

Price : £1.25

THE STATES assembled on Tuesday,  
4th March 1997 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache

---

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 -

Senator Richard Joseph Shenton - out of the  
Island  
Robert Lester Le Brocq, Connétable of St.  
Helier - out of the Island  
Derek Ryder Maltwood, Deputy of St. Mary -  
out of the Island  
Margaret Ann Le Geyt, Deputy of St.  
Saviour - out of the Island  
Imogen Stephanie Nicholls, Deputy of  
Grouville - out of the Island.

---

Prayers

---

Royal Visit - Her Royal Highness the Princess  
Royal

The Bailiff informed the Assembly that Her Royal  
Highness The Princess Royal would open the  
Island Games on 28th June and on 30th June 1997  
would open the new John Le Fondré Hall  
departures hall at the Airport.

Subordinate legislation tabled

The following enactments were laid before the

States, namely -

1. Island Planning (Fees) (Jersey) Order 1997. R & O 9056.
2. Building Bye-Laws (Jersey) 1997. R & O 9057.
3. Reservoirs (Registers and Records) (Jersey) Order 1997. R & O 9058.
4. Reservoirs (Certificates, Reports and Prescribed Information) (Jersey) Order 1997. R & O 9059.
5. Road Traffic (Saint Helier) (Amendment) (Jersey) Order 1997. R & O 9060.
6. Airport Dues (Tariff) Order 1997. R & O 9061.

Matters presented

The following matters were presented to the States -

1. Births, marriages and deaths in 1996: statement - R.C.12/97. Presented by the Etat Civil Committee.
2. States of Jersey Law 1966, as amended - delegation of functions: air transport permits - R.C.13/97. Presented by the Jersey Transport Authority.
3. States of Jersey Law 1966, as amended - delegation of functions: public finances administration - R.C.14/97. Presented by the Finance and Economics Committee.
4. States of Jersey Law 1966, as amended - delegation of functions: control of sales and leases of agricultural land, sea fisheries and slaughter of animals - R.C.15/97. Presented by the Agriculture and Fisheries Committee.

THE STATES ordered that the said reports be

printed and distributed.

5. Social Security Committee:  
report and accounts 1995/96.  
Presented by the Social Security  
Committee.
6. The Jersey Electricity Company  
Limited: annual report and accounts for  
the period 2nd October 1995 to 29th  
September 1996.  
Presented by the Finance and  
Economics Committee.

Matter noted - land transaction

THE STATES noted an Act of the Finance and Economics Committee, dated 24th February 1997, recording the following decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Planning and Environment Committee, the lease to Mr. Peter Joseph Lamy of Field No. 87, La Route des Quennevais, St. Brelade (measuring 4.7 vergées), for a period of three years from 1st July 1996, at an annual rent of £332.50 (representing a rate of £70 a vergée), on the same terms and conditions as the previous lease, with the addition of a clause allowing for the creation of a tourist cycle route, and on the basis that each side would be responsible for its own legal costs arising from the transaction.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Police Court (Change of Name) (Jersey) Law 1996 (Appointed Day) Act 199 - P.28/97.  
Presented by the Legislation  
Committee.
2. Draft Companies (Amendment No. 3) (Jersey) Law 199 - P.29/97.  
Presented by the Finance and  
Economics Committee.

3. Fields 563, 565, 568 and part of 564, St. Brelade: purchase - P.30/97.  
Presented by the Planning and Environment Committee.
4. Bankruptcy (Désastre) (Amendment No. 2) (Jersey) Law 1996 (Appointed Day) Act 199 - P.31/97.  
Presented by the Finance and Economics Committee.
5. Draft Regulation of Undertakings and Development (Amendment No. 7) (Jersey) Law 199 - P.32/97.  
Presented by the Finance and Economics Committee.
6. Draft Regulation of Undertakings and Development (Amendment No. 8) (Jersey) Regulations 199 - P.33/97.  
Presented by Finance and Economics Committee.
7. Waterfront Enterprise Board: membership - P.34/97.  
Presented by the Policy and Resources Committee.
8. Jersey Amateur Dramatic Club: consolidated loan - P.35/97.  
Presented by the Finance and Economics Committee.
9. Greville Bathe Fund: appointment of trustees - P.36/97.  
Presented by the Finance and Economics Committee.
10. Draft Franchise (Amendment No. 4) (Jersey) Regulations 199 - P.37/97.  
Presented by the Legislation Committee.
11. Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 2) (Jersey) Regulations 199 (P.174/96): amendment - P.38/97.  
Presented by the Agriculture and Fisheries Committee.
12. Transfer of administration of States properties - P.39/97.  
Presented by the Planning and Environment Committee.

