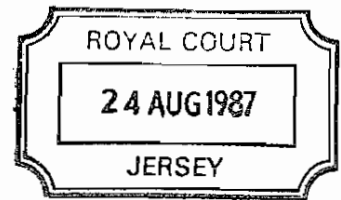


IN THE ROYAL COURT OF JERSEY



Before Mr. V.A. Tomes, Deputy Bailiff
Jurat Mrs. B. Myles
Jurat G.H. Hamon

Between Alan Raymond Victor Anderson Appellant
And The Finance and Economics Committee of the States of Jersey Respondent

Advocate M.H. Clapham for the Appellant
Advocate Miss S.C. Nicolle for the Respondent

This is an appeal by the Appellant against the decision of the Respondent to refuse him permission under the Regulation of Undertakings and Development (Jersey) Law, 1973, (the Law) to occupy one hundred and sixty-eight square feet of floor space at 2, St. Helier Villas, St. Aubin's Road, Millbrook, St. Helier, in connection with a Jersey property agent and English solicitor's undertaking on the ground that the decision of the Respondent was unreasonable having regard to all the circumstances of the case.

The Law was enacted in order to control the carrying on of undertakings and to regulate further development. Part II deals with the regulation of undertakings. The relevant parts of Article 2 provide that:-

"(1) Subject to the provisions of this Law, no person shall -
.....

(c) commence a new undertaking occupying 1000 square feet or more of floor space;

unless he has been granted a licence authorising him so to do.

(3) The States may by Regulations -

(a) vary the amounts of floor-space mentioned in paragraph (1) of this Article;

- (b) exempt from the provisions of this Part of this Law such undertakings or class of undertaking as may be specified in the Regulations.

Part IV of the Law contains general provisions. Article 4 reads as follows:-

"An application for a licence shall be in the form required from time to time by the Committee and shall contain or be accompanied by such particulars as the Committee may require".

The relevant parts of Article 5 of the Law provide that:-

"(1) The Committee may grant a licence either unconditionally or subject to such conditions as it considers appropriate, or may refuse the grant of a licence.

"(2) In deciding whether to grant a licence, to impose conditions or to refuse the grant of a licence, the Committee shall have particular regard to the economic situation in the Island.

"(4) Where the Committee refuses the grant of a licence, or attaches any condition to the grant of a licence, it shall furnish to the applicant a statement in writing of its reasons for that decision.

"(5) Any person aggrieved by the decision of the Committee to refuse the grant of a licence or by any condition attached to the licence, may appeal, either in term or in vacation, to the Royal Court within two months of the date of the notification of the Committee in the matter, on the ground that the decision of the Committee was unreasonable having regard to all the circumstances of the case".

By the Regulation of Undertakings and Development (Amendment) (Jersey) Law, 1975 (the 1975 Amendment) the States substituted for Article 2(1)(c) of the Law, the following:-

"1) Subject to the provisions of this Law no person shall -
.....

(c) commence a new undertaking;
unless he has been granted a licence authorising him so to do".

Thus, following the enactment of the 1975 Amendment, nobody has been able to commence any new undertaking, which is defined by Article 1(1) of the Law as any trade, business or profession whether or not carried on for profit, without a licence from the Respondent, unless it is otherwise exempt from control. As the sole terms of reference under which the Respondent must operate are contained in Article 5(2) of the Law (supra) the powers of the Committee are indeed draconian.

The Appellant is a Solicitor of the Supreme Court of England and Wales, and practised as a solicitor in Essex from 1964 until 1984, save for one year spent as a lecturer in law. He holds a current practising certificate under the hand of the Secretary of The Law Society. He has been permanently resident in Jersey since March, 1984, following the sale of his English solicitor's practice in Essex. His parents came to live in Jersey in 1962; his brothers have resided in the Island since 1959 and 1967 respectively; and his sister since 1963 or 1964. The Housing Committee of the States agreed, in 1984, that the Appellant is residentially qualified under the Housing (General Provisions) (Jersey) Regulations, 1970.

