30th June and 1st July 1998 –

States members' income support and expense allowance – P.207/97.
Lodged: 30th December 1997.
House Committee.

States members' income support and expense allowance: report of the States members' Remuneration Board – R.C.42/97.
Presented: 30th December 1997.
House Committee.

States members' income support and expense allowance (P.207/97): amendments – P.58/98.
Lodged: 31st March 1998, Paragraph 2(b) and 3(ii) to be debated.
Senator R.J. Shenton.

States members' income support and expense allowance (P.207/97): amendments (P.58/98) – comments – P.64/98.
Presented: 21st April 1998.
Finance and Economics Committee.

States members' income support and expense allowance (P.207/97): second amendments – P.71/98.
Lodged: 21st April 1998.
Senator J.A. Le Maistre.

States members' income support and expense allowance (P.207/97): third amendment – P.72/98 (Revised).

Lodged: 21st April 1998.
Deputy S.J. Le Cornu of St. Clement.

States members' income support and expense allowance (P.207/97): amendment of third amendment (P.72/98 (Revised)) – P.134/98.

Lodged: 9th June 1998 by Deputy P.J. Rondel of St. John.
Senator F.H. Walker.

States members' income support and expense allowance (P.207/97): second amendment of third amendment (P.72/98 (Revised))– P.141/98.

Deputy P.J. Rondel of St. John.

States Resource Plan 1998 – P.112/98.

Lodged: 2nd June 1998.
Policy and Resources Committee.

States Resource Plan 1998 (P.112/98): amendment – P.142/98.

Senator S. Syvret.

States Resource Plan 1998 (P.112/98): second amendment – P.143/98.

Education Committee.

States Resource Plan 1998 (P.112/98): third amendment – P.144/98.

Deputy J.L. Dorey of St. Helier.

States Resource Plan 1998 (P.112/98): fourth amendment – P.145/98.

Housing Committee.

States Resource Plan 1998 (P.112/98): sixth amendment – P.147/98.

Planning and Environment Committee.

IS/IT Strategy for Jersey – P.87/98.

Lodged: 5th May 1998.
Policy and Resources Committee.

Strategic reserve: allocation of funds – P.89/98.

Lodged: 19th May 1998.
Finance and Economics Committee.

Car and passenger ferry service between Jersey and the United Kingdom – P.138/98.

Lodged: 16th June 1998.
Jersey Transport Authority.

Parish Rate Appeal Board and rate assessment – questions and answers (Tape 450)

Deputy James Thomas Johns of St. Helier asked the Connétable of St. Clement, Chairman of the Supervisor Committee, the following questions –

- “1. Referring to the statement by the Chairman of the Supervisory Committee to the States on 20th January 1998, will the Chairman advise the States of the outcome of the discussions – which he advised them were to be held shortly – with the Parish Rate Appeal Board about the method of assessment to be used Island-wide for hotels and guest houses in 1998.
2. With regard to the operation of the Parish Rate Appeal Board, would the Chairman say whether the Supervisory Committee and the Assessment Committees are satisfied with the balance of powers between the Board and individual Parish Assessment Committees? Specifically, can the Board

DIRECT Assessment Committees to adopt a particular method of assessing rateable value or to change their procedures?”

The Chairman of the Supervisory Committee replied as follows –

- “1. In January 1998, the Parish Rate Appeal Board met with three Chairmen of Rate Assessment Committees to explain the basis of the formula used by the Board in 1997 to determine appeals against hotel and guest house assessments. The purpose of this meeting was to enable the assessors to ask questions of the Board regarding the formula and its application so that they might have a better understanding of the method which they had been instructed, by the Supervisory Committee, to apply in 1998.

As I stated on 20th January 1998, the Supervisory Committee has agreed that, in the absence of comparable market rents, the profits method should be applied to determine hotel and guest house assessments in 1998 throughout the Island. This followed advice received by the Committee from the Attorney General that the Board was appointed under the Parish Rates Law to decide on appeals and therefore, if the Board decides to assess hotels on the profits method and an Assessment Committee assesses on another basis, it would be going against the body charged with responsibility under the Law and would therefore be behaving irresponsibly and would be inviting an appeal on its assessment by either the ratepayer or the Connétable of the Parish.