13. Waterfront Enterprise Board:  
share capital - P.40/97.  
Presented by the Policy and  
Resources Committee.

14. Draft Departments of the  
Judiciary and Legislation (Amendment  
No. 3) (Jersey) Law 199 -  
P.41/97.  
Presented by the Legislation  
Committee.

Greville Bathe Fund: appointment of trustee -  
P.19/97. Withdrawn

THE STATES noted that the President of the  
Finance and Economics Committee had withdrawn  
the proposition regarding the Greville Bathe  
Fund: appointment of trustee (lodged ``au  
Greffe" on 18th February 1997) having lodged a  
revised report and proposition at the present  
meeting (P.36/97).

Arrangement of public business for the next  
meeting on 18th March 1997

THE STATES confirmed that the following matters  
lodged ``au Greffe" would be considered at the  
next meeting on 18th March 1997 -

Bellozanne Valley, St. Helier: policy for  
purchase of properties - P.224/96.  
Lodged: 19th November 1996.  
Planning and Environment Committee.

Jersey Electricity Company Limited:  
appointment of directors - P.17/97.  
Lodged: 18th February 1997.  
Finance and Economics Committee.

Jersey New Waterworks Company  
Limited: appointment of directors -  
P.18/97.  
Lodged: 18th February 1997.  
Finance and Economics Committee.

2 Verdun Mews, Mont Neron, St.  
Helier: financial assistance - P.20/97.  
Lodged: 18th February 1997.  
Finance and Economics Committee.

Barge Aground, St. Ouen: purchase -

P.21/97.  
Lodged: 18th February 1997.  
Planning and Environment Committee.

Jersey Scout Association: financial  
assistance - P.22/97.  
Lodged: 18th February 1997.  
Finance and Economics Committee.

Draft Building Bye-laws (Validation)  
(Jersey) Law 199 -P.26/97.  
Lodged: 18th February 1997.  
Planning and Environment Committee.

Draft Island Planning (Fees)  
(Validation) (Jersey) Law 199 - P.27/97.  
Lodged: 18th February 1997.  
Planning and Environment Committee.

Draft Police Court (Change of Name)  
(Jersey) Law 1996 (Appointed Day) Act  
199 - P.28/97.  
Lodged: 4th March 1997.  
Legislation Committee.

Draft Companies (Amendment No. 3)  
(Jersey) Law 199 - P.29/97.  
Lodged: 4th March 1997.  
Finance and Economics Committee.

Fields 563, 565, 568 and part of 564,  
St. Brelade: purchase - P.30/97.  
Lodged: 4th March 1997.  
Planning and  
Environment Committee.

Bankruptcy (Désastre) (Amendment  
No. 2) (Jersey) Law 1996 (Appointed Day)  
Act 199 - P.31/97.  
Lodged: 4th March 1997.  
Finance and Economics Committee.

Draft Regulation of Undertakings and  
Development (Amendment No. 7) (Jersey) Law  
199 - P.32/97.  
Lodged: 4th March 1997.  
Finance and Economics Committee.

Draft Regulation of Undertakings and  
Development (Amendment No. 18) (Jersey)  
Regulations 199 - P.33/97.  
Lodged: 4th March 1997.  
Finance and Economics Committee.

Waterfront Enterprise Board:  
membership - P.34/97.  
Lodged: 4th March 1997.  
Policy and Resources Committee.

Waterfront Enterprise Board:  
share capital - P.40/97.  
Lodged: 4th March 1997.  
Policy and Resources Committee.

Jersey Amateur Dramatic Club:  
consolidated loan - P.35/97.  
Lodged: 4th March 1997.  
Finance and Economics Committee.

Greville Bathe Fund: appointment of  
trustees - P.36/97.  
Lodged: 4th March 1997.  
Finance and Economics Committee.

Draft Franchise (Amendment No. 4)  
(Jersey) Regulations 199 - P.37/97.  
Legislation Committee.

Draft Sea Fisheries (Miscellaneous  
Provisions) (Amendment No. 2) (Jersey)  
Regulations 199 - P.174/96.  
Lodged: 22nd October 1996.  
Agriculture and Fisheries Committee.

Draft Sea Fisheries (Miscellaneous  
Provisions) (Amendment No. 2) (Jersey)  
Regulations 199 (P.174/96): amendment -  
P.38/97.  
Lodged: 4th March 1997.  
Agriculture and Fisheries Committee.

Transfer of Administration of States  
properties - P.39/97.  
Lodged: 4th March 1997.  
Planning and Environment Committee.

Florence Boot Cottages Trust: sale of  
land - P.5/97.  
Lodged: 21st January 1997.  
Housing Committee.

Draft Departments of the Judiciary  
and Legislature (Amendment No. 3) (Jersey)  
Law 199 - P.41/97.  
Lodged: 4th March 1997.  
Legislation Committee.