On the 28th September, 1985, the Appellant applied for consent to occupy a study room approximately fourteen feet by twelve feet at 2, St. Helier Villas, St. Aubin's Road, Millbrook, St. Helier (the property) as a Jersey property agent and English solicitor. The property has been his mother's home for some

twenty-five years. Since he arrived in Jersey, his residual legal work mainly for the family and in matters where he is a trustee or executor, have been conducted from his mother's address.

On the 14th October, 1985, the Respondent refused permission on the ground that "insufficient benefits are to be derived from the commencement of the undertaking for this to be in the Island's best interests".

In a covering letter of the 16th October, 1985, the Economic Adviser informed the Appellant that the Respondent "was not convinced that sufficient economic benefits were to be derived from the commencement of the undertaking for this to be in the Island's best interests".

We note the apparent inconsistency between the Respondent not being convinced that sufficient economic benefits were to be derived and, apparently, being convinced that insufficient benefits were to be derived. In fact, the Respondent did not seek any additional information from the Appellant before reaching its decision.

Mr. Clapham subsequently telephoned the Economic Adviser when the latter gave further explanation of the reasons for the refusal. This included the fact that the Respondent did not object to the "Jersey Property agent" part of the application but did object to the "English Solicitor" part. Consequently, Mr. Clapham wrote to the Economic Adviser on the 28th October, 1985, asking that the Respondent should summarise the factors which had caused it to arrive at its decision. The Appellant could not understand how he, a Jersey resident, practising his professional skills without placing any additional strain on Island resources, could adversely affect the economic situation in the Island.

The Economic Adviser replied by letter of the 31st October, 1985. We quote the relevant parts:-

"The Finance and Economics Committee....is charged under Article 5(2) of theLaw, to have particular regard to the economic situation in the Island. However, the economic situation is not restricted to the placing of additional strain on Island resources. It can, for example, also relate to a situation where the Committee is unconvinced that the carrying on of an undertaking will not affect adversely the reputation of the Island as an international finance centre. Such an argument is frequently advanced by the Committee in respect of those who would wish to provide financial or legal services to non-residents where the Committee is not satisfied that there exists sufficient, satisfactory, independent control of professional standards.

"The Committee in weighing the advantages and disadvantages of permitting your client to commence a Jersey Property Agent and English Solicitor's undertaking, reached the conclusion that overall it was not in the best economic interests of the Island for a licence to be granted".

Mr. Clapham argued that the crux of the Respondent's case was contained in that letter; that in effect the Economic Adviser was saying that had it not been for the fact that the Appellant was an English Solicitor and that there was insufficient control of standards in that profession, he would have been granted consent.

The Appellant entered into correspondence with The Law Society. By letter dated the 13th November, 1985, The Law Society asserted that it will investigate and, where appropriate, take action upon complaints of professional misconduct by English solicitors practising outside England and Wales. The letter went on to say that:-

"The particular complaint against an English solicitor which you mentioned on the telephone is being investigated by The Law Society but it is a complex matter and the investigations are not yet complete. My colleagues in our Professional Purposes Department have had correspondence about this with

the Bailiff and the Deputy Bailiff in the course of which it has been confirmed that our enquiries into this matter are proceeding. There is also a letter from the Deputy Bailiff earlier this year outlining a proposal for the States to amend the law of Jersey so as to require English solicitors practising in Jersey to hold a current practising certificate issued by The Law Society here and we indicated that we saw no objection to this.

"I am enclosing a copy of a Consultation Paper on proposals for Solicitors Overseas Practice Rules which was circulated in July last year to solicitors in Jersey and elsewhere, but which you may not have seen. The proposal is intended to clarify the precise application of the detailed Practice Rules to solicitors practising abroad, in addition to the general principles of professional conduct which I have already mentioned. At present the responses to the Consultation Paper are being considered and it may be that a revised draft will be circulated for comment fairly soon."

