

Price : £3.00

THE STATES assembled on Tuesday,
27th September 1994 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Philip Martin Bailhache, Esq.

All Members were present with the exception of -

Senator John Stephen Rothwell - ill.
Senator Patricia Ann Bailhache - out of the
Island.
Robert Lester Le Brocq, Connétable of St.
Helier - out of the Island.
Terence Augustine Le Sueur, Deputy of St.
Helier - out of the Island.
Evelyn Mabel Pullin, Deputy of St. Saviour
- out of the Island.
Dereck André Carter, Deputy of St. Helier -
out of the Island.
Gary Matthews, Deputy of St. Brelade - out
of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Road Racing (Motor Vehicle
Rally) (Jersey) Order 1994.
R & O 8723.
2. Health Insurance (Pharmaceutical
Benefit List) (Jersey) Order 1994.
R & O 8724.
3. Post Office (Postal Orders)
(Amendment No. 18) (Jersey) Order 1994.
R & O 8725.

Establishment Committee - appointment of
member

THE STATES appointed Deputy Robin Ernest Richard Rumboll of St. Helier, as a member of the Establishment Committee.

Matters presented

The following matters were presented to the States -

1. Equity in the income tax system.
Presented by the Finance and Economics Committee.
2. Regulation of Undertakings and Development: six-monthly manpower returns. R.C.24/94.
Finance and Economics Committee.
THE STATES ordered that the said report be printed and distributed.

Presented on 13th September 1994 -

3. Welfare benefits: revised rates from 1st October 1994. R.C.23/94.
Finance and Economics Committee. THE STATES ordered that the said report be printed and distributed.

Matters noted - land transactions

THE STATES noted Acts of the Finance and Economics Committees dated 5th and 19th September 1994 showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved -

- (a) as recommended by the Harbours and Airport Committee, the lease to TNT Offshore Island Express Limited of warehouse accommodation on the New North Quay (Letting No. N8) measuring 3,160 square feet, for a period of three years from 1st February 1994 at an annual rent of £12,924.40 (representing a rate of £4.09 a square foot), subject to annual review and payable six monthly in advance. (The Committee rescinded its Act No. 2(a) of 21st March 1994 as notified to the States on 12th April 1994);
- (b) as recommended by the Harbours and Airport Committee, the renewal of the lease to Olivetti United Kingdom Limited of 204 square feet of storage accommodation on the first floor of the Airport Freight Terminal (Letting

No. B146) for a period of three years from 1st January 1994 at an annual rent of £1,364.22 (representing a rate of £6.69 a square foot), subject to annual review. (The Committee rescinded its Act No. 2(c) of 21st March 1994 as notified to the States on 12th April 1994);

(c) as recommended by the Harbours and Airport Committee, the lease to No. 7 Overseas (Jersey) Squadron Air Training Corps of 1.20.0 vergées of land at Field No. 46, Mont à la Brune, St. Brelade, for a period of nine years from 1st January 1994 at an annual rent of £200. (The Committee rescinded its Act No. 2(c) of 7th March 1994 as notified to the States on 15th March 1994).

(d) as recommended by the Harbours and Airport Committee, the renewal of the lease to Lynx Express Delivery Network Limited of Freight Bays Nos. 7 and 8 (Lettings Nos. B117 and B118), for a period of three years from 1st January 1994 at a rent of £12,014 (representing a rate of £4.17 a square foot), subject to annual review. (The Committee rescinded its Act No. 2(d) of 7th March 1994 as notified to the States on 15th March 1994);

(e) as recommended by the Harbours and Airport Committee, the lease to Securicor Jersey Limited of 171 square feet of office accommodation in the Airport Terminal Building (Letting No. B201), for a period of three years one month and three weeks from 1st February 1994 at an annual rent of £2,052 (representing a rate of £12.00 a square foot), subject to annual review. (The Committee rescinded its Act No. 2(e) of 7th March 1994 as notified to the States on 15th March 1994);

(f) as recommended by the Harbours and Airport Committee, the extension of the lease to G.P. Express (C.I.) Limited of 270 square feet of office accommodation in the Airport Terminal Building (Letting No. B133) at an annual rent of £1,938.60, and an area of 265.5 square feet (Letting No. B134) at an annual rent of £1,838.08 (representing a rate of £7.18 a square foot), subject to annual review. (The Committee rescinded its Act No. 2(f) of 7th March 1994 as

notified to the States on 15th March 1994);

- (g) as recommended by the Harbours and Airport Committee, the lease to the Island Wine Company Limited of a bunker on Albert Pier (Letting No. A26) for a period of three years from 1st February 1994 at an annual rent of £2,430.44 (representing a rate of £3.32 a square foot), subject to annual review. (The Committee rescinded its Act No. 2(h) of 7th March 1994 as notified to the States on 15th March 1994);
- (h) as recommended by the Defence Committee, the lease to Major Bernard Ralph Baldwin of Crabbé Farm, St. Mary, for a period of nine years from 1st October 1990 at an annual rent of £5,500 less a deduction of £1,000 in order to take account of the duties to be performed by him as Range Warden and Safety Officer, with rent reviews every three years. (The Committee rescinded its Act No. 2(c) of 21st February 1994 as notified to the States on 15th March 1994);
- (i) as recommended by the Public Services Committee, the lease to L'Etacq Engineering Limited of an area of land at l'Etacq Car Park, St. Ouen, for a period of three years from 1st January 1994 at an annual rent of £210, subject to annual review. (The Committee rescinded its Act No. 2(e) of 21st February 1994 as notified to the States on 15th March 1994);
- (j) as recommended by the Public Services Committee, the lease to Mr. Arthur Le Pennec of Field No. 871, St. Ouen for a period of three years from 1st January 1994 at an annual rent of £48, subject to annual review. (The Committee rescinded its Act No. 2(f) of 21st February 1994 as notified to the States on 15th March 1994);
- (k) as recommended by the Island Development Committee, the lease to Mr. Peter Lamy of Field No. 87, Les Quennevais, St. Brelade, for a period of three years from 1st January 1994, at an annual rent of £350 (representing a rate of £70 a vergée) payable half-yearly in advance on 1st January and 1st July each year. (The Committee rescinded its Act No. 3(b) of 7th