Matter of Privilege - Bailiff's statement

The Bailiff made a statement regarding the nature of parliamentary privilege and on the procedures for the present meeting as follows -

``Members will recall that on 18th February Senator Walker sought to raise as a matter affecting the privileges of the States, the position of Senator Syvret. Some members have raised with me questions as to the meaning of privilege and as to the procedure to be followed, and I think it may be helpful if I say a few words by way of introductions. There appears to be no local precedent to guide the House in this situation and I have therefore considered the practice followed both in the House of Commons and in parliaments of the Commonwealth, particularly in Canada. The word `privileges' is used in a technical sense. These are not privileges intended to create special advantage or treatment for its own sake. The privileges of the House and of members of the House are intended to enable the States to discharge its public mandate and to do its job in the most effective manner without hindrance.

The privilege in question here is the freedom which members have of saying what they wish to say in this Chamber with immunity from any legal process, subject only to the rules which members have themselves laid down. The privilege amounts to the expectation therefore that all members will conform to the Standing Orders, which are the rules which the States have laid down to govern their proceedings and to protect those both inside and outside the House from abuse of the freedom to say what they will.

The States are sitting in effect in a disciplinary capacity this morning to consider the matters set out in Senator Walker's report and to decide, if they consider that there has been a breach of privilege, what if anything they wish to do about it.

The suspension imposed on Senator Syvret on 3rd September 1996, was lifted by the States a fortnight ago `for the purpose of allowing him to address the States in response to the report presented to the States this day by Senator Walker'.



I propose therefore first of all to invite Senator Walker to speak briefly to his report. I appreciate that he has already done so, but Senator Syvret was not present on that occasion and I think that he should have the opportunity of hearing Senator Walker. I shall then ask Senator Syvret to address the House in response to Senator Walker's report. If, at the end of that address, members consider that there is any ambiguity in what Senator Syvret has said I shall obviously allow members, as is customary, to seek clarification of any such ambiguity. What I cannot do is allow any general questioning of Senator Syvret to take place.

At the end of Senator Syvret's address, and in accordance with the practice which is followed in the House of Commons when an alleged breach of privilege of this kind is being considered, I shall direct Senator Syvret to withdraw from the precincts.

My understanding is that Senator Walker will then move that the House adjourn and will, when the House returns, move a proposition in accordance with Standing Order 15. Members may have other questions about the procedure to be followed in that debate, and as to the moving of amendments, but I think that such questions can more conveniently be dealt with when the adjournment is moved."

#### Matter of privilege

The Bailiff requested the Viscount to invite Senator Stuart Syvret into the House.

At the request of the Bailiff, Senator Frank Harrison Walker spoke to his report "Suspension of Senator S. Syvret: matter of privilege" (R.C.11/97), and Senator Syvret responded.

The Bailiff, having asked whether there were any ambiguities which members wished to explore with Senator Syvret, and having received no response, directed Senator Syvret to withdraw.

THE STATES then adjourned until 12 noon.

THE STATES reassembled, Senator Walker then moved a proposition, in accordance with Standing

Order No. 15.

THE STATES then adjourned to give members time to consider the proposition and consider possible amendments.

THE STATES reassembled at 2.30 p.m.

THE STATES, after further discussion, adopted the proposition of Senator Frank Harrison Walker, and -

(a) referred to their Act dated 3rd September 1996, suspending Senator Stuart Syvret from the service of the States and to the matter of privilege raised by Senator Frank Harrison Walker on 18th February 1997, the details of which were set out in a report (R.C.11/97) presented to the States by Senator Walker that day; and

(b) (i) censured Senator Syvret for his failure to accept the binding authority of the Standing Orders of the States and for the remarks made in his statement to the States this day in response to the report;

(ii) resolved to lift the suspension of Senator Syvret from the service of the States with effect from the end of the present States' meeting.

Members present voted as follows -

``Pour" (45)

Senators

Horsfall, Rothwell, Le Maistre, Stein, Qu  r  e, Bailhache, Tomes, Norman, Walker, Kinnard.

Conn  tables

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

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H),

Coutanche(L), S. Baudains(H), Trinity,  
Pullin(S), Duhamel(S), Routier(H),  
Dorey(H), Layzell(B), Breckon(S), Huet(H),  
St. Martin, St. John, Le Main(H),  
Blampied(H), Rabet(H), Vibert(B), de la  
Haye(B), Le Cornu(C), St. Peter, Dubras(L),  
St. Ouen.

``Contre" (2)

Deputies

Johns(H), Crowcroft(H).

THE STATES rose at 2.58 p.m.

G.H.C. COPPOCK

Greffier of the States.