Mr. Clapham maintained that the particular complaint about an English Solicitor was what the Appellant's case was all about; it had caused distortion in the Respondent's own views; Solicitors Overseas were not subject to the controls of the Solicitors Act but the consultation paper was intended to set up a similar system overseas.

On the 25th November, 1985, Mr. Clapham wrote to the Economic Adviser, saying:-

"However, it is still not understood why "the Committee is not satisfied that there exists sufficient, satisfactory, independent control of professional standards" in relation to the provision of legal services by our client. Mr. Anderson is a highly qualified, experienced and respected solicitor of the Supreme Court. He does of course hold a current Practising Certificate issued by The Law Society. The Secretary of the International Relations Department of the Society has confirmed to him in writing that "The Law Society will

investigate and, where appropriate, take action upon complaints of professional misconduct by English Solicitor (sic) practising outside England and Wales."

"Mr. Anderson has accordingly instructed us to appeal against the Committee's decision and Notice of Appeal was served on the States' Greffier on Friday last".

The Economic Adviser replied on the 2nd December, 1985, saying that: "It would be most helpful to me if I could have a copy of the letter received by your client from the Secretary of the International Relations Department of the English Law Society, to which you refer in your letter." On the 3rd December, 1985, Mr. Clapham replied, enclosing a copy of the letter. There was no further response to his letter of the 25th November, 1985. He argued that it was pointless to request a copy if there was no intention to comment on it. We agree; however, we have to consider the present appeal on the basis of the situation as it was on the day of the Respondent's decision to reject the Appellant's application and having regard to that decision as explained by the purported statement in writing of its reasons for that decision. Correspondence subsequent to that purported statement is irrelevant to the decision except to the extent that it explains the purported statement in writing of the reasons for the decision.

We come now to a situation which is almost bizarre. Regulation 1 of the Regulation of Undertakings and Development (Amendment) (Jersey) Regulations, 1982 (the 1982 Regulations) provides that:-

"1. There shall be exempted from the provisions of Part II of the principal Law

.....

(b) any undertaking carried on by a person to whom Regulation IA applies -

- (i) From his principal place of residence;
- (ii) on his own account; and
- (iii) without any employees:

.....

IA-(1) This Regulation applies to persons who would be permitted to purchase, take on transfer or lease, on a registered contract of lease, any land under sub-paragraphs (a), (b), (c), (d), (e), (f), (g) or (h) of paragraph (1) of Regulation I of the Housing (General Provisions) (Jersey) Regulations, 1970, or who would be permitted to lease, other than on a registered contract of lease, any land under those sub-paragraphs as applied by Regulation (IA) of those Regulations".

That Regulation has remained unamended and unrepealed with the effect that anyone, provided he is residentially qualified under the Housing regulations, may commence an undertaking without consent, provided that undertaking is carried on from his own residence, for his own benefit, and without employees.

The Appellant, with the consent of the Housing Committee of the States, purchased the property known as "Roseden" at Longueville, as his principal place of residence. His consent under the Housing Law is subject to a condition prohibiting commercial or business use. However, that condition does not mean what it says. The Housing Committee looks to the Island Development Committee for guidance and if there is no change of user such as to require consent under the Island Planning Law then the Housing Committee accepts that there is no commercial use in breach of the condition imposed. It follows that, by virtue of the exemption contained in the 1982 Regulations, the Appellant is entitled to practise as an English Solicitor from Roseden, Longueville, regardless of the benefits to be derived from the commencement of the undertaking and regardless of the sufficiency or otherwise of the control of the professional standards of English Solicitors. In other words what the

Respondent is in effect saying to the Appellant is "You will not do at your mother's residence that which you can lawfully do at Roseden, Longueville". As we have said, we find this to be an almost bizarre situation and the logic behind the decision escapes us.

In *Associated Builders and Contractors Limited -v- Housing Committee* (1965) J.J. Vol 1 Part 1, 479, at p.482 the Court said this:-

"We conceive it to be the duty of the Committee -

- (a) to receive all applications made to it;
- (b) to obtain such information about the application as is relevant to the decision it must make;
- (c) to relate the application to the Committee's terms of reference set out in the Law; and
- (d) to reach a reasoned and consistent decision which must be either to refuse the application or to allow it, conditionally or unconditionally".

