

**WRITTEN QUESTION TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY  
THE DEPUTY OF ST. MARTIN**

**ANSWER TO BE TABLED ON TUESDAY 15th JULY 2008**

**Question**

Will the Minister inform members which, if any, Convention rights are potentially affected by the draft Shipping (Amendment No 2.) (Jersey) Law 200- and the reasons for his view that the provisions of that Law are compatible with Convention rights?

**Answer**

I believe that no rights under the European Convention on Human Rights are affected by the amendment.

I have considered carefully all the advice received. Accordingly, I have confidence in the Statement of Compatibility, pursuant to Article 16 of the Human Rights (Jersey) Law 2000, that the draft Shipping (Amendment No 2.) (Jersey) Law 200- is compatible with the Convention rights.

Members will appreciate that the reason for making a Ministerial statement of compatibility under the Human Rights Law is not that the Minister's view is determinative of what is a legal question, nor even that it is of an evidential value to a court in that respect. The provision requiring the statement to be made is there to ensure that the Minister and his officials focus on the need to have regard to the Convention rights in their promotion of legislation for consideration by the States and as a result to ensure that all necessary legal advice is taken. It is against this background that the Statement of Compatibility has been made.

The changes are mainly concerned with raising the monetary amounts to which ship owners can limit their liability in the event of a maritime claim against them. The basic limitations are already imbedded in international maritime law and have not, to our knowledge, been subject to any Human Rights challenge.

Furthermore, 29 other jurisdictions, including the UK and the Isle of Man, have already implemented these changes and have not considered them incompatible.