

Andy Scate, Chief Officer of Infrastructure and Environment
Tim Daniels, Director, Jersey Property Holdings

BY EMAIL

22 February 2024

Dear Andy and Tim,

Formal instruction – reimbursement of foreshore payments [REDACTED]

Further to my verbal direction at the Infrastructure Ministerial meeting on 9 February, I wanted to provide in writing a formal instruction in relation to these foreshore payments.

By way of context, I understand that on 18 December 2023 my predecessor provided you with a formal instruction to proceed with two ex-gratia payments in the cases of [REDACTED] [REDACTED] as soon as possible. However, following Deputy Binet's resignation, activity on this case was suspended upon the instruction of the then Acting Minister for Infrastructure, Deputy Ahier, on 15 January, pending a review by the newly appointed Minister for Infrastructure.

As the newly appointed Minister for Infrastructure, I wish to proceed with the ex-gratia payments to the value of [REDACTED] to [REDACTED] and [REDACTED] to [REDACTED]. In reaching this decision, I have been informed by the findings of Sir Philip Bailhache's report and the report of the Complaints Board (R71/2018).

I believe that the two cases in question are exceptional and do not set a precedent in relation to other claims. In reaching that view, I am mindful of the distinguishing factor of the significant period of delay suffered by both individuals (between the time JPH first made contact and the subsequent passing of contracts).

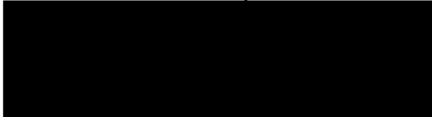
I am also satisfied that the payments do not constitute a material "windfall" component for the individuals, noting that the calculated amounts do not incorporate any contribution to their own professional fees.

I would like to reiterate the point made by the previous Minister that the officials in charge of JPH previously are no longer in post and, therefore, no criticism is intended of the current JPH or Infrastructure teams as a result of this decision.

I would be grateful if you would please take the necessary actions to implement my decision to make these payments without delay.

I recognise that I am unable to direct you to contravene the Public Finances (Jersey) Law 2019 and that these ex-gratia payments will affect the budget position of Jersey Property Holdings if the necessary funding cannot eventually be made available through underspends in other areas of the Infrastructure and Environment Department or via other mechanisms.

Yours sincerely



Connétable Andy Jehan
Minister for Infrastructure
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