February 1994 as notified to the States on 15th February 1994);

- (l) as recommended by the Harbours and Airport Committee, the lease to Huelin-Renouf Shipping Limited of 280 square feet of office accommodation on first floor of the Airport Freight Building (Letting No. B132) for a period of three years from 1st January 1994 at an annual rent of £2,000 (representing a rate of £7.14 a square foot), subject to annual review. (The Committee rescinded its Act No. 1(d) of 24th January 1994 as notified to the States on 1st February 1994);

- (m) as recommended by the Harbours and Airport Committee, the lease to Channel Island Handling Limited of offices on the Albert Pier (Letting No. A18 and A19) for a period of three years from 1st November 1993 at an annual rent of £4,338.04, subject to annual review. (The Committee rescinded its Act No. 1(e) of 24th January 1994 as notified to the States on 1st February 1994);

- (n) as recommended by the Harbours and Airport Committee, the lease to George Troy and Sons Limited of office accommodation on the New North Quay (Letting No. N20) for a period of three years from 1st January 1994 at an annual rent of £10,502.76 payable six-monthly in advance, subject to annual review. (The Committee rescinded its Act No. 1(f) of 24th January 1994 as notified to the States on 1st February 1994);

- (o) as recommended by the Harbours and Airport Committee, the lease to Huelin-Renouf Shipping Limited of office accommodation on the New North Quay (Letting Nos. N19 and N19A) for a period of three years from 1st January 1994 at an annual rent of £10,926.58 for Letting No. N19 and £1,336.59 for letting No. N19A payable six-monthly in advance, subject to annual review. (The Committee rescinded its Act No. 1(g) of 24th January 1994 as notified to the States on 1st February 1994);

- (p) as recommended by the Harbours and Airport Committee, the lease to British Midland Airways Limited of 593 square feet of ticket desk and office

accommodation at Jersey Airport (lettings Nos. B10 and B10A) for a period of 18 months from 1st October 1993 at an annual rent of £4,390.24. (The Committee rescinded its Act No. 2(c) of 11th January 1994 as notified to the States on 18th January 1994);

(q) as recommended by the Harbours and Airport Committee, the lease to St. Helier Port Services Limited of 241 square feet of office accommodation on the New North Quay (Letting No. N17) for a period of three years from 1st October 1993 at an annual rent of £2,731.60, subject to annual review. (The Committee rescinded its Act No. 2(d) of 11th January 1994 as notified to the States on 18th January 1994);

(r) as recommended by the Harbours and Airport Committee, the assignment of the lease from P.J.N. Fishing Tackle to Mrs. Deanna Catherine Burton, née Barker, re. 158 square feet of premises known as The Alcove, St. Catherine's Breakwater, St. Martin, from 1st October 1993 to 12th April 1995 at an annual rent of £920.80, subject to annual review. (The Committee rescinded its Act No. 2(e) of 11th January 1994 as notified to the States on 18th January 1994);

(s) as recommended by the Harbours and Airport Committee, the renewal of the lease to Channel Island Handling Limited of 529 square feet of offices on the Albert Pier (Letting Nos. A11 to A19) for a further period of three years from 1st November 1993 at an annual rent of 4,338.04, subject to annual review. (The Committee rescinded its Act No. 2(f) of 11th January 1994 as notified to the States on 18th January 1994);

(t) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. Gary Smith of 100 square feet of premises at the Elizabeth Terminal Kiosk (Letting No. E13) for a period of nine years from 1st January 1994 at an annual rent of £1,260, subject to annual review. (The Committee rescinded its Act No. 2(g) of 11th January 1994 as notified to the States on 18th January 1994);

- (u) as recommended by the Public Services Committee, the extension of the lease to the Jersey Sea Cadet Corps of the German Bunker at St. Aubin's Fort until 30th November 2000 at an annual rent of five pence. (The Committee rescinded its Act No. 2(k) of 11th January 1994 as notified to the States on 18th January 1994);
- (v) as recommended by the Public Services Committee, the renewal of the lease to Mr. Anthony George Benest of Stonemasons Yard, Mont Mado, St. John, for a period of three years from 1st November 1993 at an annual rent of £500, payable in advance and subject to annual review. (The Committee rescinded its Act No. 2(l) of 11th January 1994 as notified to the States on 18th January 1994);
- (w) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. Graham Philip Holley of land measuring 3.10.0 vergées at Field No. 270, Mont à la Brune, St. Peter (Letting No. 68) for a period of one year from 1st January 1994 at an annual rent of £185. (The Committee rescinded its Act No. 2(m) of 11th January 1994 as notified to the States on 18th January 1994);
- (x) as recommended by the Public Services Committee, the lease to Mr. Justin Lloyd-Jones of the site measuring 4,200 square feet on which the bungalow "Ramadi" stood adjacent to the Beaumont Pumping Station, St. Peter, for a period of three years from 1st January 1993 at an annual rent of £683.80 payable half-yearly in advance on 1st January and 1st July. (The Committee rescinded its Act No. 2(n) of 11th January 1994 as notified to the States on 18th January 1994);
- (y) as recommended by the Island Development Committee, the lease from the National Trust for Jersey of the North Barrack Room, Grève de Lecq, St. Ouen, for a period of nine years from 13th August 1993 at an annual rent of £400 payable annually in advance. (The Committee rescinded its Act No. 2(o) of 11th January 1994 as notified to the States on 18th January 1994);

