

**STATEMENT TO BE MADE BY THE PRESIDENT OF THE HARBOURS AND AIRPORT
COMMITTEE ON TUESDAY
11th NOVEMBER 2003**

During last week's States' sitting it became clear that there was some confusion or misunderstanding regarding the status of the Harbours' responsibility and situation regarding insurance cover whilst the Solidor V was detained.

I accept that this was in part my fault for not fully understanding the implications behind the question of the Deputy of St John and not being aware that some members were apparently in possession of what appeared to be a leaked memorandum or note.

I am grateful for this opportunity to clarify the matter.

There are two issues, which are separate, but may have become related, understandably, in the minds of some.

Firstly, the insurance of all vessels is the responsibility of their owners, whether that vessel is on the high seas or in port.

As ownership of the Solidor V did not change during its detention, the insurance remained the responsibility of the owner and in place. Therefore, if any damage had been incurred to, or by the vessel while in port, this would be a matter for the owners and their insurers.

If an owner is able to demonstrate that loss is caused by neglect, error, omission or advice by an officer of the States of Jersey or any employee, that owner could have a claim against the port operator's or liability policies which are held under the States insurance programme.

This situation pertains whether a vessel is detained or plying its normal trade.

From this, members will understand that the States were not exposed to any financial risk while the Solidor V was detained.

The second and unrelated issue relates to the implications of the apparently leaked document, which I was not aware of until late last Wednesday.

The granting and serving of the ordre provisoire sets in train a series of events which could have, in due course, resulted in ownership of the vessel being transferred to the States and sold to cover the outstanding debt and costs relating to the detainment. This was never a likely scenario, but as a matter of prudence and contingency the Harbours Department made enquiries of insurance brokers and the Lloyds market in London to establish the cost of insuring the vessel if ownership, and therefore responsibility for the insurance, transferred.

I hope that this statement clarifies matters and reassures members.