



Economic and International Affairs Scrutiny Panel

Draft Harbours (Inshore Safety) Regulations Review

Witness: Mr. B. Shenton

Monday, 15th September 2025

Panel:

Deputy M. Tadier of St. Brelade (Chair)

Deputy K.M. Wilson of St. Clement (Vice Chair)

Deputy M.B. Andrews of St. Helier North

Witness:

Mr. B. Shenton

[9:34]

Deputy M. Tadier of St. Brelade (Chair):

Mr. Shenton, welcome to this public hearing and thank you for coming in. We will just introduce ourselves for the record and ask you to do the same, if that is okay. This is the Economic and International Affairs Scrutiny Panel, which I am chairing today. I am Deputy Montfort Tadier.

Deputy M.B. Andrews of St. Helier North:

I am Deputy Max Andrews.

Deputy K.M. Wilson of St. Clement (Vice Chair):

Deputy Karen Wilson, Vice Chair.

Deputy M. Tadier:

And yourself?

Mr. B. Shenton:

I am Ben Shenton. I was formerly a politician but I am here primarily in my capacity of one of the founders and ex-chairman of the Jersey Lifeboat Association.

Deputy M. Tadier:

Thank you, Mr. Shenton. So, just to say this is obviously a public hearing. There will be a transcript produced. We are covered by parliamentary privilege here. You know how that works as a former States Member. Let us get into it. We have obviously called in this proposed law and amendments that have been proposed around inshore maritime safety and we were very grateful for your submission that you sent us in regard to that new law. First of all, can I just ask you for a bit of your background and your interest in this area?

Mr. B. Shenton:

Okay. So, basically, I am not a maritime person. I have never owned a boat in my life but I was chairman of the Jersey Lifeboat Association. Back in I think it was November 2021 the Sir Max Aitken, which was our lifeboat, hit the rocks off Noirmont Point and limped back into St. Helier under the skilful care of our coxswain and fortunately no one was injured. The boat was very badly damaged and did cost quite a bit of money to repair it. The coxswain obviously notified me of the incident and the following morning the harbourmaster phoned me to say that the incident had happened and said that the coxswain had declined a breathalyser. So obviously I hit the roof because after an accident if you are the coxswain of a lifeboat that is the last thing you do. So I phoned up the coxswain and got a very different story. Basically, he had been met at the port by Ports of Jersey and in my submission the actual wording is there because it was a statement made in the investigation. It was along the lines of: "I have got no legal duty to ask you this but you might want to take a breathalyser. However, we do not have any breathalysers but I could phone the police and they might turn up but they might not, so what do you want to do?" Basically, the coxswain who has just been out on duty, brought the boat back - it was late at night, he was soaking wet and freezing cold - said: "Well, I will go home." Unfortunately someone leaked it to the press that he had refused a breathalyser and that was the front page news. All the way through alcohol was not actually a point in this incident but it made me realise that there was something seriously amiss here because we had a difficult relationship with Ports of Jersey and we were not able to register the lifeboat as a lifeboat. They would not let us because with a lifeboat you self-certify, so they made us register the lifeboat under the Commercial Boat Code, so we were subject to the Commercial Boat Code, which is passenger carrying. It is a very similar code, although it might be slightly technically different, to, say, the Condor ferry or something like that or a boat that goes to France carrying passengers. So here we were, we had had an accident. Me as someone from the finance industry was expecting proper governance and the coxswain, after the accident where people could have been injured or hurt, was sort of told: "Do you want a breathalyser, but we do not have any and

the police may not turn up.” Now, this was 8 months before the Condor boat hit the fishing boat. I know the court case is going on now but I do not think the jurors are going to be listening to this submission, but I would think that because of the lack of proper legislation, we will never know whether the people on the Condor boat that hit the fishing boat were under the influence of alcohol or not because there were no powers, and there are no powers, to breathalyse them and make sure they were not.

Deputy M. Tadier:

Thank you. I will move us away from that because I am slightly uneasy. As you mentioned, it is a live case but we have got your submission. To turn to the question about whether or not this law is needed, I suppose if the Ports of Jersey were here, and they have been to us, they would say it is exactly because they do not have any powers at the moment to compel a breath test.