- (z) as recommended by the Public Services Committee, the lease to the Jersey Race Club of an area of land at Les Landes for a period of 21 years from 30th September 1993 at an annual rent of £1,000, subject to triennial review. (The Committee rescinded Act No. 2(d) of 15th November 1993, of the Committee as previously constituted as notified to the States on 30th November 1993);
- (aa) as recommended by the Public Services Committee, the lease to Mr. Christopher Hugh Taylor of 25 vergées of land at Mont Mado, St. John, for a period of nine years from 24th June 1993 at an annual rent of £625, subject to triennial review. (The Committee rescinded Act No. 2(d) of 1st November 1993, of the Committee as previously constituted as notified to the States on 9th November 1993);
- (ab) as recommended by the Defence Committee, the lease to Mr. Maurice Francis Gotel of 14 vergées of land at Fields Nos. 116 and 117, Crabbé, St. Mary, for a period of six years from 25th December 1993 at an annual rent of £586, subject to a rent review after three years. (The Committee rescinded Act No. 2(h) of 1st November 1993, of the Committee as previously constituted as notified to the States on 9th November 1993);
- (ac) as recommended by the Harbours and Airport Committee, the lease to Star Travel Limited of 514 square feet of office accommodation on the first floor of the Freight Terminal Building at Jersey Airport (Lettings Nos. B130 and B131) for a period of three years from 1st September 1993 at an annual rent of £4,626, subject to annual review. (The Committee rescinded Act No. 2(a) of 20th September 1993, of the Committee as previously constituted as notified to the States on 28th September 1993);
- (ad) as recommended by the Public Services Committee, the lease from

Mr. Anley John Dorey Richardson of a storage/packing shed at Les Tihelles, St. Ouen, for a period of three years from 1st April 1993 at an annual rent of £3,100, £3,200 and £3,300 for each successive year of the agreement, to be paid yearly in advance. (The Committee rescinded Act No. 1(b) of 27th August 1993, of the Committee as previously constituted as notified to the States on 28th September 1993);

(ae) as recommended by the Harbours and Airport Committee, the renewal of the lease to Aurigny Air Services Limited of 181 square yards of land at Jersey Airport (Letting No. L14) for a period of three years from 18th April 1993 at an annual rent of £1,693.36, subject to annual reviews up to a maximum increase of three per cent). (The Committee rescinded Act No. 2 of 2nd August 1993, of the Committee as previously constituted as notified to the States on 10th August 1993);

(af) as recommended by the Harbours and Airport Committee, the lease to Channel Islands Handling Limited of 341 square feet of office accommodation within the Elizabeth Terminal from 1st June 1993 to 31st October 1998 at an annual rent of £4,296.60, subject to annual review. (The Committee rescinded Act No. 2(c) of 19th July 1993, of the Committee as previously constituted as notified to the States on 27th July 1993);

(ag) as recommended by the Harbours and Airport Committee, the lease to Condor (Jersey) Limited of 372 square feet of office accommodation within the Elizabeth Terminal for a period of three years from 1st June 1993 at an annual rent of 4,713.24, subject to annual review on 1st November. (The Committee rescinded Act No. 2(d) of 19th July 1993 as notified to the States on 27th July 1993);

(ah) as recommended by the Harbours and Airport Committee, the lease to

Fishport Limited of Les Viviers de Ste. Catherine (Letting No. STC5) for a period of three years from 1st April 1993 at an annual rent of £2,467.50, payable six-monthly in advance and subject to annual review. (The Committee rescinded Act No. 1(c) of 28th May 1993, of the Committee as previously constituted as notified to the States on 8th June 1993);

- (ai) as recommended by the Harbours and Airport Committee, the lease to Messrs. Denis Clarence and Martin L'Enfant of 500 square feet of accommodation at the Victoria Pier Vivier (Letting No. V32) for a period of three years at an annual rent of £1,405, subject to annual review. (The Committee rescinded Act No. 2(f) of 30th April 1993, of the Committee as previously constituted as notified to the States on 11th May 1993);
- (aj) as recommended by the Harbours and Airport Committee, the lease to Mrs. Marjory Janet May Brooker, née Davis, of land occupied by the Hungry Man Café, Rozel, for a period of three years from 1st May 1993 at an annual rent of £433.10, subject to annual review. (The Committee rescinded Act No. 2(g) of 11th May 1993, of the Committee as previously constituted as notified to the States on 2nd March 1994);
- (ak) as recommended by the Harbours and Airport Committee, the lease to Channel Island Tourist Services Limited of 433 square feet of accommodation in the Airport Arrivals Hall for a period of three years from 1st April 1993 at an annual rent of £4,546.50, subject to annual review. (The Committee rescinded Act No. 2(d) of 22nd February 1993, of the Committee as previously constituted as notified to the States on 2nd March 1994);
- (al) as recommended by the Harbours and Airport Committee, the lease to the Casters Sea Angling Social Club of Alcove 1, St. Catherine's Breakwater, St. Martin, for a

period of three years from 1st November 1993 at an annual rent of £10.80. (The Committee rescinded Act No. 2(a) of 11th January 1993 of the Committee as previously constituted as notified to the States on 2nd February 1993);