When we examine what happened in this case we find that the Respondent received the Appellant's application and covering letter dated the 28th September, 1985, acknowledged receipt on the 1st October, 1985, promising that the application would be considered at the earliest opportunity, and refused it on the 14th October, 1985, for reasons that are not entirely consistent as expressed in the formal refusal and the covering letter.

Neither the formal notice of refusal nor the covering letter satisfy the requirement of Article 5(3) of the Law that the Respondent should furnish a statement in writing of its reasons for its decision; because the real reason only became clear in the Economic Adviser's letter of the 28th October, 1985 - and only when pressed by Mr. Clapham to summarise the factors which had caused the Respondent to arrive at its decision - the real reason being that the Committee was unconvinced that the carrying on by the Appellant of the

profession of English Solicitor would not affect adversely the reputation of the Island as an international finance centre, the Respondent not being satisfied that there exists sufficient, satisfactory, independent control of professional standards of English Solicitors practising in Jersey.

In *Bundy -v- The Housing Committee* (1979) J.J. 99 the Court said: "...it may very well be administratively inconvenient if the reasons for reaching decisions of a committee are recited in its minutes. Nevertheless, we think it important that any Committee's minutes, particularly where an application of this nature is concerned, should be a proper and full record of the Committee's deliberations.... An applicant is entitled to more than a mere recital of the relevant parts of the law under which his or her application has been refused. He or she must be told specifically what the grounds are".

In the instant case the minutes of the Respondent were not made available to us. Whilst it is true that the reasons given went beyond a mere recital of the relevant part of the Law, the Appellant was certainly not told specifically what the ground of refusal was.

To say to a solicitor of the Supreme Court of the highest integrity - we were told that he was a prize winner in the Law Society finals - he practised for some twenty years on his own account - he is a Member of the Institute of Arbitrators - without a blemish on his character - that to allow him to practise his professional skills in Jersey might put at risk the reputation of the Island as an international finance centre is a very serious matter. Although the point was not taken specifically by Mr. Clapham, we consider that to do so without putting the point to the Appellant and giving him the opportunity to comment constituted a serious breach of the rules of natural justice.

Miss Nicolle, who did her best to defend an indefensible position, conceded that the Respondent's decision was very largely based on the bad light that was shed on this Island by the activities, uncontrolled and apparently uncontrollable,

of one particular English solicitor. She argued that the letter from The Law Society of the 13th November, 1985, did not demonstrate the existence of effective controls. She claimed that it was to the knowledge of the Respondent that in the one case referred to, there was only an open-ended enquiry and still nothing had happened. The Respondent was satisfied that as a matter of practice and looking at realities, there was no effective control. No evidence was put before us to support the Respondent's "knowledge", except, as a "starting point", a number of questions asked in the Assembly of the States on the 12th March, 1985, and the answers given by the President of the Respondent. The President confirmed that the Respondent was fully aware "of the concern in the Island arising from the comments in the recent court case in the United Kingdom regarding the supposed activities of an English solicitor living and working in Jersey". The Respondent was satisfied that the powers available to it under the Law provide for permission to be withheld for the commencement of any undertaking, including a professional practice, whenever the carrying on of that undertaking would in the view of the Respondent not be in the best economic interests in the Island. The relevant parts of the answers to the remaining questions were as follows:-

"3. My Committee is continuing the policy of the previous Finance and Economics Committee....in granting a licence under Part II of the....Law for the commencement of an undertaking by a person without full residential qualifications only when it is satisfied substantial and sufficient benefits are to be derived by the Island..... My Committee in the pursuit of this policy will continue to apply it rigorously to each and every application received from those without full residential qualifications.

"4.....my Committee has sufficient powers available to refuse permission to non-residents to set up professional practices". (The underlining is ours).

