

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

3. Statement by the Chief Minister in relation to legal action concerning the proposed developer of the Esplanade Quarter, St. Helier.

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

Thank you, Sir. Yes, I am grateful for that and for this opportunity because I do, with great regret, have to inform Members that I did, inadvertently mislead them during the debate on the Waterfront Masterplan. I said during that debate that no lawsuit had been filed against Harcourt's Nevada subsidiary in Nevada. I regret to say I was misinformed and therefore I, in turn, misinformed the States. A civil lawsuit - there is not any reference to illegality here - a civil lawsuit was filed on 20th May and forwarded to Harcourt on 22nd May and I have those dates and references to it confirmed in a letter I received this afternoon from Mr. R. Langdon, who is listed as a director of Harcourt Developments. My information, which was current at the time it was given to me, was therefore out of date and I do apologise sincerely to Members, particularly Deputy Baudains because I vigorously resisted his suggestion that such a lawsuit had been filed. I was wrong and I do sincerely apologise. I have satisfied myself - I have done little else since leaving the House at lunch time - I have satisfied myself this afternoon that this failure was down to very poor communications and there has been no intention to deliberately mislead me or in turn mislead the House. I think it is important to note, Sir, that the suit is against the Harcourt Nevada subsidiary and the local company is not involved. Again, I have a statement released this afternoon, which has gone to the media, which confirms that position. Sir, it is of little relevance to the development we approved this morning and to the plan we approved this morning because, as I said during the debate, W.E.B. and therefore the public of Jersey are completely covered by guarantees from a bank of our choosing or an insurance bond of our choosing so there is no question of any underperformance or malperformance by Harcourt, jeopardising the public because the development agreement will not be signed unless those guarantees are fully in place.

The Greffier of the States (in the Chair):

Thank you, Chief Minister.

Senator M.E. Vibert:

I just wanted to raise the point that it is now coming up to 5 p.m. We have got the Draft Public Elections Amendment (Jersey) Law, which, with the best will in the world, I do not think we are going to complete by 5.30 p.m. and I wondered whether we could be informed perhaps by the President of P.P.C. (Privileges and Procedures Committee) what arrangements might be thought fit because, unless we approve this, as I understand it, it is unlikely to be in place for the elections coming up.

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

Just if I could give the President of the P.P.C. a moment of thinking time, I do want to just make a brief piece of housekeeping announcement. Members will be aware that there are some large folders in the Members common room which is the Transport and Technical Services briefing papers on the Energy from Waste plant. They are there available to collect. Could I just make one salient point? Some Members have not ticked the box to say that they have collected them. I just warn those Members that if they fail to tick the box, I will send them another folder. So you may wish to guard against that.

The Greffier of the States (in the Chair):

Chairman, do you have any suggestion on the way forward?

Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):

Can I say, Sir, that one always hopes that the debate will be short and sharp but, in case it is not, I would ask that the Assembly consider sitting tomorrow, when we adjourn at 5.30 p.m. because I know that there are Members in the House who have commitments in the evening?

The Greffier of the States (in the Chair):

Do you wish to formally make that proposal at this stage, Chairman? So that the way forward is clear?

The Connétable of St. Clement:

I do, Sir.

The Greffier of the States (in the Chair):

Is that seconded? **[Seconded]** Do Members agree the Assembly should sit tomorrow, if necessary, if the business cannot be concluded this evening?

Deputy G.P. Southern:

If I may? The custom and practice, I believe, is that if we cannot finish the business on a Thursday evening, the following Tuesday is set aside as the normal routine.

Deputy G.W.J. de Faye:

I would support Deputy Southern on that matter. It is generally understood that if we did not make it all the way to... if we did go to Thursday, we would then go to the subsequent Tuesday. I have some meetings arranged for tomorrow. It is my normal Ministerial function meeting with my department and I could be... this will leave me embarrassed if I have got to be in 2 places at once.

The Greffier of the States (in the Chair):

We are spending too much time debating this. The Deputy of St. Mary?

Deputy J. Gallichan of St. Mary:

I was just going to say that we could almost have finished.

The Greffier of the States (in the Chair):

I think, firstly, I must put the amendment put forward by Deputy Southern that the Assembly sits next Tuesday, if necessary. Those Members in favour of sitting next Tuesday, kindly show. Members in favour of sitting next Tuesday instead of tomorrow? Those against? The amendment is adopted and the Assembly will accordingly not sit tomorrow but sit next Tuesday if necessary.

The Connétable of St. Clement:

Can I propose therefore, because this will split the debate unnecessarily, that we adjourn now, until next Tuesday? [**Approbation**]

The Greffier of the States (in the Chair):

I wonder if Members would wish to take the matter of the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) Chairman, if Members do ...? The Deputy of St. Mary is opposing it.

The Deputy of St. Mary:

Yes, Sir, I am just staggered, Sir because this is something that we really need to get in place before the next elections. It will be already cutting it close to see whether we can have Privy Council assent, Sir. I just do not see why we cannot get it done before 5.30 p.m., Sir. I really do not.