

**QUESTION TO BE ASKED OF THE PRESIDENT OF THE HARBOURS AND AIRPORT
COMMITTEE ON TUESDAY, 4th NOVEMBER 2003 BY THE DEPUTY OF ST. JOHN**

Question

- (a) In its proposition P.192/2002, adopted by the States on 22nd October 2002, the Committee stated that the practice in place at that time of charging harbour dues on the weight or volume of freight imports and exports might be contrary to EU law. Can the President update members on progress in amending the relevant legislation and state when the matter will be presented to the States for debate?
- (b) As the Committee has accepted that certain aspects of the method of levying harbour dues may be contrary to EU law and is taking steps to amend the relevant legislation, is the Committee satisfied that it was appropriate to take such strong action against Emeraude Lines by seizing Solidor V for past debts charged under the old system?
- (c) On 7th October 2003, in answer to a question from Senator M.E. Vibert, the President stated that money collected as harbour dues 'is held in trust for the people of Jersey and should be paid to the Treasurer of the States'. Will the President explain what he meant by this statement?
- (d) At a public meeting held in the Albert Terminal on 9th October 2003, the Vice-President stated that, at the time of the Battle of Britain in September, the Committee had been asked to take steps to seize the Solidor V but had decided not to do so. Would the President inform members of the nature of the document submitted to it by its senior officers at this time which the Committee refused to endorse?
- (e) Would the President inform members whether insurance cover was in place when the Solidor V was seized in accordance with the Ordre Provisoire and, if so, who insured the craft for the period of its detention? If cover was not in place, will he give details of the consequences of the failure of the Committee to insure the vessel?

Answer

- (a) Legislation has been drafted. A minor drafting issue awaits guidance from the Law Officers' Department.

Whilst the new Law will be EU compatible, advice is needed as to how Orders made under it can satisfy both EU compliance and the port user. The commercial port users remain adamant that the only fair and effective way to distribute port charges is through passing them to customers on a per tonne of cargo basis, rather than charging on a per ship basis. The Committee understand this and awaits further advice on the point. The Committee is aware that many other ports charge in the same way as Jersey presently does.
- (b) Yes – perfectly satisfied. Solidor V almost exclusively transports passengers and private vehicles, neither of which were subjects of the advice about EU compatibility.
- (c) When a passenger purchases a ticket for travel on a ferry, part of the ticket price is in respect of harbour dues. This money is held by the company, effectively in trust, and should be paid to the Treasurer of the States in a timely manner.
- (d) I do not recognise the event described in the question. On 9th September 2003, the Committee was advised that a cheque from Emeraude in the sum of £115,866.70 had been returned unpaid.

The Committee decided that if cleared funds in this amount were not received by noon on Friday 12th September 2003, its legal advisers should be instructed to instigate legal proceedings for an ordre provisoire. In the event cleared funds were provided by the deadline and no further action was taken.

- (e) The insurance of the vessel was the responsibility of the owners, but as we could not be certain that the insurance premium had been paid and therefore that cover was in place, the Committee arranged for our existing port policy to be extended to cover the vessel while it was in our care, at no additional premium.