The Supervisory Committee has not yet met with the Chairman of Assessment Committees to discuss 1998 assessments but, as far as it is aware, the profits method has been applied to determine hotel and guest house assessments Island wide.

The profits method adopted by the Board in 1997 was based on bed and breakfast tariffs for each room and the opening dates, with a minimum season of 150 nights, and supplementary values were added for facilities open to the general public such as restaurants, bars, fitness centres, etc. and for employees’, owners’/managers’ accommodation. Whilst the Board applied a set figure for these various supplementary values in 1997 these figures were not cast in stone and the Assessors had to determine the appropriate value to apply in 1998. As I have stated, the Supervisory Committee has not yet discussed with the Chairmen the 1998 assessments, so I do not have any further information at this time.

2. The Parish Rate Appeal Board was established in 1995 to replace the Supervisory Committee in the determination of appeals against draft rate assessments. Under the Law the Board has the power to confirm or alter any matter in the draft list which relates to the land in respect of which the appeal shall have been made and its decision shall be final.

I am unsure, therefore, as to the question regarding the balance of power as the duty of the Assessment Committee is to determine the assessed rental value for a property and the duty of the Board is to determine the assessed rental value where the owner/occupier of the property is aggrieved by the unfairness or incorrectness of that assessment. The question suggests a conflict between the various bodies which is not the case.

The Parish Rate (Administration) (Jersey) Law dates from 1946, and whilst it specifies the Rules for the Assessment of Rental Value, these are not as comprehensive as they might be – for example the Rules state that where a property is not let, the rental value shall be that which it might reasonably be expected to command as rent if it were let from year to year ...etc. However, it does not suggest how the rental value might be determined when there are no rental comparisons within the Island. Hence, when the Board has been unsure of how to assess a rental value in a specific case it has sought legal opinion. The Board’s decisions have been based on the legal opinion received, and until such time as that opinion is challenged and overturned by a higher Court, the Attorney General’s advice is that the method used by the Board should be followed.

It is the duty of the Supervisory Committee to promote uniformity in the principles and practice of

rating. The Supervisory Committee is promoting uniformity as I outlined in my statement on 20th January 1998. The Board does not direct the Assessment Committees, but obviously the Supervisory Committee and the Assessors take note of the methods applied by the Board in determining appeals under the Law as it stands.

Ultimately the purpose is to ensure that a fair assessment is made of all properties so that the cost of running the Parish can be shared fairly among the rate payers in proportion to the assessed rental value of their properties.”

Nuclear waste discharges into the marine environment – P.106/98 and amendment P.130/98

THE STATES commenced consideration of a proposition of Senator Stuart Syvret regarding discharges of nuclear waste into the marine environment and adopted sub-paragraphs (a) and (b).

Members present voted as follows –

“Pour” (35)

Senators

Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

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

Deputies

H. Baudains(C), Coutanche(L), S. Baudains(H), Le Geyt(S), Johns(H), Duhamel(S), Routier(H), Breckc (S), Grouville, Huet(H), St. Martin, St. John, Le Main(H), Blampied(H), Rabet(H), Crowcroft(H), Vibe (B), de la Haye(B), Le Cornu(C), St. Ouen.

“Contre” (13)

Senators

Horsfall, Rothwell, Tomes, Norman, Walker.

Connétables

St. Lawrence, Trinity.

Deputies

Wavell(S), Le Sueur(H), Trinity, Dorey(H), St. Peter, Dubras(L).

Sub-paragraph (c) was adopted, the States having adopted an amendment of the Policy and Resources Committee to sub-paragraph (c) that for the words from “to express” to “values” there should be substituted the following words –

“(c) with reference to the forthcoming ministerial meetings of the OSPAR Commission Member States to express their support for any action that the United Kingdom Government may take to reduce discharges, emissions and losses of radioactive substances into the marine environment with particular reference to the nuclear reprocessing plant at la Hague,”

with a further amendment by the Committee that after the words “marine environment” there should be inserted

the words “with the ultimate aim of concentrations in the environment near background values”.

