

2.11 Deputy S. Power of the Minister for Economic Development regarding revisions to the Harbour and Light Dues (Jersey) Law 1947, as amended:

Does the Minister consider that the Harbour and Light Dues (Jersey) Law 1947 as amended contravenes fair trade and competition and if so will he advise Members whether he intends revising the law in order to cease bringing price increases in the form of amendments?

Deputy A.J.H. Maclean (Assistant Minister for Economic Development - rapporteur):

No, Sir, the Harbour and Light Dues Law does not contravene fair trade and competition. With regard to revising the Law there are no plans to do so as the intention is to repeal it. A replacement law is planned which would end the annual States debate on harbour charges. The intention under this new law would be to set tariffs after due consultation by Order, as has been done for a number of years at the airport. This would reduce the political management of harbour charges and allow the port to operate in a more sensible and appropriate commercial manner.

2.11.1 Deputy S. Power:

If I might be allowed to ask a supplementary. The Assistant Minister will be aware that this is the 32nd amendment to the tariff of Harbour and Light Dues (Jersey) Law 1947. The Minister will also be aware that the States approved P.129 in 2002. This directed the then Harbours and Airport Committee to bring forward a draft harbour charges law that would repeal and replace the existing law. Can the Assistant Minister explain to the Assembly why this has not happened?

Deputy A.J.H. Maclean:

This is a law that we are looking to work on at the moment. It is in draft form and it is intended by 2008, during the course of next year, that the new draft law with regard to this matter, the Harbour and Light Dues, will in fact be brought before this Assembly.

2.11.2 Deputy S. Power:

Is the Assistant Minister aware that the current law is defective and is open to challenge? Is he also aware that trade between the Island and Members of the E.U. (European Union) can challenge this law and it is in this respect that the absolute requirement of the law is to pay a due on all goods is what the issue is? Does the Minister not agree with this?

Deputy A.J.H. Maclean:

The Deputy I think is referring to, in particular, freight charges which for some years have been excluded from the annual Harbour and Light Dues Tariff Amendments. This was brought to the attention of the Assembly and the department by the Attorney General who advised that automatic increase in such charges was likely to be in contravention of E.U. law. For that matter and that matter alone, Sir, these matters have been dealt with outside of the Harbour and Light Dues Law Amendments each year. They have been dealt with by the Harbour Department in direct consultation with port users.

2.11.3 Deputy S. Power:

Can the Assistant Minister confirm whether the commercial port users have voiced their opposition to changing the system and that they would prefer to keep the existing charges based on freight tonnage? Can the Minister confirm whether that is a reason why this law has not been changed?

Deputy A.J.H. Maclean:

My understanding is that port users do like the tonnage arrangements and are opposed to a change, but this in no way has any reflection as to why it has not been changed and, in fact, a draft law is at this moment being prepared. We hope to bring it to this Assembly during the course of 2008 to address this issue.