

2.8 Deputy S. Power of the Assistant Minister for Economic Development regarding the grounds under which the Port of St. Helier could refuse a commercial vessel:

Under what grounds can the Port of St. Helier, being an open port under United Nations International Maritime Organisation regulations, refuse a commercial vessel, (which can prove it is not carrying any dangerous or prohibited material and for which there is an available slot time and port capacity) the right to use and discharge or load at the port?

Deputy A.J.H. Maclean:

I will answer that question if I may in 2 parts. Firstly, it is not strictly accurate to refer to the Port of St. Helier as an open port under the United Nations International Maritime Organisation regulations. The notion of open port status is not enshrined in statute nor is it believed to be expressly imposed by way of international obligation. However, the Port of St. Helier seeks to adhere to the Port Marine safety code. This code incorporates an open port duty. By adhering to the best practice of the code harbour authorities provide mariners with safe access to and from the port. Sir, the second part of the Deputy's question concerns the ability to restrict or refuse usage of the port by a commercial vessel. Under current legislation a commercial vessel is only likely to be refused entry to the port under one or more of the following: policing, safety, control and administration of harbour and territorial waters.

2.8.1 Deputy S. Power:

I feel this is a jousting competition. Sir, can the Assistant Minister confirm what process there is to refuse entry if there is a free berth and the ship and its operation complies with international maritime requirements of safety and security?

Deputy A.J.H. Maclean:

I do feel that I had answered that question. The only grounds under which a commercial vessel is likely to be refused entry is under policing, safety, control and administration of the harbour. There are no other grounds under which we would consider refusing entry to the ports for a commercial vessel.