

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY T.M. PITMAN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 11th DECEMBER 2012**

**Question**

Is all public property held in trust for the people of the Island?

**Answer**

No.

There are two types of property in Jersey law: moveable and immoveable. Essentially, immoveable property is land and certain rights attaching to land and there cannot, as a matter of Jersey law, be a trust of immoveable property in Jersey. The only exception to this is when the Royal Court has given permission for land to be held by trustees (*fidéicommissaires*) for certain charitable or other purposes under the *Loi (1862) sur les teneures en fidéicommis et l'incorporation d'associations*.

In legal theory, public land is vested in the public of the Island. In a general sense public land is held for the benefit of the public in the sense that it is not held for the benefit of private individuals. The manner in which public property is used and administered, subject to the laws of the Island, is determined by the democratically elected representatives of the public.

It is not useful to characterise that as a trust arrangement as that characterisation would suggest that public property is held on a trust as defined by and subject to the Trusts (Jersey) Law 1984 which is not the case.