- (am) as recommended by the Island Development Committee, to agree to the reaffirmation of the subject boundary and to agree to the Public entering into a Deed of Arrangement as owners of the Old Mill Pond/Reservoir dependent to the former 'Town Mill' belonging to the public, with Mr. Ronald Keith Nicholls and Mrs. Maureen Olga Nicholls, née Bisson, as owners of 'The Cottage', Grands Vaux, St. Helier, with both parties meeting their own legal costs;

- (an) as recommended by the Island Development Committee, the renewal of the lease from Mr. Martin Ralph Chinnery, of the three-bedroom cottage, 1 Clos de Douet, St. John, for the period 1st September 1994 to 31st August 1995, at an annual rental of £11,136.65;

- (ao) as recommended by the Public Health Committee, the lease from Miss Josephine Dorothy Hamon of the two-bedroom house known as 'Newlands', Mont es Croix, St. Brelade, for a period of three years from 12th October 1994, at an annual rent of £9,360.00;

- (ap) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Mr. Ronald Keith Nicholls and Mrs. Maureen Olga Nicholls, née Bisson, owners of 'The Cottage', Grands Vaux, St. Helier, in respect of the Mill Pond/Reservoir dependent to the former 'Town Mill' belonging to the public, on the basis that each party would meet its own legal costs in relation to the transaction;

- (aq) as recommended by the Agriculture and Fisheries Committee, the renewal of the lease to Mr. Arthur Walter Le Marquand of Warren Farm,

Noirmont, St. Brelade, for a period of nine years from 24th December 1994, at an annual rent of £3,500 subject to triennial review. (The Committee rescinded its Act No. 2(c) of 15th August 1994 as notified to the States on 6th September 1994);

(ar) as recommended by the Island Development Committee, the entering into a Contrat de Bornement with Mr. Alan James Shipton and Mrs. Patricia Kathleen Shipton, née Le Beuvant, in order to -

(i) declare the wall between Le Clos des Fonds and the property 'Ker Briac', La Rue de la Pasture, Grouville a party wall;

(ii) transfer the ownership of a strip of land measuring approximately 200 square feet to Mr. and Mrs. Shipton; and

(iii) grant a right to connect 'Ker Briac' to the mains water supply within Le Clos des Fonds;

for a total consideration of £1,500, all reasonable fees and the cost of all accommodation works;

(as) as recommended by the Island Development Committee, the lease from Victor Hugo Management Limited of the Victor Hugo site, Grève d'Azette, St. Clement, for a period of nine years rent free, commencing from the date of signing the agreement, subject to a break clause at any time should the Company undertake to recommence its development programme or sell the site to a third party who would recommence the development programme.

Matters lodged

The following subjects were lodged "au Greffe" -

1. Draft Social Security (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and Guernsey) (Jersey) Act 199 -

P.116/94.
Presented by the Social Security
Committee.

2. Field 1489, Bellozanne Valley,
St. Helier: purchase - P.117/94.
Presented by the Island
Development Committee.
3. Berry House, 16 Val Plaisant,
St. Helier: sale to Les Vaux Housing
Trust - P.118/94.
Presented by the Housing
Committee.
4. Jersey Field Squadron Royal
Engineers (Royal Militia of the Island
of Jersey) and the Princess of Wales'
Royal Regiment: authority to march
``with Colours flying, drums beating
and bayonets fixed" in Jersey -
P.119/94.
Presented by the Defence
Committee.
5. West of Albert Pier reclamation
area, St. Helier - Phases II and III:
purchase from the Crown of foreshore -
P.120/94.
Presented by the Island
Development Committee.
6. Draft Franchise (Amendment
No. 5) (Jersey) Law 199 (P.104/94):
amendment - P.121/94.
Presented by Deputy J.L. Dorey
of St. Helier.
7. Appel nominal - revised
procedure (P.79/94): amendment -
P.122/94.
Presented by Deputy J.L. Dorey
of St. Helier.
8. Jersey Transport Authority:
responsibilities - P.123/94.
Presented by Deputy D. R.
Maltwood of St. Mary.

Lodged on 13th September 1994 -

1. Draft Double Taxation Relief
(Arrangement with the United Kingdom)
(Jersey) Act 199 - P.112/94.
Presented by the Finance and
Economics Committee.
2. La Collette factory units:
leasing - P.113/94.

Presented by the Island
Development Committee.

3. Draft Island Development
Committee (Change of Name) (Jersey) Act
199 - P.114/94.

Presented by the Island
Development Committee.

4. Draft Licensing (Licence Fees)
(Jersey) Regulations 199 - P.115/94.

Presented by the Tourism
Committee.

Arrangement of public business for the present
meeting

THE STATES confirmed that the following subjects
lodged ``au Greffe" should be considered at the
present meeting -

Draft Cheques (Amendment) (Jersey)
Law 199 - P.102/94. Revised.
Lodged: 9th August 1994.
Finance and Economics Committee.

Draft Diseases of Animals (Amendment
No. 4) (Jersey) Law 199 - P.110/94.
Lodged: 6th September 1994.
Agriculture and Fisheries Committee.

