

3.6 Deputy P.J. Rondel of St. John of the Minister for Economic Development regarding the new defaced Red Ensign for ships registered in Jersey.

Following the acceptance of the new defaced Red Ensign for ships registered in Jersey, what action, if any, will the Minister take to reinstate the right of the St. Helier and Royal Channel Islands Yacht Clubs to fly their defaced ensign, given that the former was given the right to fly the ensign as battle honours for the part played by its members during the evacuation of St. Malo in the 1940s?

Senator A.J.H. Maclean (The Minister for Economic Development):

Although a problem does exist, both yacht clubs were informed 4 years ago that their members remain free to fly their respective defaced ensigns. My department and the Law Officers have put a great deal of time into trying to find a resolution to these relatively minor yet complex issues. We continue to press for a formal solution. Indeed, I raised this matter directly with the U.K. Minister for Shipping, Mike Penning, at a meeting I had with him here in May. I should perhaps also point out that the *Jersey Evening Post* article on 14th June was factually incorrect. In particular, this is not solely a yacht club matter. The legal basis for flying the States-owned Blue Ensign also needs change.

3.6.1 The Deputy of St. John:

I like the way the Minister describes this as a minor issue. Given that the former Governor also raised concerns on this matter and given that many honourable Jersey men took part in the evacuation of St. Malo in early 1940, will the Minister find out who is responsible for this great error and take the necessary action to deal with that person concerned? At the same time, will he tell us where he stands? Will he stand down from office as Minister for E.D.D. (Economic Development Department) given that as far as I am concerned, this is an insult to those men and women who were involved in evacuating St. Malo?

Senator A.J.H. Maclean:

I can assure the Deputy that we recognise - I recognise - the importance of the battle of the yacht club and indeed the Channel Islands Yacht Club also have a club ensign which was a warrant from Queen Victoria in 1862. Equally, I recognise the importance of that as well.

[15:15]

The fact of the matter is that although I described it as a minor issue, I was referring to the legalities. It is minor but I also used the word "complex". It is complex because it dates to the Shipping (Jersey) Law of 2002 where permits issued by the U.K. for local yacht clubs currently do not recognise ships registered in Jersey. The reason for that is that the U.K. Secretary of State was not recognised in Jersey Law. This is a matter of some complexity that needs to be resolved. The Governor was extremely helpful in this matter and we believe there is a way forward now and indeed are hoping that warrants issued directly by Her Majesty could provide a long-term way to resolve this particular matter. But indeed at the moment, we continue to chase and hope that we can get that resolution formalised.

3.6.2 The Deputy of St. John:

The Minister did say the warrants issued by Her Majesty "could provide". Could he be more specific, please?

Senator A.J.H. Maclean:

I cannot be particularly specific other than to say that following discussions between the Law Officers, my department and the Ministry of Justice, it is believed that this is a workable way forward. I will continue with my department to pursue that option, which I hope can resolve this matter.

3.6.3 Connétable P.F.M. Hanning of St. Saviour:

I believe the Minister said that there was not a problem if the existing boat owners continued to fly their defaced ensigns. Could he confirm that because I believe that the fine for flying it incorrectly is about £1,000?

Senator A.J.H. Maclean:

Yes, indeed, the yacht clubs have been made aware that no prosecution of yachtsmen will be pursued with regard to this matter and, indeed, the yacht clubs were written to, as I have said, 4 years ago when this was first identified.

3.6.4 The Deputy of St. John:

In the Minister's recent reply that nobody would be prosecuted, would this apply if a person was flying the defaced ensign, whether it be Red Ensign or Blue Ensign, in foreign waters, whether it be the U.K., Ireland, France, Belgium, Wales, where?

The Deputy Bailiff:

I am not sure how the Minister can answer whether prosecution would take place in foreign waters, Deputy.

The Deputy of St. John:

Well, I appreciate that but he made a statement. I would like it clarified.

The Deputy Bailiff:

He was clearly speaking about Jersey waters but even then it probably was outside his sphere of direct responsibility because it is a matter for the Attorney General.