Mr. B. Shenton:

Well, that maybe because I wrote to them several years ago to say that the ... I wrote to the Chief of Police and the Council of Ministers to say that this was basically ridiculous and unprofessional that there were no powers in place. What we are seeing with the legislation coming in is just how void the whole thing was with regard to the actual breathalysing. They made the argument that: “Well, we do not have actually that many people that go out on boats that are over the alcohol limit” but they do not actually test anyone. So it is nonsensical because if you said: “I want to cut down on speeding in Jersey, so what we are going to do is we are not going to actually monitor anyone speeding and, therefore, we will have no one convicted of speeding and we will have solved the problem”, it just does not make sense. If you are not testing people - and I know a chap who lost a leg in a jet-ski accident - and there is nothing in place and there is nothing in place when an accident happens, then the Government are negligent in their duties.

Deputy M. Tadier:

Let us maybe turn to the question of alcohol policy. That is one of the areas that has certainly been of interest to us. Where do you think the balance lies in terms of a policy that either addresses alcohol ... what the law is proposing is that it addresses the use of alcohol retrospectively and in an aggravated way, so alcohol consumption only becomes a problem and an offence if you have done something else wrong, i.e. dangerous sailing, shall we call it, or you have hit somebody, possibly killed someone, then that could be ... you can be breathalysed in that circumstance but routinely there is nothing to stop people drinking and sailing. Where do you think the balance lies?

Mr. B. Shenton:

I think there should be random breathalysing.

Deputy M. Tadier:

Is that just for commercial and dutybound?

Mr. B. Shenton:

Well, it depends on how far we want to go as a jurisdiction. There is a difference between those operating a boat professionally and those out just on the sea having a gin and tonic and a little cruise around. Obviously the law is much more stringent on those operating professionally. It is rather interesting that with the new law they are bringing in the road alcohol limits and not the maritime alcohol limits and they did not explain in the legislation as to why they were not being consistent, because the maritime alcohol limits are lower than the road alcohol limits. You would expect that. That actually makes a lot of sense because me driving my car on my own I can injure myself if I drive over the limit. If I am in a Condor ferry or something like that, the level has to be much lower, almost to a zero alcohol level. Then there are also other issues as well, which I have raised.

Deputy M.B. Andrews:

In your experience, have you been aware of cases where people have been under the influence of alcohol?

Mr. B. Shenton:

There have been loads of stories. There was a story of a commercial boat, which got washed ashore on the west of the Island, and the captain could hardly stand he was so pissed.

Deputy K.M. Wilson:

You have raised historically and also now new concerns around what is being proposed, issues around governance around maritime safety. Can you just explain to us where you see the issues and whether the focus around strengthening that safety and security around the waters needs to be strengthened, if you like, through these proposals that the Government are putting together?

Mr. B. Shenton:

I think prevention is better than ... you do not actually want to start arresting people on their boats. There does not seem to be much in the way of actual statements out there to say about if you are using a boat, think about not ... you have it for cars, "don't drink and drive", and you should also have it for boats. There should be more of a campaign to say ... which is like a carrot and stick approach. So you say to them: "Do not drink and drive. If you are going out, maybe have one gin and tonic but do not drink the whole bottle, sort of thing, because it might be if we see you coming in and we think ... we will breath test you." You need to have a fear there as well, because at the moment they are not going to catch me unless I kill someone or they are not going to catch me unless I crash into something.

[9:45]

Deputy K.M. Wilson:

I noticed in your submission that you talked about a zero tolerance approach to alcohol and drug use but are you suggesting that in terms of being reasonable and proportionate, there should be appropriate limits as opposed to a total absence of alcohol?

Mr. B. Shenton:

I think there is 2 levels here. As I say, one is just a bloke going out fishing or whatever and someone with passengers and a commercial enterprise, so there should be 2 ... and under U.K. (United Kingdom) laws there is those 2 constraints. Obviously the constraints under the U.K. maritime law are much tighter than the constraints that we are looking to bring in over here. I am not sure whether that is going to cause a problem anyway because if you are over the maritime limit but below the car limit, are you going to then end up with a court case as to ...

Deputy K.M. Wilson:

There is something about the consistency in terms of the way it is being applied.