Draft Amendment (No. 15) of
the Standing Orders of the States of
Jersey - P.111/94 Revised.
Lodged: 6th September 1994.
House Committee.

Draft Double Taxation Relief
(Arrangement with the United Kingdom)
(Jersey) Act 199 - P.112/94.
Lodged: 13th September 1994.
Finance and Economics Committee.

Draft Island Development Committee
(Change of Name) (Jersey) Act 199 -
P.114/94.
Lodged: 13th September 1994.
Island Development Committee.

Draft Licensing (Licence
Fees) (Jersey) Regulations 199 - P.115/94.
Lodged: 13th September 1994.
Tourism Committee.

Arrangement of public business for the
next meeting on 11th October 1994

THE STATES confirmed that the following subjects lodged ``au Greffe" should be considered at the next meeting on 11th October 1994 -

Appel nominal: revised procedure - P.79/94.
Lodged: 7th June 1994.
Deputy J.L. Dorey of St. Helier.

Appel nominal - revised procedure
(P.79/94): amendment - P.122/94.
Deputy J.L. Dorey of St. Helier.

Projet de Loi (199) (Amendement
No. 5) sur l'Instruction Primaire -
P.88/94.
Lodged: 5th July 1994.
Comité de l'Education.

Draft Judicial Fees (Amendment No. 4)
(Jersey) Regulations 199 - P.103/94
Lodged: 9th August 1994
Finance and Economics Committee.

Draft Franchise (Amendment No. 5)
(Jersey) Law 199 - P.104/94 .
Lodged: 9th August 1994.
Legislation Committee.

Draft Franchise (Amendment No. 5)
(Jersey) Law 199 (P.104/94): amendment -
P.121/94.
Deputy J.L. Dorey of St. Helier.

La Collette factory units: leasing -
P.113/94 - P.113/94.
Lodged: 13th September 1994.
Island Development Committee.

Draft Social Security (Reciprocal
Agreement with Great Britain, Northern Ireland,
the Isle of Man and Guernsey) (Jersey) Act
199 - P.116/94.
Social Security Committee.

Field 1489, Bellozanne Valley, St.
Helier: purchase - P.117/94.
Island Development Committee.

Berry House, 16 Val Plaisant,
St. Helier: sale to Les Vaux Housing
P..118/94.
Housing Committee.

Jersey Field Squadron Royal Engineers
(Royal Militia of the Island of Jersey) and
the Princess of Wales Royal Regiment:
authority to march ``with Colours flying,
drums beating and bayonets fixed" in
Jersey - P.119/94.
Defence Committee.

Jersey Transport Authority:
responsibilities - P.123/94.
Deputy D.R. Maltwood of St. Mary.

International Conventions - questions and
answers (Tape No. 251)

Deputy Imogen Stephanie Nicholls of Grouville
asked Senator Reginald Robert Jeune, President
of the Policy and Resources Committee the
following questions -

1. At the last meeting of the States
on 6th September 1994, the
President of the Policy and
Resources Committee confirmed that
the decision to derogate from
Article 7 of the United Nations
Covenant on Economic, Social and
Cultural Rights had been taken by
the then Legislation Committee.
Would the President advise Members
whether any other reservations
have been entered for Jersey under
this Covenant?
2. At the last meeting of the States, the
President of Policy and Resources
Committee confirmed that the United
Nations Convention on the Elimination
of All Forms of Discrimination Against
Women was not ratified for Jersey on
the grounds of cost. Would the
President advise Members whether any
research was undertaken either at that
time, or since, into the cost of
ratifying this Convention?
3. Would the President advise whether -
 - (a) any research has been undertaken
to determine if 'racial
discrimination' exists in Jersey?
 - (b) any costs have been incurred in
Jersey as a result of the
application of the International
Convention on the Elimination of
All Forms of Racial
Discrimination? and
 - (c) the States of Jersey makes
any financial contribution to the
work of the United Nations in
promoting Human Rights throughout
the world?
4. Would the President clarify whether

reports that have been prepared by the States of Jersey in compliance with international conventions over the years are available for study in Jersey by members of the public?"

The President of the Policy and Resources Committee replied as follows -

1. Apart from Article 7, the only other reservation requested in 1976 by the then Legislation Committee to the United Nations Covenant on Economic, Social and Cultural Rights, was in respect of Article 6(i) which

required parties to recognise the right to work which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts' and requires the taking of appropriate steps to safeguard this right."

In a letter dated 24th February, 1976 to the then Bailiff informing him of the decision of the Legislation Committee, the Greffier of the States explained that "the United Kingdom Government proposed to reserve the right to interpret Article 6 as not precluding the imposition of restrictions, based on place of birth or residence qualifications, on the taking of employment in any particular region or territory for the purpose of safeguarding the employment opportunities of workers in that region or territory." The Committee was of the opinion that this reservation would be sufficient also to cover the needs of the Island.

2. When answering the question to which the Deputy refers, I quoted from an Act of the Legislation Committee as follows -

"Having noted that acceptance of the Convention would require the enactment of legislation and the establishment of tribunals, etc., the Committee decided it would not wish to commit the Island to enacting lengthy complex legislation on the lines of the United Kingdom Sex Discrimination

and Equal Pay Acts, with the resultant administrative costs to the Island."

