

2.11 Deputy D. Johnson of St. Mary of the Attorney General regarding the user pays charges for liquid waste services: 1(405)

Will H.M. Solicitor-General indicate whether the term “non-household” appears in the Drainage (Jersey) Law 2005 and, if not, whether the Minister for Infrastructure will have legal power under Article 4 of that law, once brought into effect, to levy what the Council of Ministers describes in Report P.38/2017 as “non-household, user pays charge for liquid waste services?”

The Solicitor General (rapporteur):

The term “non-household” does not appear in the Drainage (Jersey) Law 2005, but it does not need to appear in this case. If enacted, Article 4 will empower the Minister for Infrastructure to prescribe fees and charges payable to that Minister by the following 4 categories of persons: First, persons to whom the Minister provides sewerage services, or facilities; second, applicants for trade effluent discharge consents - I do not need to read the rest of that particular bit. Three, the holders of discharge consents that are, for the time being, in effect, and four, persons to whom the Minister provides any other services, facilities or materials under the law, or for whose benefit the Minister takes any other measures under the law. On this basis, the Minister for Infrastructure may lawfully prescribe, or levy, fees and charges as non-householder, user-pays charges for liquid waste services, as this is a category of persons to whom the Minister and his department provide services or facilities.

2.11.1 The Deputy of St. Mary:

I thank the Solicitor General for that clarification. Could I ask him to further clarify though? The concern I have is simply that, in the absence of a statutory definition to that term, the extent to which reliance can be placed on comments and information, helpfully provided in the report accompanying the proposition, could the Solicitor-General clarify whether in any future debate, or dispute, concerning what does constitute non-household, reference can be made to the points of interpretation disclosed in the report accompanying the proposition?

The Solicitor General:

It is a little difficult for me to do that as a matter of theory in this debate. It may be a matter more for when the question comes before the Assembly, I think on 18th July, and the Minister’s report can be considered in detail then. In principle, the definitions in Article 4 are broad and I am satisfied that they do encompass the proposed charge for liquids services.