Mr. B. Shenton:

So there needs to be consistency. There also is a problem with the fact that Ports of Jersey is a private company, so it is a bit like saying to Securicor: "You monitor drunk driving police" and so on and so forth. Therefore you have got inherent conflicts then because they have got customers that pay them a lot of money. Are they less likely to stop a customer that is paying them a lot of money than someone who maybe owes them money in the Petty Debts Court or something like that? If they see their mate come in ... and what about Ports of Jersey staff itself? I think, to be honest with you, if you bring this in you need the things I spoke about in the paper submitted yesterday but you probably need also a zero tolerance with Ports of Jersey staff if you are going to give them breathalysers. I notice in today's paper that there is a big piece about how they bought the breathalysers ahead of the legislation, but I am surprised that Ports of Jersey did not raise about the difference in maritime alcohol limits.

Deputy M. Tadier:

We are aware of different requirements. If you are dutybound commercial, there are other protocols. Just following on from that, if I may, Vice-Chair, interrupt you. I do not know if you have finished.

Deputy K.M. Wilson:

I was just going to come on to the maritime investigation but I will come on to that later.

Deputy M. Tadier:

I was just going to ask about the perceived conflict from your point of view. Something that has been raised with us separately as well is about whether or not Ports of Jersey are best placed to enforce effectively criminal ... police criminal laws. If it was not them, who do you think might do it?

Mr. B. Shenton:

If you take a step back, there is a wealth of legislation governing those that currently enforce criminal laws but this is a very light touch. You are almost giving someone the ability to criminalise something without having the proper appeals processes or anything else in place or without managing the conflicts of interest. Ports of Jersey employ a lot of people, so you have got to make sure that there is a proper complaints procedure. You have got to also make sure that they do not ... how are you going to manage the bias that they may have towards their own staff that they may find themselves? Ports of Jersey in itself is ... if I was a director of Ports of Jersey, the first thing I would probably want to do is clarify what Ports of Jersey actually is. Under the law, Ports of Jersey is mandated to operate in the best interests of the Island. Under Ministerial declaration, it is delegated to operate as a commercial company to maximise profit. Those 2 things are not the same. They may sound the same but they are not the same at all. You have a board of directors of Ports of Jersey that have not clarified that and I just wonder how they can do their job.

Deputy M. Tadier:

Do you have any thoughts about the lines of demarcation between States of Jersey Police and Ports of Jersey in terms of enforcing the new maritime law?

Mr. B. Shenton:

Have they signed the memorandum of understanding?

Deputy K.M. Wilson:

We are waiting for it.

Deputy M. Tadier:

It has been drafted. We have seen a draft, which we would want it to be published. I think you have mentioned that as well. I do not think it has been signed yet.

Mr. B. Shenton:

How did it come about that the police were not even involved in the actual drafting of this legislation? Do you know how that happened?

Deputy M. Tadier:

We are trying to understand the relationship between States of Jersey Police and Ports of Jersey. There is an overlap and it would depend on the jurisdiction of where arrests are made, but essentially this is about Ports of Jersey will be the main enforcement body for what goes on in the water around Jersey.

Mr. B. Shenton:

Yes, with its inherent conflicts of interests. So you are basically pushing that out to a private company.

Deputy M. Tadier:

They would argue, I suppose, that they are quite capable of separating their policing roles from their commercial roles. Would you accept that?

Mr. B. Shenton:

No. The harbourmaster and Ports of Jersey ... I put a complaint to the complaints panel where they ruled that they basically held a vendetta against Jersey Lifeboat Association and the complaints panel found in our favour. The States Assembly offered the Jersey Lifeboat Association an apology. Ports of Jersey just took legal action and threatened to sue the complaints panel. This is a body that you think can act impartially. Well, my experience tells me that absolutely not.

Deputy K.M. Wilson:

Can I just follow up on that? I think what you have described is there are some ambiguities around roles and responsibilities in relation to not only conflict of interest but also duties and responsibilities.

Mr. B. Shenton:

That is right, yes.

Deputy K.M. Wilson:

Can you just explain your views as to how that can actually be clarified and improved upon, please?