Obviously, Mr. Clapham relied on the references to persons without full residential qualifications and non-residents. Miss Nicolle urged that we should not place too full a reliance on those references; the policy applied to all English solicitors who, as a class, have given cause for concern.

As we have already said, the Appellant has full residential qualifications. As an English solicitor he has given no cause for concern. And he is entitled, without consent, to carry on his professional practice from his principal place of residence.

We now have to consider our power to interfere in the decision of the Respondent. This is the third appeal under the Law. The second was Royal London Mutual Insurance Society Limited -v- Finance and Economics Committee of the States of Jersey (1982) J.J.37 and at page 38, we find the following:-

"This is the second appeal under the Law. In the first appeal under the Law, namely, Safeguard Business Systems (C.I.) Limited, trading as B.H. Rowland -v- The Finance and Economics Committee (1981) J.J. 169 the Court in its judgment considered at some length the proper approach in the consideration of appeals under the Law, and decided for the reasons there given that it should adopt the same approach as had been adopted by the Royal Court in considering appeals from decisions of Committees of the States under other enactments.

"That approach may be summarised as follows. The duty of the Court when considering an appeal from a decision of a Committee of the States is to consider the following three questions, namely:-

- "(1) Were the proceedings of the Committee in relation to the application, the rejection of which gives rise to the present appeal, in general sufficient and satisfactory?

- (2) Was the decision one which the Law empowered the Committee to make?
- (3) Was the decision reached by the Committee one to which it could reasonably have come having regard to all the circumstances of the case?

and if the answer to all the three foregoing questions be in the affirmative, to maintain the decision of the Committee, irrespective of whether or not the Court would itself have come to the same decision upon consideration of the same material".

We adopt that approach which we consider to be the correct one.

Mr. Clapham conceded that in the instant case the Respondent was empowered to make the decision it did make and, therefore, we are concerned only with the first and third questions, the second being answered in the affirmative.

With regard to the first question Miss Nicolle referred us to *Blackall and Danby Limited -v- Island Development Committee* (1963) J.J. 273 at page 280, where the Court said:-

"....the Court would not consider it right to allow an appeal merely because of some defect in the proceedings leading to the Committee's decision if, notwithstanding that defect, the decision was reasonable, that is to say, the Court must be concerned with the unreasonableness of the decision itself rather than with the unreasonableness of surrounding circumstances".

In *Scott -v- Island Development Committee* (1966) J.J. 631, the Court, having cited the above passage from *Blackall and Danby Limited -v- Island Development Committee*, added this:-

"The surrounding circumstances can, however, show that the Committee, in arriving at its decision, did not take into account matters which it should have taken into account, or the reverse, and to that extent can aid the Court in determining the reasonableness or otherwise of the decision".

We agree with Miss Nicolle's submission that if we were to find that the Respondent's proceedings had been defective and thus insufficient and unsatisfactory, but that nevertheless the decision reached by the Respondent was one to which it could reasonably have come having regard to all the circumstances of the case, we should allow the appeal only to the extent of directing the Respondent to reconsider the application on the basis of our judgment (v. Taylor -v- The Island Development Committee (1969) J.J. 1267, where the Court found that the Committee was under a duty to make proper enquiry into special factors connected with the Applicant's occupation that were submitted to it on behalf of the Applicant notwithstanding the Committee's opinion that it was bound to refuse permission for reasons connected with the site, and directed the Committee to reconsider the application).

The general policy to be followed by the Respondent in considering applications under the Law is contained in Projet 83 of 1985 entitled "Review of Current Immigration Policies" which was adopted by the States. The relevant extracts start from page 12:-

"15. The purpose of the...Law is to stem the rate at which additional job opportunities are created, on the grounds that in conditions of virtual full employment a high proportion of those job opportunities would need to be filled by immigrants.

"16 The approach of the....Committee in implementing the....Law has of recent years been as follows:-

Part II of the Law:-

Generally to grant applications received from persons with full residential qualifications, but otherwise to grant licences only where the undertakings concerned are expected to produce a substantial benefit to the Island....