THE STATES, adopting the proposition, agreed –

- (a) to express their disapproval of the discharging of nuclear waste into the marine environment and the atmosphere from the nuclear reprocessing plant at La Hague, Normandy;
- (b) to request the Bailiff to advise the Secretary of State of their views and to request Her Majesty’s Government to communicate their views formally to the Government of the French Republic;
- (c) with reference to the forthcoming ministerial meetings of the OSPAR Commission Member States, to express their support for any action that the United Kingdom Government may take to reduce discharges, emissions and losses of radioactive substances into the marine environment with the ultimate aim of concentrations in the environment near background values, with particular reference to the nuclear reprocessing plant at La Hague;

and to request the Bailiff to advise the Secretary of State that the Assembly wishes Her Majesty’s Government to take these views into account in its submissions to the forthcoming ministerial meeting of the OSPAR Commission Member States.

Public Elections (Postal Voting) (Amendment) (Jersey) Law 199 – P.55/98 and amendment P.108/98

THE STATES commenced consideration of the draft Public Elections (Postal Voting) (Amendment) (Jersey) Law 199 and adopted the Preamble.

Article 1 was adopted, the States having accepted an amendment of the Legislation Committee that, for paragraph (3) of the inserted Article 4A, there should be substituted the following paragraphs–

“(3) If a person makes an application pursuant to paragraph (2) of this Article, the Greffier shall subject to paragraph (4) of this Article, if he determines (notwithstanding that the requirements of Article 6 of the Franchise Law have been fulfilled) that the name of the applicant has been omitted or deleted from the electoral register as a result of an administrative error, cause the name of the applicant to be inscribed on that register and the provisions of this Law shall apply to the applicant as though his name had at all times been so inscribed.

(4) The Greffier shall consult the Connétable or such other officer of the relevant Parish as he shall judge appropriate before making a determination under paragraph (3) of this Article and may require verification of the application in such form or manner as he may stipulate.”.

Article 2 was adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Public Elections (Postal Voting) (Amendment) (Jersey) Law 199 .

Franchise (Amendment No. 6) (Jersey) Law 199 – P.55/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Franchise (Amendment No. 6) (Jersey) Law 199 .

Jersey Airport: lease to Hi-Speed Freight Limited – P.90/98

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

- (a) approved the lease to Hi-Speed Freight Limited of a total of 4,292 square feet of accommodation in the freight terminal at Jersey Airport (Letting Nos. B171A-D, B166 and B167) for a period of three years commencing 1st April 1998, at an annual rental of £21,552.97, subject to annual review in line with the Jersey Retail Price Index on 1st April 1999 and 1st April 2000;
- (b) authorised the Greffier of the States to sign the necessary lease; and
- (c) authorised the Treasurer of the States to receive the rent as it became due.

Frisco, 3 Clos St. Clement, St. Peter: purchase and rescission of Act P.91/98

THE STATES, adopting a proposition of the Harbours and Airport Committee, referred to their Act dated 13th May 1997, in which they approved the purchase on behalf of the public from Mr. Albert Edward Colback of the property known as ‘Frisco’, 3 Clos de Clement, St. Peter, as shown on drawing No. 550/1, which is situated within an area designated as Aircraft Noise Zone 1 on the Island Map, as amended 1/87, for the sum of £80,000 with each party being responsible for the payment of its legal fees; and –

- (a) approved the purchase on behalf of the public from the Crown of the property known as ‘Frisco’, No. 3 Clos de Clement, St. Peter, as shown on drawing No. 550/1, which is situated within an area designated as Aircraft Noise Zone 1 on the Island Map, as amended 1/87, for the sum of £80,000 with each party being responsible for the payment of its own legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts that it might be found necessary to pass in respect of the purchase of the said property and any interests therein;
- (c) authorised the Treasurer of the States to pay the expenses connected with the purchase of the said property and any interests therein from the Planning and Environment Committee’s Capital Vote of Credit ‘Acquisition of Land – Major Reserve’ (Vote No. C0904); and
- (d) rescinded their Act dated 13th May 1997.

Members present voted as follows –

“Pour” (45)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Tomes, Norman, Walker, Kinnard.

