

2.5 Deputy F.J. Hill of St. Martin of the Chief Minister regarding a case pending before the Judicial Committee of the Privy Council

Will the Chief Minister inform Members whether there is a case pending with the Judicial Committee of the Privy Council regarding the ownership of the foreshore waterfront and, if so, will he update Members on a possible date for the hearing?

Senator F.H. Walker (The Chief Minister):

Members will be aware that a claim to the ownership of the foreshore was dealt with by agreement in 2003 and that matter was accordingly concluded. Subsequently, an application for leave to bring judicial review proceedings against the Attorney General was made by an individual alleging, among other things, that the question of the ownership of the foreshore settled by the 2003 agreement, should have been adjudicated by the Privy Council and that the claim to ownership of the foreshore should not have been settled. Leave to bring the proceedings was refused by the court on the grounds that that individual had insufficient standing to do so. That determination was upheld by the Court of Appeal in 2005. I am not aware of any current proceedings to determine the ownership of the foreshore in the Privy Council, and inquiries of the Privy Council indicate that there is nothing currently before the council in connection with that matter.