

2.3 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding wheel clamping of vehicles on private land:

Would the Minister advise whether she is satisfied that the wheel clamping of vehicles on private land and subsequent demand for money for their release is legal?

Senator W. Kinnard (The Minister for Home Affairs):

I am grateful to Deputy Lewis and, indeed, to the *Jersey Evening Post* for bringing the problems associated with wheel clamping to my attention. Quite honestly I have been shocked to read of some of the alleged treatment of individuals who have been clamped. The legality of wheel clamping and subsequent demand for money will only be determined by a court as the law appears somewhat uncertain. The issue is likely to be tested in a court, I believe, in the near future as no case has been tested to date. We will have to await the deliberations of the court but Members can be assured that I and my Assistant Minister will be keeping a close watch on the outcome of any court decision.

2.3.1 Deputy K.C. Lewis:

I thank the Minister for her reply, Sir. As you aware many of our laws are based on French law. Ironically, in France wheel clamping is illegal and also in Scotland since 1991. I am very concerned that young women are being forced to walk home in all weathers in the dark, and I am sure the Minister is aware that a couple who are senior citizens, one of which had mobility problems, were recently forced to go to a cashpoint machine and withdraw £150 before their vehicle was released. What possible justification is there for charging £150? A change in Jersey laws of wheel clamping is long overdue. Does the Minister not agree?

Senator W. Kinnard:

As I have said, the position I am advised at present is that this is a civil matter between the owner of private land and his private agent acting on his behalf and the individual motorist concerned. That is the position I believe at present until and unless the court determines otherwise, but as I have said, Sir, we in Home Affairs are keeping a very close interest in the outcome of any court decision on this matter.

2.3.2 Deputy R.G. Le Hérisier of St. Saviour:

Would the Minister identify why she has not chosen to take a political route on this issue and she is prevaricating and waiting for a court decision?

Senator W. Kinnard:

It may well be that the court decides that there is no need to change the law and it is not a matter of prevarication. This has been brought to my attention only just recently. It is not, at this moment, a criminal matter which is generally where criminal matters sit with Home Affairs. But as I say, Sir, there is very little that can be done until the matter is tested in court and we have to await that decision before we could decide which way we wanted to jump in terms of any law change if necessary to deal with this matter.

2.3.3 Deputy G.P. Southern:

More directly, Sir, will the Minister consider bringing a law to this body to render wheel clamping illegal, and will she further bring to the House information stating whether wheel clamping is permitted and to what extent on publicly-owned land: States-owned land?

Senator W. Kinnard:

As I say, it is not a matter of bringing something forward straight away. I think we do have to await the consideration of the court because that will give us direction as to how to deal with this matter appropriately. I really do not think I can help any further than that at this stage.

Deputy G.P. Southern:

The second half of the question is not answered. Would she care to bring information to the House to the extent to which wheel clamping takes place on States-owned land?

Senator W. Kinnard:

I can certainly provide the House with that information, Sir.

2.3.4 Connétable M.K. Jackson of St. Brelade:

Would the Minister confirm that she will investigate, in conjunction with the Data Protection Registrar, the divulgence of information to wheel clamping companies which seems to be taking place just for a very small fee?

Senator W. Kinnard:

I am not sure that is particularly my preserve or area, but clearly it has been raised and it is something that I am happy to begin to have a look at but, again, I am not sure that that particular area of data protection is within Home Affairs' remit. Sometimes there is a tendency to give us everything but I am quite happy to undertake some initial research on the matter.

2.3.5 Deputy P.V.F. Le Claire of St. Helier:

Would the Minister not look into whether or not it is possible to suspend wheel clamping on States-owned land in the interim?

Senator W. Kinnard:

I do not have any complaints at this point before me in relation to States-owned land so I do not really think it would be necessary.

2.3.6 Deputy F.J. Hill of St. Martin:

Would the Minister not agree that the circumstances described by Deputy Lewis whereby people are almost put in fear of not paying the money is tantamount to demanding money by menaces and then does become a criminal offence?

Senator W. Kinnard:

If the alleged offence was proven, yes, of course, that would be a criminal matter but we are dealing with allegations and alleged offences at this stage, thank you, Sir. Well, not even offences if they did not negate the law.

2.3.7 Deputy G.P. Southern:

Does the Minister accept that bringing an individual case to court is a potentially expensive, lengthy and stressful process? What assistance is the Minister prepared to offer the individual concerned in order to clarify this part of the law?

Senator W. Kinnard:

I think the individual concerned is well able to bring the case himself. He, himself, I know is not unaware of the workings of the law in our jurisdiction so I think he is perfectly capable. As I have said, Sir, at the moment my understanding is that this is a civil matter between an individual and the owner of private land, not a criminal matter, so it is not appropriate that the Minister should be giving any assistance in that matter.