"18. What is to be considered is whether the....Law should be

(c) stiffened in its application to -

(i) the commencement of new undertakings by local residents.... to further restrict job creation;

.....

Tighter controls, if exercised, will not be without their costs..... Restricting the ability of local residents to set up undertakings on the grounds that a proportion of employees will be immigrants (e.g. retail shops) could have the result of easing competitive pressures on existing undertakings to the disadvantage of local residents as consumers.

.....

"20. Recommendations

(a) The Finance and Economics Committee to maintain its present policy with regard to consents issued under Part II of the...Law,...., namely that applications to commence new businesses in the Island by non-residents should be refused except in exceptional circumstances and that applications by local residents to commence....businesses should be considered more favourably but not without due regard for the best economic interests of the Island".

The Respondent claims that in having regard to the economic situation in the Island, it is entitled to have regard to the following factors:-

- "(i) Financial benefits which a proposed undertaking may produce;
- (ii) Strains which a proposed undertaking may have upon the Island's resources;
- (iii) The effect which a proposed undertaking may have upon the Island's reputation as an international finance centre.

Whilst we have no doubt that the Law, and in particular Article 5(2) of the Law, provides the Respondent, as we have already said, with draconian powers, our attention was not drawn to any provision, whether a statement of policy or otherwise, whereunder the Respondent declared that it would have regard to the effect which a proposed undertaking would have upon the Island's reputation as an international finance centre as opposed to the (existing) economic situation in the Island.

Because no information, other than the original application and covering letter, was sought from the Appellant and because he was not given any opportunity to meet the real reason for the Respondent's rejection, i.e. the lack of control over English solicitors practising in the Island, we find that the proceedings of the Respondent were insufficient and unsatisfactory.

We must go on to consider whether the Respondent's decision was one to which it could reasonably have come, having regard to all the circumstances of the case.

Miss Nicolle argued that the Respondent's decision was not discriminatory because the Appellant was the only English solicitor to have applied since the case of the particular English solicitor had arisen and questions had been asked and answered in the Assembly of the States. She said that if any more English solicitors were to apply after the Appellant, the same policy would be applied. This infers that practice of the profession of English solicitor would be singled out from other forms of undertaking, because, in the absence of, in the opinion of the Respondent, sufficient safeguards, any new

undertaking by an English solicitor might have an adverse effect upon the Island's reputation as an international finance centre.

But it is a well settled principle of law that a tribunal entrusted with a discretion must not, by the adoption of a fixed rule of policy, disable itself from exercising its discretion in individual cases. A fortiori, the tribunal must not predetermine the issue, as by resolving to refuse all applications or all applications of a certain class. (v. de Smith's Judicial Review of Administrative Action, 4th Edition pages 311, 312).

In *Cottignies -v- The Housing Committee* (1969) J.J. 1149, the Court, having repeated the following proposition from *Associated Builders and Contractors Ltd. -v- The Housing Committee* (J.J. 479 at p.482) -

"The interpretation which the Court has, on more than one occasion, placed upon (that Article) is that it does not have for effect to substitute the Court for the Committee and, in our opinion, that interpretation is correct.

"The opinion of the Court on any particular application can be no more valid than that of the Committee; indeed it is likely to be less so because, unlike the Committee, the Court is without the information necessary to the foundation of an opinion".

went on to say:-

"We remain of the opinion that the proposition is right. That is not to say that the way in which the Committee has exercised its discretion cannot be the subject of an appeal.... What the Court in previous cases has said is that it cannot interfere unless it can be shown that the discretion was exercised in consequence of an erroneous view of law, or an obvious mistake of fact, or by taking into account irrelevant matters, or by failing to take into account relevant matters, or because it did not accord to commonsense and to justice".

In *Safeguard Business Systems (C.I.) Limited -v- Finance and Economics Committee (supra)*, at p.178, the Court said:-

"The reasonableness of the decision must be judged against the policy guide-lines to which we have referred and within which, in accordance with its terms of reference under the Law, the Committee was entitled to act."

