

STATES OF JERSEY



***EX GRATIA* PAYMENT: MR. D. TURNER (P.46/2012) – AMENDMENT**

**Lodged au Greffe on 29th May 2012
by Deputy M.R. Higgins of St. Helier**

STATES GREFFE

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For the words “to request the Minister for Planning and Environment to make” substitute the words “to approve the making of”; after the words “to enable the” insert the words “Planning and Environment” and after the words “the problems experienced by the family” insert the words “, and to request the Chief Minister, in consultation with the Minister for Treasury and Resources, to identify the necessary funds to meet the cost of the payment”.

DEPUTY M.R. HIGGINS OF ST. HELIER

REPORT

As members know, the purpose of Proposition P.46/2012 is to obtain compensation for the Turner family, following the failure of Jersey's public authorities, and in particular the Planning and Environment Department, to take action regarding the Bay Leaf Restaurant at First Tower, which were set out in the report accompanying the proposition.

P.46/2012 calls for the Minister for Planning and Environment to make an *ex gratia* payment to Mr. D. Turner. However, I have discovered that there is legal ambiguity regarding the *vires* of Ministers to make such payments and following the advice from H.M. Attorney General I have lodged this amendment to the original proposition to enable an *ex gratia* payment of compensation to take place, if this is indeed the will of the Assembly.

To do otherwise, and allow the proposition to fail on a legal technicality, would result in a further injustice to the Turner family and is something that I am not willing to contemplate, and I hope members will support this amendment to the proposition and the proposition itself.

Financial and manpower implications

The circa £7,700 could be taken from the States central reserve/contingency funds.