

**QUESTION TO BE ASKED OF THE PRESIDENT OF THE POLICY AND RESOURCES
COMMITTEE ON TUESDAY 20th JANUARY 2004, BY SENATOR J.A. LE MAISTRE**

Question

In a letter dated 2nd December 1993, from the then H.M. Attorney General to the Policy and Resources Committee relating to land reclamation schemes to the west of Albert Pier and to the south of La Collette, he advised –

‘It would not in my opinion be prudent or sensible to continue with those schemes without taking a decision on one or other of the following options’.

These options related either to litigate or to seek to compromise in order to resolve the claim to title.

Would the President advise whether this advice was considered by the Policy and Resources Committee on each occasion prior to matters being brought to the States relating to the development of the Waterfront, and, if so, why it, therefore, did not feature in any of the projects brought before the States?

Answer

The minutes of the meetings of the Policy and Resources Committee from 1993 onwards do not indicate whether the letter dated 2nd December 1993, was considered on each occasion. However, there are two points that need to be made in response to this question –

- (1) The letter dated 2nd December 1993, formed part of the body of legal advice which had been supplied to the Committee. It may have been considered at subsequent meetings, but if it was it would not have been necessary for this to have been recorded in the minutes on every occasion that the matter came up for discussion;
- (2) Senator Le Maistre appears to have assumed that the Policy and Resources Committee should have given specific consideration to the advice contained in this letter on each and every occasion before matters relating to the development of the St. Helier Waterfront were brought to the States. This would have been most unusual, and the reasons for such an assumption are not explained.

The letter from the then H.M. Attorney General, like the letter from the then H.M. Solicitor General which was also considered by the Committee in December 1993, was written to advise the Committee following receipt of advice from London counsel. It advised that the decision which had to be taken at that stage was whether to litigate or to seek to compromise. Having considered all the advice which was before it, the Committee decided to litigate. The then Attorney General's letter did not advise that the decision, once taken, should be revisited or every occasion when matters arose relating to the Waterfront.

What the Committee did do was remain open to the idea of settlement, and take fresh legal advice when settlement was suggested. As members were told during the Les Pas debate, that came to nothing, because Les Pas was so unrealistic and so intransigent in its settlement demands. What the Committee also did was act to protect the public's interest as far as possible short of settlement by acquiring by compulsory purchase a large part of the reclaimed area upon which development was to take place.