

**QUESTION TO BE ASKED OF THE PRESIDENT OF THE POLICY AND RESOURCES  
COMMITTEE ON TUESDAY 9th SEPTEMBER 2003, BY SENATOR E.P. VIBERT**

**Question**

- (a) Would the President confirm that at its meeting of 17th January 2003, three members of the Committee namely Deputy M.F. Dubras, Connétable K.P. Vibert and Senator T.A. Le Sueur declared their interest in C.I. Traders Limited?
- (b) Would the President inform members whether H.M. Attorney General declared his interest in C.I. Traders on the same date, and whether, and if so, why the Committee continued to seek his advice after that declaration of interest?

**Answer**

- (a) Yes. At that time the Committee considered the interests to be of a minor nature and thus determined that those members could remain and participate in further consideration of the matter.

The Committee is in any case of the view that the declared interests are not covered by Standing Orders. Article 44 of the States' Standing Orders requires that '*... a direct pecuniary interest, being an interest which is immediate and personal and not merely of a general or remote character...*' must be declared prior to a member with such an interest withdrawing from further consideration of the matter. With the support of legal advice, the Committee considers that the declared interests are neither '*direct*' nor '*immediate*' as they are in C.I. Traders Limited and not in Les Pas Holdings Limited and, in the case of one member, were through a third company which holds shares in C.I. Traders Limited. The Committee is therefore satisfied that there has not been a technical breach of Standing Orders.

The Committee is further of the view that the spirit of Standing Orders has not been breached either because

all of the interests of the members had been acquired by family inheritance and had not been actively traded during the period of the foreshore dispute;

the Committee was not, at any time, deciding to enter into any binding agreements on behalf of the States. It was simply agreeing to participate in 'without prejudice' talks with Les Pas Holdings with a view to seeing whether an agreement could be formulated which it could consider recommending to the States as an alternative to proceeding with litigation.

The actual interests of members are outlined at Appendix 1 to this set of answers and it may be seen that they are very minor indeed; in each case less than 0.01% of the shares in C.I. Traders Limited., and hence equivalent to an even smaller (eight times smaller) percentage of the shares in Les Pas Holdings Limited.

The Committee was and remains of the view, therefore, that there has been and continues to be no breach of Standing Orders, either technically or in spirit, and that in no way have the work of the Committee or, more importantly, the interests of the public been compromised by these members' very minor and fully declared, indirect, interests.

In closing this particular answer, I wish to state for the record, that the Committee and all of its members have at all times acted scrupulously in the best interests of the public and for anyone to suggest otherwise is totally inaccurate and misleading. I have complete and total faith in the members concerned and in their integrity. This Committee has dealt with this difficult matter in the most professional manner. Despite not being at all happy at finding itself in the position of having to broker and recommend a settlement agreement to the States, the Committee has worked hard to bring forward the best deal achievable and has fulfilled its duty in bringing this to the States, so that this Assembly can decide how the matter will be taken forward.

However, also for the record I confirm that, recognising the sensitivities of these matters and that the public's perception of how they are to be resolved is vital, the two Committee members, who retain interests in C.I. Traders, have indicated that they will not take part in any of the States' discussions or the debate on P.117 when the actual decision will be taken.

- (b) Yes, the Attorney General did declare his interests on the same date. The Committee did not doubt that the Attorney General had acted with absolute integrity in this matter and it accepted completely that the advice it had received had been uninfluenced by these shareholdings. The Committee noted furthermore that the advice was the joint advice of the Attorney General and Solicitor General and, at its meeting of 21<sup>st</sup> January, the Committee sought the views of the Solicitor General and Advocate A.R. Binnington, and was assured that they agreed with the advice it had received to date.

The Committee agreed that as, in any case, it was the Solicitor General who was maintaining oversight of the case, she would continue to provide advice to it and that it would seek further advice from the Attorney General only where his involvement was necessary because the Solicitor General was away from the island or for some other appropriate reason, it was content to proceed on this basis.

**Appendix 1**

**P.117/2003 - Declaration of Committee member's interests**

**Senator T.A. Le Sueur** has never held shares in C.I. Traders Limited or any connected company, but his wife had a holding of 13,570 ordinary shares in C.I. Traders Limited. This equates to 0.0059% of the shares of C.I. Traders Limited (which would have had a current value of £11,206) and would have equated to a 0.0007% holding in Les Pas Holdings Limited. This share holding has now been disposed of by Mrs. Le Sueur.

**Connétable K.P. Vibert** and his wife hold 20,520 ordinary shares in C.I. Traders Limited. This equates to 0.0088% of the shares of C.I. Traders Limited (with a current value of £16,724 and would equate to a 0.0011% holding in Les Pas Holdings Limited.

**Deputy M.F. Dubras** and his partner hold 71.91% of the shares in Ch. Dubras Limited, which company holds 10,998 ordinary shares in C.I. Traders Limited. This equates to 0.0033% of the shares of C.I. Traders Limited (with a current value of £6,445) and would equate to a 0.0004% holding in Les Pas Holdings Limited.