

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY THE DEPUTY OF ST. OUEN
ANSWER TO BE TABLED ON TUESDAY 14TH MARCH 2017**

Question

Is it lawful for a telecommunications operator in Jersey to make a charge to a customer if that customer wishes to settle a bill by a payment of legal tender?

Answer

Yes. As a general principle of law (and subject to any measures / conditions applied by CICRA/JCRA in the future), it is lawful for a telecommunications operator in Jersey to provide in its terms and conditions for itemised charges which relate to the method of billing and / or the method of payment.

In the instance to which the written question is directed, charges are understood to apply to the issue of paper (as opposed to electronic) bills and to payment methods other than direct debit. Paper bills and non-direct debit payment methods are understood to involve additional costs to the telecommunications operator which the additional charges may seek to defray.

The fact that a cash payment constitutes legal tender should not alter the above analysis. Other examples of differential pricing in the telecommunications sector can be found in the U.K. and in Jersey.