From this, one can surmise that the question of administrative cost was one of the factors taken into account by the then Legislation Committee when it decided the Convention should not be extended. Presumably the costs to which the Legislation Committee of the day referred were not only financial, but also included the costs in time and manpower of drafting and enacting lengthy and complex legislation along the lines of the United Kingdom's Sex Discrimination and Equal Pay Acts, and the resultant administrative costs to the Island of implementing the legislation, for example by the setting up of and staffing of tribunals and so on.

There is an important point to be made here about the extension of Conventions such as this to the Island. Having examined the correspondence relating to this matter going back to 1973, it is clear that all those involved at a political level have agreed wholeheartedly that all forms of discrimination in this Island should be removed. Indeed, the States endorsed this view in January, 1991 when debating Senator Stein's proposition on equal opportunities. The point that must be made, and must be made strongly in order to remove any doubt from any person's mind is that a failure to accept the extension of a convention to the Island does not mean that the Island is not totally committed to adopting similar, but less complex and local, measures to achieve the same objectives.

Jersey frequently is able to endorse the principles and objectives of a Convention but, quite rightly, demands the freedom to give effect to those principles and objectives in the manner best suited to local circumstances. Many Conventions, including the one referred to in the Deputy's question, have a requirement that legislation must be enacted to give effect to the Convention. If Jersey takes the view, as it has in this case, that legislation is not the appropriate way of giving effect to the Convention

locally then, ipso facto, it cannot accede to the Convention.

The view taken in the past, and which is still relevant today, is that Jersey does not necessarily have to slavishly enact the complex legislation that might be required in a big country such as the United Kingdom. A lesser amount of specifically focused local legislation, or even appropriate and accepted codes of practice, might well provide the answer at a significantly lesser cost. Indeed, Senator Stein has supported this view. The report accompanying her proposition in 1991 stated that the most important issues to address were (a) equal pay and (b) maternity leave, and it went on to say -

``I do not believe it is necessary for Jersey to enact the endless legislation as stipulated in the United Nations Convention on the Elimination of all Forms of Discrimination Against Women, and I hope to find a way of dealing with these matters which is appropriate to a community of our size."

Only recently, in December 1993, the Guernsey States of Deliberation decided not to extend the Convention because of its attendant legislative requirements. They agreed however to condemn discrimination against women in all its forms, and also to actively work towards eradicating discrimination in all its forms.

Given the recent questions in the States, the Policy and Resources Committee has decided to undertake a full review of the Island's position with regard to the International Covenant on Economic, Social and Cultural Rights and the United Nations Convention on the Elimination of all Forms of Discrimination Against Women.

In reaching this decision, my Committee recalled that in January 1991, the States, in agreeing to the setting up of the Special Committee on Sex Discrimination, endorsed the principle that all forms of discrimination whether against women or men should be removed.

The Committee also is aware that the role of the Special Committee, which included bringing forward recommendations to ensure that men and women receive equal pay for work of equal value, that female employees are entitled to a reasonable minimum of maternity leave, and that any other forms of discrimination between men and women are removed as soon as practicable, has now been taken over by the Industrial Relations Committee.

The Policy and Resources Committee therefore has decided to meet with the Industrial Relations and Social Security Committees to discuss how each see the way ahead in carrying out their respective roles in ensuring that women, and also men, are not discriminated against. My Committee also has confirmed that a review of the Island's position on the elimination of all forms of discrimination will be incorporated as part of its overall review of social policies which it is currently undertaking in response to Senator Shenton's Social Charter proposals (and Deputy Matthews' amendments to those proposals) and as part of the overall review of the States strategic policies to which the Strategic Policy Review and Action Plan for 1994 referred.

3. (a) Jersey has recently reviewed the application of the International Convention on the Elimination of All Forms of Racial Discrimination and has submitted a report to the United Nations. This report, entitled 'Human Rights Conventions: Reports for Jersey' was tabled before the House on 7th June 1994 and is available at the States Greffe Bookshop under the reference R.C.14/94.
- (b) The only costs incurred to date have been those relating to the time and manpower associated with the review, to which I have just referred, and in the production of the report submitted to this House and also the United Nations.
- (c) The Insular Authorities as a dependent territory of the United Kingdom have not been requested to

make a contribution towards the United Kingdom's financial contributions to the work of the United Nations in promoting human rights, or indeed towards any other financial contribution by the United Kingdom to the work of the United Nations.

4. Hitherto, it has not been States policy to publish the reports of the Insular authorities on International Conventions. Reports are held on file in the States Greffe and could be made available for inspection by States Members on request to the Greffier of the States.

However, the Policy and Resources Committee's more recent policy regarding publication of reports is clearly stated in R.C. 14 on Human Rights Conventions as follows -

``Because of the interest generated by these particular conventions, and the widespread misinformation that existed about the Island's response to them, the Committee has decided to present the reports formally to the States for their information. Thus their contents will be available to States Members and the general public alike."

The Policy and Resources Committee will give early consideration to the matter of public access to previous reports. I would just like to add that when dealing with International Conventions and Agreements etc., my Committee is committed to be as open as possible. One example of this is the inclusion of specific information on these matters within the annual strategic policy reports."

International conventions on planning policy -
question and answer (Tape No. 251)

Deputy Imogen Stephanie Nicholls of Grouville asked the Connétable of St. John, President of the Island Development Committee the following question -

``Would the President advise Members which International Convention obligations, if any, the Island Development Committee

considers when formulating policies and making decisions under the Island Planning (Jersey) Law 1964, as amended?"