Mr. B. Shenton:

Well, at the moment we have what is known as the Harbour Authority, which is supposed to be independent from Ports of Jersey, and John Mills is the chair and John Mills is obviously an ex-director of Ports of Jersey. Unfortunately, John sent me an email by mistake that was meant to be for the harbourmaster that demonstrated that there was no impartiality there and that they were operating basically as part of Ports of Jersey. So you need to make sure that the Harbour Authority actually works, because it does not work at the moment. You also need to have a code of conduct

for the harbourmaster to make sure that he does not overstep the line and there have been numerous reports over the years criticising the performance of the harbourmaster, so this is something that is urgently needed. There needs to be a proper complaints process, a public complaints mechanism because you have given it to a private company, so almost like an ombudsman. I am sitting here as someone who does not like red tape and this is all to get round the fact that we are giving a commercial company ... you could, of course, just separate the harbourmaster functions, take it out of Ports of Jersey and make Ports of Jersey a pure commercial operation, which would make a lot more sense but while you have this sort of hybrid model where one minute the harbourmaster is on the news talking about the flats they are going to build and the money they are going to make and the next minute he is going to be arresting people for being drunk on a boat, some of which might be tenants of the flats that they are going to build or whatever, the whole ... when you look at the way Ports of Jersey has been set up, it has got just so many questions or more questions than answers.

Deputy K.M. Wilson:

Do you see that the ambiguity has arisen as a consequence of it being a private company and has that evolved over time in the absence of any other regulation or any other duties and responsibilities that perhaps maybe the police may have taken on? How do you see that?

Mr. B. Shenton:

If I am totally honest with you, there is 2 factors. Firstly, it is as a result of it being a private company but, secondly, I do not think the public generally understand what a backlog of legislation Jersey has. I was walking down my lane - we have got a lane next to the house which we let the public use to get to the beach - and this bloke is walking down with a cup of coffee and he said ... it transpires he is a law draftsman and he is working on a proposition that I brought to ban the importation of fur into the Island, which I had forgotten about, so a black mark for me there because it was around about 2006, 2007 and we are just doing the legislation now and we are putting it into a new animal welfare law. A bit ironic that I ended up president of J.S.P.C.A. (Jersey Society for the Protection of Cruelty to Animals) after bringing this bit of legislation. A lot of the legislation, a lot of things you do as a politician is not because you fervently believe in it, and I think this is what the public do not understand ... I was bringing that in because people approached me because they did not want ... what we are trying to do is we are trying to play catch-up and because we are trying to play catch-up, you get legislation like this, which is more tick-box type: "Let us get this legislation through, let us perceive to the world that we are going to tighten up. Let us forget about all the weaknesses of the legislation and the actual fine detail. Let us just get it through and then we can tick that box and we can move on other piece of legislation."

Deputy K.M. Wilson:

Do you now believe that the way in which the legislation is proposed, I think what you are telling us, is that it is tight enough or strong enough to address those governance issues that you have just talked about?

Mr. B. Shenton:

It is definitely not tight enough or strong enough to address the governance issues but I know what happens. It will come back to the Chamber and then promises will be made through Ministerial decisions or something like that that: "Do not worry, we will tighten up this or we will tighten up that" and it will never happen.

Deputy M.B. Andrews:

It seems as though you would have probably been more satisfied had the Minister with Ports of Jersey been working together to bring forward legislative amendments to some of the legislation to have a demarcation between the harbourmaster and then the Ports of Jersey from a commercial perspective.

Mr. B. Shenton:

Yes, absolutely, and the lack of police input. It seems incredible when you look back on it that the police were not involved from day one and then, of course, you are going to get the old argument: "Our police budget, we cannot do this as well without a higher budget" and all that sort of stuff.

Deputy M.B. Andrews:

Would you also be of the view as well that you need to ensure that there is an active deterrent, for instance that there are enforcement officers who are doing checks when maybe boats are coming in and out of the harbour?

Mr. B. Shenton:

Absolutely. Even if they did them very rarely, just the threat of a random check is enough but to have no deterrent at all, it is almost ... if someone is having his fourth gin and tonic, someone saying to him ... he says: "It is all right, I will be fine as long as I do not hit anyone" or "I will be fine as long as I do not hit anyone and Ports find out about it" because he could be out at sea somewhere, whereas the random checks aspect ... I cannot see ... and they are saying: "That is going to be hard."

Deputy K.M. Wilson:

In your submission you talked about just picking up the issues around conflict of interest, lack of governance, you propose a maritime regulator. Could you just talk to us about your thinking behind that?