Mr. Clapham also referred us to *Le Maistre -v- The Island Development Committee (1980) J.J. 1*, where at page 11 the Court said this:-

"Moreover, since the decision of the Superior Number in *Le Masurier -v- The Natural Beauties Committee* in 1958 (13 C.R. 139) and the other decisions of the Inferior Number of this Court which followed it, there have been a number of decisions which indicate that the English Courts may be taking a slightly less stringent view of the word 'reasonable' where an appeal is provided for in the legislation itself. As Professor de Smith puts it in the third edition of his work '*The Judicial Review of Administrative Action*' at page 305 -

'The scope of review will naturally tend to be wider where an appeal or right of objection against the reasonableness of an administrative act, decision or proposal has been confined by statute'.

"We propose to take the wider approach to the meaning of 'reasonable'".

Miss Nicolle suggested that over the years the Court has veered slightly in its opinion and that sometimes a broader and sometimes a narrower view has been taken of the test to be applied; that in the cases of *Cottignies -v- Housing Committee (supra)* and *Le Maistre -v- Island Development Committee (supra)* where the Court had stepped a little outside the test previously laid down, the decisions were very much dictated by the circumstances of the particular cases; and that we should look only at the two cases previously decided under the Law (*Safeguard Business Systems (C.I.) Ltd. -v- Finance and*

Economics Committee and Royal London Mutual Insurance Society Ltd. -v- Finance and Economics Committee).

Even accepting that invitation, we have no hesitation in saying that the decision of the Respondent was not one to which it could reasonably have come, having regard to all the circumstances of the case. The Appellant can practice as an English solicitor in Jersey in any event because he can do so from his principal place of residence. The application shows that he does not intend to employ any staff and the Respondent can impose conditions on the grant of a licence. The Respondent had no evidence whatever to show that the Appellant is a man of other than the highest integrity and yet the Respondent was in effect saying that he is undesirable or may act disreputably in the future. The Respondent was in effect saying "We shall not grant you a licence just in case you might do something wrong in the future". If the Respondent wishes to discriminate against English solicitors on the ground that the controls of The Law Society are insufficient, then it must legislate to do so.

We therefore direct the Respondent to grant consent to the Appellant to carry on the undertaking of Jersey Property Agent and English Solicitor at the property with liberty to the Respondent, in the terms of the Law, to attach such conditions as the Respondent considers appropriate.

The Appellant shall have the costs of this appeal.

Authorities referred to in the judgment:-

Regulation 1 of the Regulation of Undertakings and Development (Amendment) (Jersey) Regulations, 1982

Associated Builders and Contractors Limited -v- The Housing Committee: (1965) J.J. Vol 1 Part 1, 479 at p. 482

Bundy -v- The Housing Committee (1979) JJ 99

Royal London Mutual Insurance Society Limited -v- The Finance and Economics Committee of the States of Jersey: (1982) JJ 37 - in particular at p. 38

Safeguard Business Systems (C.I) Limited, trading as B.H. Rowland -v- The Finance and Economics Committee of the States of Jersey: (1981) JJ 169

Blackall and Danby Limited -v- The Island Development Committee (1963) JJ 273 at p.280

Scott -v- The Island Development Committee (1966) JJ 631

Taylor -v- The Island Development Committee (1969) JJ 1267

States Project 83 of 1985 entitled: "Review of Current Immigration Policies" - p. 12 et seq.

de Smith's Judicial Review of Administrative Action -3rd Edition at page 305 and 4th Edition - pages 311, 312

Cottignies -v- The Housing Committee (1969) JJ 1149

Le Maistre -v- The Island Development Committee (1980) JJ 1 at page 11

Le Masurier -v- The Natural Beauties Committee in 1958 (13CR.139)

Other authorities referred to :-

Associated Provincial Picture Houses Ltd -v- Wednesbury Corporation (1947)

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Law Society Consultation paper on Solicitors Overseas Practice Rules