The President of the Island Development Committee replied as follows -

“The majority of planning policies which my Committee apply were approved by the States in the Island Plan in 1987. The Plan is still an excellent basis for the future and was produced after wide consultation and discussion. Since my Committee took office we have identified the need for an update of certain sections, particularly trade and industry, and will bring forward amendments as our resources allow. Circumstances change, in the Island as well as internationally, and these policies need to reflect both local and international aspects as far as possible. In a small Island with limited land availability, there are bound to be land use issues in which local circumstances have to override.

Under the present procedures, the Policy and Resources Committee co-ordinates all matters concerning International Conventions. My Committee receives from the Greffier copies of only those external documents relevant to my Committee, which include United Nations Conventions, Economic Community directives, United Kingdom regulations and various consultation and discussion documents. My officers have the responsibility for identifying matters of importance and bringing them to the attention of the Committee. Increasingly such documentation is of very high volume and complexity and consumes large amounts of time in their scrutiny. This will be one of the tasks of my Committee's new Director of the Environment when appointed. This difficulty has also been recognised by the Greffier who is currently employing a graduate to assist in their analysis and co-ordination.

I can provide the following list of Conventions which I recall my Committee has considered in principle, and their detailed applications. In some cases this has resulted in legislative changes and other policy changes -

Berne Convention on the Conservation of European Wildlife and Natural Habitats

Bonn Convention on the Conservation of
Migratory Species of Wild Animals

United Nations Convention on
Environmental Impact Assessment in a
Transboundary Context

RAMSAR Convention on Conservation
of Wetlands of International Importance

United Nations Convention concerning
the Protection of World Cultural and
Natural Heritage

United Nations Convention on
Biodiversity (Rio)

Council of Europe - Convention on
the Protection of Archaeological
Heritage

Council of Europe - Convention for
the Protection of Architectural
Heritage of Europe.

This provides a good example where we have now completed our proposals for grants and loans to assist the owners of listed buildings - an obligation of this Economic Community directive which we have decided to adopt.

As far as planning decisions are concerned, these have to be made within the parameters of the law and existing policies, and guidelines issued in support of those policies as all are open to legal challenge."

Human rights conventions on housing policy -
question and answer (Tape No. 251)

Deputy Imogen Stephanie Nicholls of Grouville asked Deputy Leonard Norman, President of the Housing Committee the following question -

``Would the President advise Members which, if any, of the provisions of Human Rights Conventions are considered by the Housing Committee when formulating policies and making decisions under the Housing (Jersey) Law 1949, as amended?"

The President of the Housing Committee replied as follows -

``Jersey is subject to the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Among the rights and freedoms protected by the Convention is the individual's right to respect for his private and family life and his home, subject to interference by a public authority to the extent that it is justifiable in accordance with the provisions of the Convention.

I can advise the States that the legislation presently in force, that is, the Housing (Jersey) Law 1949, and the Housing (General Provisions) (Jersey) Regulations 1970, were challenged in 1984 as being in breach of the Convention.

The challenge was rejected by the European Commission of Human Rights. Among other things, the Commission said at page 11 of its judgment -

``In the present case the purpose of the Housing (Jersey) Law 1949, as amended, together with the measures taken by the Housing Committee to ensure the Law was, as previously stated, to avoid uncontrolled immigration and to ensure that existing accommodation would be available to persons with a recognised connection with Jersey, either by birth or by the period of continuous residence on the Island. The Commission considers this aim to be both objective and reasonable."

Since that judgment was given on the 16th May 1985, the Committee has been confident that the legislation to which I have referred is in accordance with the requirement of the Convention. It has framed its policies in accordance with the thinking approved by the European Commission as being objective and reasonable."

Engineering project in West's Centre, St. Helier - questions and answers (Tape No. 251)

Deputy Jeremy Laurence Dorey of St. Helier asked Senator Vernon Amy Tomes, Vice-President of the Public Services Committee the following questions -

``1. Does the Vice-President agree that the engineering project planned in

the area of West's Centre, while of undoubted benefit to the people of the Island as a whole, is of very little direct benefit to the West's Centre traders, and may well have the effect of driving some of them out of business, thereby increasing unemployment levels in the Island?

2. Does the Vice-President agree that the most effective way for the Public Services Committee to carry out the project, requires the active co-operation of the traders in the area?
3. If the answer to question 2 above is in the affirmative, does the Vice-President agree that such co-operation could and should be taken into account by the Public Services Committee in their plans for the project?
4. Would the Vice-President lend his support to any request by the traders of the area for ex gratia compensation payments to offset their trading losses, and in particular, would the Public Services Committee consider channelling any contractual penalty payments for overrun on the project, to the people who would be directly affected by any such overrun - the local traders?"

The Vice-President of the Public Services Committee replied as follows -

1. The project is of benefit to the traders as, in extreme cases, West's Centre could be flooded. The surcharging of old sewers is a cause of the collapse of brick sewers. Overflow will help reduce risk.

I cannot accept that the engineering project will, of itself, have the effect of driving some traders out of business. To say more than that would be mere speculation as I do not have access to the accounts of individual traders.

2. Yes.
3. The traders have been consulted at every step over the last 12 months - by letters and meetings. The consent of every one of those who has an interest in the land is necessary before the

project can proceed on their land.

4. It is States' policy not to compensate for disturbance caused during the construction of essential works. There are no sectional liquidated damages in this contract - only the simple liquidated damages at the completion of the works.

