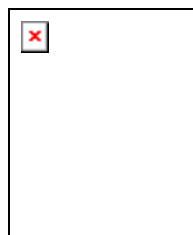


STATES OF JERSEY



***EX GRATIA* COMPENSATION PAYMENT: MR. AND MRS. R. PINEL (P.29/2009) – COMMENTS**

Presented to the States on 31st March 2009
by the Council of Ministers

STATES GREFFE

COMMENTS

The Council of Ministers is not supportive of this proposition.

Members will be aware of the Legal Advice prepared by Her Majesty's Solicitor General on this issue. The same definitions are used.

In summary, this advice amongst other things concludes that –

- the law was correctly applied in the way the Bailiff dealt with the Leave Application;
- no adverse inference should be drawn about the reasons for the decision of the Bailiff to make no order regarding costs of the Leave Application;
- the judgment of the court in the Leave Application does not suggest that the Bailiff was biased in favour of Mr. A and Mrs. A;
- in the *Voisinage* Case the Bailiff was not prevented from sitting on that case simply because he had previously sat on the Leave Application;
- it cannot be deduced in the *Voisinage* Case that the Bailiff made any findings personally about the quality of Mrs. A as a witness or about any other witness;
- there is no evidence in the judgment of the Court of Appeal in the *Voisinage* Case to suggest that the Court of Appeal did not deal correctly with the case.

Members will also be aware of the correspondence from Appleby to Senator Shenton on this issue which argues that the report to the proposition does not lay out the full picture in this case.

It is for these reasons that the Council of Ministers urges Members to reject this proposition.