

**QUESTION TO BE ASKED OF THE PRESIDENT OF THE POLICY AND RESOURCES
COMMITTEE ON TUESDAY 20th JANUARY 2004, BY
DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT**

Question

Would the President confirm that as the Jersey Electricity Company Limited's La Collette power station is located partially on established land and partially on reclaimed land that took place before 1934, that the statement he made during the Les Pas debate that the Island could lose millions of pounds on that element should the Les Pas claim succeed, was misleading?

Answer

I am not aware of the President having made this statement during the States' debate on the proposed agreement with Les Pas Holdings, nor has a search of the transcripts of the debate been able to reveal such a statement. The President did say on more than one occasion during the debate that the Island could risk losing hundreds of millions of pounds of public money if the claim from Les Holdings were successful, but this was in relation to the entire area covered by the claim, and not solely in relation to the land occupied by the La Collette Power Station. The potential cost to the public was also emphasised in paragraph 43 of the report and proposition of the Policy and Resources Committee ('Fief de la Fosse: Proposed Agreement with Les Pas Holdings', P.117/2003).

The hatched area shown in Appendix 2 of the proposition reproduced as accurately as was possible on that scale the plan that was attached to Les Pas Limited's supplementary statement of title showing the area claimed by Les Pas. On the Statement of Title plan, which is on a larger scale, it is possible to discern a very small irregularly-shaped area which protrudes into the centre of part of the Power Station buildings, and this particular area is not covered by the claim. This area did not show up on Appendix 2, possibly because it was too small to reproduce on that scale.

Whether this small irregularly-shaped area is co-extensive with the area which Deputy Baudains believes to be established land and land reclaimed before 1934, it is impossible to say, because he does not explain in his question what area he thinks is affected. In any event, the question of whether or not part of La Collette Power Station is on established land, or on land reclaimed before 1934, is not considered to be relevant to the point at issue for two reasons.

Firstly, the advice to the States of the consequences of losing had to be based on a worst case scenario, in other words, on the hypothesis that Les Pas was totally successful. If Les Pas was successful, it would be entitled to ownership of, (or compensation for, in the case of the unrelated area where its interest had been acquired by compulsory purchase) everything covered by its claim. Thus, even if the area which Deputy Baudains believes to be established land or land reclaimed before 1934 is larger than the area excluded by Les Pas from the claim, the fact is that if Les Pas was successful, it would get the area which it claimed, not the area which Deputy Baudains thought that it ought to have claimed.

Secondly, even if the areas are identical, the end result would be that Les Pas would own all the Power Station, including land and buildings, save for the irregular area to which I have referred, protruding into part of one building. It would be entitled to exclude the Public from the land, and could if it wished call on the Public to remove all buildings and other apparatus from land in its ownership. The Public would own an irregularly shaped part of a larger building which could not be operated as a Power Station on its own.

In other words, the result if Les Pas won what it claimed would be that the Public would not have a workable Power Station, and on that basis the cost to the Island could indeed run into millions of pounds.