

2.12 The Deputy of St. Martin of the Minister for Economic Development regarding the Human Rights compliance of the Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200- (P.160/2007):

Would the Minister advise Members what advice, if any, he received to enable him to make the statement in P.18 of 2007 that the provisions of the Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200- (P.160 of 2007) are compatible with the convention rights of the Human Rights (Jersey) Law 2000.

Senator P.F.C. Ozouf (The Minister for Economic Development):

As I am sure the Deputy knows, all *projets de loi* are vetted for Human Rights compliance by the Law Officers prior to lodging. It is only after considering that specific advice, that I, or indeed any Ministerial colleague I believe, would sign the compatibility statement. If there are any convention rights that the Deputy believes are challenged by these law amendments, I would be grateful if he would draw them to my attention.

2.12.1 The Deputy of St. Martin:

I can assure the Minister I am not aware of any. The purpose of asking the question was to find out what advice, if any, the Minister received. Could I ask the Minister, is it in written form, the advice that he received, and if so, is that available to States Members?

Senator P.F.C. Ozouf:

I think the Deputy well knows the situation regarding Ministers taking legal advice. It is not normally confirmed. It is a matter for the Minister to make decisions and certainly any legal advice that any Minister would receive on this or any other matter is confidential between the Minister and the Law Officers. So I am afraid I have gone as far as I wish to in saying that all Ministers, I imagine, ask for legal advice or review from the Law Officers before signing a compatibility statement. But he can rest assured the Ministers take their responsibility in signing that certificate extremely seriously.

2.12.2 The Deputy of St. Martin:

Could I just ask then, if the Minister cannot give us what advice he received, would he give us his reasons as to why he believes that the present law that he is proposing is compatible with the Human Rights Law?

Senator P.F.C. Ozouf:

I am not going to answer that question in such an open-ended way. If the Deputy has specific human rights considerations that he believes are relevant to this law, and indeed for the future regulations that will be coming up before it, then I am happy to discuss with him. I am not going to answer an open question. The fact is I have considered advice, discussed with my department, both Harbours and Economic Development, and I am satisfied. Hence the signature.