Mr. B. Shenton:

Basically, it is a harbour authority that works. We have the Harbour Authority that is a de facto maritime regulator but really they are just in the pocket of Ports of Jersey and they are not separate and they are not a proper regulator and they are just a tick-a-box. So you would have to make sure that the Harbour Authority works because the Harbour Authority under John Mills does not work.

Deputy M.B. Andrews:

In terms of when we are maybe looking at the personnel currently, parts of that, would you be more comfortable if members in future had no prior relationship with the Ports of Jersey as a perquisite to them joining?

[10:00]

Mr. B. Shenton:

I think it is rather strange the way that the Ports director then became the regulator. It would be a bit like me working in investment management and running the J.F.S.C. (Jersey Financial Services Commission). It is not something that should happen.

Deputy K.M. Wilson:

Could I just come back to the regulator then, please, in terms of the way in which you are suggesting its independence? How would you see it operating?

Mr. B. Shenton:

Well, basically, it would operate as an independent, so it would have an arm's length ... rather than a cosy relationship with the ports company, have an arm's length, but you still have the actual problem inasmuch as the harbourmaster is paid by Ports of Jersey and gets a bonus paid by Ports of Jersey and then he also has the power to arrest people who he thinks may be ... and a lot of the people using the harbour will have a relationship, a commercial relationship, with Ports of Jersey and with the harbourmaster. I cannot see how that works. It is a bit like saying to me: "You work for an investment management firm but we are going to make you the regulator and you can fine all the other investment management firms." There is absolutely nothing here about Chinese walls or making sure that the whole thing is managed. I will be honest with you, I think this is a kneejerk reaction because subsequent to my complaint we obviously had an accident where there was not the law in place and I think what they are trying to do here is just do a kneejerk reaction and get something in even if it is not fit for purpose.

Deputy K.M. Wilson:

You would be familiar with things like international standards around maritime safety, given your previous roles. Where do you think that these proposals support or fall short of those international standards?

Mr. B. Shenton:

I think there is a lack of consistency. I am not sure why we are moving to a different level of alcohol. The maritime limit is 25, 50, 67 and we are going for 35, 80 and then urine not specified. Why not just go for the same thing? They have had a whole conversation about drugs limits and all this sort of stuff. I was thinking about it coming in today and I was thinking, well, there is cigarettes, okay. Now, you are not going to smoke so many cigarettes that you cannot handle a boat, so there is legal drugs, legal medication, and then is illegal medication. Some legal medication may make you drowsy or whatever but then you know that and you are warned of that, so why not just make it illicit drugs, which is an offence in itself?

Deputy K.M. Wilson:

Yes. Do you think that in terms of having an independent regulator it would operate to a different standard around people's competence and capability around the need to do their regulatory job?

Mr. B. Shenton:

I think if you have got a harbourmaster that is employed by a commercial company, you need some form of regulation there because you need some form of checks and balances but also you need a way for the public to appeal to someone independent and say: "I was picked on or I am a victim" or this, that and the other.

Deputy K.M. Wilson:

In terms of their investigation powers, do you see any capability issues as things are now in terms of whether they are able to discharge their responsibilities?

Mr. B. Shenton:

Well, this a big question. For my sins, I have never volunteered for the Honorary Police but one assumes that if they do arrest someone they have to be familiar with the actual procedures that you require to get someone up to the Magistrates' Court or the Royal Court. I would like to see a comment from the Attorney General as to their opinion, because the Attorney General is responsible for the Honorary Police system and this is a little bit like instead of giving it to an individual that you are giving it to a corporate. What does the A.G. (Attorney General) think of the way that we are moving forward on this?

Deputy M. Tadier:

Can I ask? One suggestion or certainly one idea around this area is that other places, other harbour authorities, other countries, if you like, have the police doing maritime policing, so it is just a branch of the police. Would you think that is something Jersey could look at or do you think it is desirable?

Mr. B. Shenton:

I think it would be a much better solution because you have all the structure in place with the independence of the police and the complaints processes. I think that would be a lot better.

Deputy M. Tadier:

The police, that is what they do, that is their job, so they are not there to sell you anything or to ...

Mr. B. Shenton:

No, and they are not interested in the fact you are the biggest payer of mooring fees or you are the ... there is a connection there.

Deputy M. Tadier:

You never hear the police talk about light touch policing. I suppose it is about policing correctly, or maybe they do talk about that.

Mr. B. Shenton:

Yes. As you and I know, police is ...