To divert those, if any, which arise in this case, to the local traders would be to create an unacceptable precedent and would be contrary to States policy. The traders have sought compensation for the disruption in the form of a 50 per cent contribution towards their rates. The Committee cannot accede to that request. However, the Committee will require access to the privately owned square in order to carry out the work and has offered to lease the land required from the traders. The rent thus paid would indirectly provide some compensation. Negotiations are continuing."

Engineering project in Gorey Village - questions and answers (Tape No. 251)

The Connétable of Grouville asked Senator Vernon Amy Tomes, Vice-President of the Public Services Committee, the following questions -

1. Would the Vice-President explain the reasons for carrying out the surface water drainage project in Gorey Village between October 1994 - May 1995?
2. Would the Vice-President not agree that the work is likely to cause major economic problems to traders in Gorey Village and the possibility of unemployment?
3. Would the Vice-President explain why details of this project were not brought to the States well in advance for clearance and debate?"

The Vice-President of the Public Services Committee replied as follows -

1. The old brick sewer system in Gorey Village operates on a combined flow system, that is, it takes both foul and surface water flows, and therefore it has to be

connected to the foul sewer system. As a result, large quantities of surface water overload the foul sewage pumping station, at Le Rivage, and puts unnecessary loading on the foul sewers downstream. Additionally, in times of storm, combined flow containing foul sewage has to be spilled to sea. The overloading of the pumping station has also resulted in localised flooding, and this risk is ever present. Developments in Gorey Village have added to the problem. This project will allow separation of the surface water, which will relieve the problems.

It is not a major engineering project, in the sense that works of this nature and magnitude are being carried out regularly in other parts of the Island.

2. No. Access will be provided to businesses and hotels, and road closures will be minimised by constructing most of the underground work by tunnelling. When road closures are necessary, alternative routes for access will be arranged. The work has been planned between October and May to minimise the effects on hotels and businesses in the area.
3. The existing States procedures do not require such projects (sewerage schemes which are underground) to have the approval of the States.

Proposals to change the procedures to cover such schemes have been suggested, but these are not yet agreed. The project was, however, described in the capital estimates, which were approved by the Public Services Committee, the Finance and Economics Committee and the Policy and Resources Committee, and eventually by the States."

Elizabeth Harbour Terminal, St. Helier - lease of office accommodation

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

- (a) approved the lease to Condor (Jersey) Limited of 1,626 square feet of offices

(Letting Nos. E1 to E7) and a storeroom measuring 277.50 square feet (Letting No. E23) in the Elizabeth Harbour Terminal, St. Helier, for a period of nine years from 1st April 1994, at an annual rent of £21,085.20 for the offices (representing a rate of £12.96 a square foot) and £2,866.50 for the storeroom (representing a rate of £10.33 a square foot), subject to an annual review on 1st November and payable quarterly in advance;

(b) authorised the Attorney General and the Greffier of the States to sign the necessary contract;

(c) authorised the Treasurer of the States to receive the amounts involved in the transactions as they become due.

Cheques (Amendment) (Jersey) Law 1994 - P.102/94
(Revised)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Cheques (Amendment) (Jersey) Law 1994.

Diseases of Animals (Amendment No. 4) (Jersey)
Law 1994 - P.110/94

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Diseases of Animals (Amendment No. 4) (Jersey) Law 1994.

Amendment (No. 15) of the Standing Orders of the States of Jersey - P.111/94 Revised

THE STATES commenced consideration of amendments of the Standing Orders of the States of Jersey and -

Paragraphs 1. and 4. were adopted.

Paragraph 2.(a) was adopted.

Paragraphs 2.(b) and 3. were adopted.

Members present voted on paragraphs 2.(b) and 3. as follows -

``Pour" (36)

Senators

Jeune, Horsfall, Le Main, Le Maistre,
Stein, Qu  r  e, Chinn.

Conn  tables

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

Deputies

Wavell(S), St. Peter, H. Baudains(C), St.
Ouen, Coutanche(L), Huelin(B), St. Mary,
S. Baudains(H), Le Fondr  (L), Le Geyt(S),
Crespel(H), Trinity, Johns(H), Duhamel(S),
Dorey(H), Layzell(B), Breckon(S),
Grouville.

  Contre" (7)

Senators

Shenton, Syvret, Tomes.

Deputies

Walker(H), Routier(H), Huet(H), St. Martin.

Paragraphs 5. and 6. were adopted.

THE STATES, in pursuance of Article 27 of the
States of Jersey Law 1966, made amendments of
the Standing Orders of the States of Jersey.

Double Taxation Relief (Arrangement with the
United Kingdom) (Jersey) Act 1994 - P.112/94

THE STATES, in pursuance of Article 111 of the
Income Tax (Jersey) Law 1961 as amended, and of
all other powers enabling them in that behalf,
made an Act entitled the Double Taxation Relief
(Arrangement with the United Kingdom) (Jersey)
Act 1994.

Island Development Committee (Change of Name)
(Jersey) Act 1994 - P.114/94

THE STATES, in pursuance of Article 29 of the
States of Jersey Law 1966, as amended, made an
Act entitled the Island Development Committee
(Change of Name) (Jersey) Act 1994.

Licensing (Licence Fees) (Jersey) Regulations
1994 - P.115/94

THE STATES, in pursuance of Article 11 of the
Licensing (Jersey) Law 1974, as amended, made

Regulations entitled the Licensing (Licence Fees) (Jersey) Regulations 1994.

THE STATES rose at 11.23 a.m.

C.M. NEWCOMBE

Deputy Greffier of the States.