

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M. R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 29TH NOVEMBER 2016**

Question

Further to the answer given to my supplementary question following question 9489 on Remise des Biens on 14th June 2016, will H.M. Attorney General advise Members on the compatibility of Remise des Biens with Jersey's Human Rights obligations?

Answer

My answer to question 9489 on *remise des biens* explained that this is a form of insolvency remedy available to a person who is in debt and owns land in Jersey. As my answer explained, a *remise* is a discretionary remedy and is only ever granted on the application of a debtor. A *remise* can be a beneficial procedure for a debtor, because at the end of the process, if the *remise* is successful, then a debtor will be discharged from all his debts, including those of unsecured creditors who may of course not have been paid in full.

There is no reason of principle why the grant of a *remise* should not be compliant with the rights granted by the European Convention on Human Rights (the "ECHR"). Further, as the Royal Court has made clear in its decision in *Re Mickhael* [2010] JRC166A (see para 13(iv)), if a question arises in any case as to whether the customary and statutory law of *remise* is human rights compliant, then Article 4 of the Human Rights (Jersey) Law 2000 would require the court to interpret the law in a convention compliant way to the extent that is possible.

In view of this I am satisfied that the law with regard to *remise des biens* is compatible with the ECHR.