

2.6 Deputy M.R. Higgins of the Minister for Economic Development regarding the Jersey Competition Regulatory Authority's public criticism of Jersey Telecom's 4G adverts:

Following the Jersey Competition Regulatory Authority's public criticism of Jersey Telecom's 4G adverts, does the Minister consider it is time to introduce a general law relating to misleading advertisements in the Island?

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

Yes, and I am in the process of doing so, but not, I hasten to add, in relation to the example the Deputy uses in his question, specifically. The new law will deal with misleading advertising and indeed all misleading practices by traders which harm consumers. Deputy Higgins may recall that I issued a Green Paper on proposals for legislation based on the U.K. (United Kingdom) Consumer Protection from Unfair Trading Regulations. Following the consultation and further consideration of this matter, I have taken the decision to proceed and a bid for law drafting time was made in the 2012 programme.

2.6.1 Deputy M.R. Higgins:

Could the Minister remind us what the date of the consultation was and, although he has bid for law drafting time, when he estimates that this will all come into effect, if passed by the States.

Senator A.J.H. Maclean:

The conclusions for the consultation were received by my office in April 2011. Law drafting, as I have said, has been made for 2012. I know the programme is very full, so I cannot give an exact date at this stage but I am happy to keep the Deputy and Members apprised of when we are likely to see this progressed further.

2.6.2 Deputy G.P. Southern:

Will the Minister seek to persuade J.T. to recompense some of these people who have been taken in by misleading adverts and face very high mobile bills?

Senator A.J.H. Maclean:

It is not my role to do so. What I would add is that the J.C.R.A. (Jersey Competition Regulatory Authority), who do have concerns in such areas have taken forward a complaint to the Advertising Standards Authority and that is currently being processed. I understand the results of which will be published within the next few weeks.

2.6.3 Deputy G.P. Southern:

Will he seek to act on the J.C.R.A. to persuade them to seek recompense from J.T.?

Senator A.J.H. Maclean:

I would say to the Deputy that there is no point having a dog and barking yourself. I am satisfied the J.C.R.A. are acting appropriately and I will wait until that process is concluded.

2.6.4 Deputy G.C.L. Baudains:

I understand the Minister is casting his net rather widely. Will that include airlines? It is rather frustrating to try to book a ticket and find, by the time you have chosen your seat and the amount of fuel that is going in the aircraft and 25 other things, you pay more than a normal airline.

Senator A.J.H. Maclean:

I do of course understand the frustrations of the Deputy in this matter. I would not say though that they are different in Jersey to any other jurisdiction. I am afraid that is the way the airline industry operates now, as frustrating as that may seem. Nevertheless, it is not breaking any laws as they currently stand.

2.6.5 Deputy M.R. Higgins:

With reference to the J.C.R.A. and while we welcome the fact that they have highlighted this issue, is it part of their normal powers to relate to advertisements of the people they are regulating? Is it within their specific powers?

Senator A.J.H. Maclean:

As I have said, the J.C.R.A. have referred this matter to the Advertising Standards Authority and that it is completely appropriate. So yes, they have the right to act in this way and they have done so. Clearly, Trading Standards also have an interest in this matter and it is in fact that area of economic development that is progressing the proposed new legislation that I have referred to.

Deputy M.R. Higgins:

Can the Minister just confirm that it is a legal power as part of its remit?

Senator A.J.H. Maclean:

Certainly, it can refer the matter to the A.S.A. (Advertising Standards Authority) as I have referred.