Connétables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), S. Baudains(H), Le Geyt(S), Trinity, Johns(F), Duhamel(S), Dorey(H), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Blampied(H), Rabe(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cornu(C), St. Peter, Dubras(L), St. Ouen.

“Contre” (1)

Deputy

St. John.

La Collette, St. Helier: lease to Ronez Limited– P.92/98

THE STATES, adopting a proposition of the Harbours Committee, referred to their Act dated 20th January 1998, in which they approved the lease of land to Ronez Limited, and agreed to substitute for sub-paragraph (a) of the Act the following sub-paragraph –

“(a) approved the lease to Ronez Limited for a period of 21 years, commencing on the day the lease is passed before the Royal Court, of an area of land (designated LC2) adjacent to the Victoria Pier, La Collette, St. Helier, measuring 11,513 square feet, as shown on the plan of Rothwell and Partners consulting engineers, (drawing No. 97035/100A), comprising–

(i) 6,610 square feet of land currently leased by Ronez Limited and used to house four cement silos;
and

(ii) 4,903 square feet of land to be used to house an additional silo and tanker filling hut;

at an annual rental of £14,391.25 (representing a rate of £1.25 a square foot), the rental to be subject to triennial review in line with open market value;”.

Powers of Arrest (Injunctions) (Jersey) Law 199 – P.109/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Powers of Arrest (Injunctions) (Jersey) Law 199 .

Loi (199) (Amendement) au sujet des témoins et informateurs– P.115/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (199) (Amendement) au sujet des témoins et informateurs.

Loi (199) (Amendement) sur l'atténuation des peines et sur la mise en liberté surveillée – P.117/98

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Loi (199) (Amendement) sur l'atténuation des peines et sur la mise en liberté surveillée.

Unlawful Public Entertainments (Jersey) Regulations 1998 – P.118/98

THE STATES, by virtue and in exercise of the powers conferred on them by the Order in Council of the fourteenth day of April 1884, made Regulations entitled the Unlawful Public Entertainments (Jersey) Regulations 1998.

Public Employees (Contributory Retirement Scheme) (Amendment No. 15) (Jersey) Regulations 1998– P.120/98

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, as amended made Regulations entitled Public Employees (Contributory Retirement Scheme) (Amendment No. 15) (Jersey) Regulations 1998.

Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 4) (Jersey) Regulations 1998 – P.121/98

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) (Existing Members) (Amendment No. 4) (Jersey) Regulations 1998.

Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Amendment No. 3) (Jersey) Regulations 1998 – P.122/98

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) (Former Hospital Scheme) (Amendment No. 3) (Jersey) Regulations 1998.

Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 6) (Jersey) Regulations 1998 – P.123/98

THE STATES, in pursuance of Articles 2 and 4 of the Public Employees (Retirement) (Jersey) Law 1967, as amended, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 6) (Jersey) Regulations 1998.

Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 6) (Jersey) Regulations 1998 – P.124/98

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. 6) (Jersey) Regulations 1998.

The Jersey New Waterworks Company Limited – loans: major capital works programme – P.125/98

THE STATES, adopted a proposition of the Finance and Economics Committee and –

- (a) agreed that unconditional guarantees should be given by the States for the repayment of loans up to a maximum of £16.2m, and the payment of interest on those loans, to be negotiated by The Jersey New Waterworks Company Limited in relation to the company's exceptional major capital works programme;
- (b) authorised the Finance and Economics Committee to make the necessary arrangements in respect of such guarantees;
- (c) authorised the Greffier of the States to sign such guarantees on behalf of the States.

Former Stampers Foodstore, La Route de Beaumont, St. Peter: development in Aircraft Noise Zone 1 – P.127/98

THE STATES, adopting a proposition of the Planning and Environment Committee, agreed to support the Committee's intention to grant permission for the redevelopment of the former Stampers Foodstore in St. Peter's Village (as shown on drawing No. 589/1) to provide four three-bedroom flats, the site being situated within an area designated as Aircraft Noise Zone 1 on the Island Map as amended 1/87, as an exception to the States policies regarding the development of land within that area.

THE STATES rose at 3.55 p.m.

G.H.G. COPPOCK

Greffier of the States.