Deputy M. Tadier:

Proportional.

Mr. B. Shenton:

Yes, but it is arm's length. When I was in politics, a number of times I had my wrist slapped for stepping on their toes. Well, quite often actually, but they are arm's length and independent. Ports of Jersey is not arm's length and is not independent. Going back to Ports of Jersey, for example, one of my bugbears is the fact that when you go back to the freedom of information law, Ports of Jersey fulfils all the criteria required to be under the freedom of information law, legally they should be under the freedom of information law, but it is just that the civil servants decided that they would not be, because if you read the freedom of information law they were independent, set up by a proposition and they are actually 100 per cent spot on what should be a freedom of information, but you have no freedom of information for Ports of Jersey. It is like getting blood out of a stone.

Deputy K.M. Wilson:

Are you suggesting that there are gaps in the legal duties of Ports of Jersey and that they are covered by a different kind of governance, which is more corporate governance rather than the law, as it were?

Mr. B. Shenton:

The whole thing is a muddle. I am preparing a report at the moment, which is not going to be published because it is so boring, to do with the deconsolidation of the accounts. Ports of Jersey are looking to deconsolidate their accounts, as is S.o.J.D.C. (States of Jersey Development Company) and Andium. I do not know if you know who Arthur Daley was from "Minder". Normally if you are a bit of a dodgy businessman and you want to hide your debt, what you do is you deconsolidate your subsidiary so that it takes all the debt out of your main account. They want to deconsolidate because all 3 are going to end up with quite a lot of high debt levels and if they deconsolidate it, it will not show as part of States of Jersey's debt, but to deconsolidate you have to be 100 per cent independent of your parent company and, of course, Ports of Jersey is structured to undertake numerous international obligations under law and this is going to be yet another one, the power to arrest. So how can you argue that someone with the power to arrest is completely independent of the state? So on one hand they are arguing that Ports of Jersey is standalone, independent, nothing to do with us, and then you are bringing in laws that give them the power to arrest? I disagree with the C. & A.G. (Comptroller and Auditor General) on this one because I think the C. & A.G. is just using a U.K. accounting standard. The thing about accounting standards is you can pick and choose which one you want to operate but it is a useful way of reducing your debt burden. If you start putting government buildings in the social security fund and getting all the Ports of Jersey debt off your back and everything else you can turn round and say: "We have got low debt levels" when in fact you are creaking.

Deputy K.M. Wilson:

If there were to be an independent regulator, you would suggest that that needs to be established?

Mr. B. Shenton:

It needs to be established. John Mills needs to step down because he is too conflicted; not only that, he is chair of the Charity Commission. When we had complaints as a charity under the Jersey Lifeboat Association, he was hopelessly conflicted because we were complaining to the person we were complaining about.

Deputy M. Tadier:

Can I ask about maybe some points that we might be in agreement with or you might agree with the legislation? If we go back to the law, the law effectively creates a series of new offences, things like dangerous operation of a ship, careless operation of a ship but also causing injury by careless

operation and causing injury by dangerous operation of a ship, et cetera. There are some others that relate to excessive emissions but those, I suppose, are the main ones. Do you think that as a starting point that is a correct and legitimate aim to seek to do?

Mr. B. Shenton:

Yes. I was not quite sure how detailed they needed to go. Do they include - there was 3 or 4 - paddleboards?

Deputy K.M. Wilson:

Vehicles, yes.

Deputy M. Tadier:

One of the questions is there was a previous law, P.4, which was brought in earlier in the year, and I suppose we could ask you about that. The definition of a ship is quite broad, of course. Do you have any thoughts about that?

Mr. B. Shenton:

Yes, it needs to be.

Deputy M. Tadier:

So you think that could be an area where there is more definition given as to differentiating between, say, a paddleboard and a 50-foot commercial boat?

Mr. B. Shenton:

You have got definitions under whether a commercial boat operates differently to a recreational boat. I would have less definition. I would just have a whole all-encompassing thing. The trouble is if you try to define something, you run the risk you are going to miss something out.

Deputy M. Tadier:

Do you have any thoughts about what one might think of being in the retrospective nature of some of these offences? If we take the alcohol issue for leisure users, if you can drink 5 pints of beer, go out in your speedboat and that is legally okay to do, it might be questionable from a moral point of view, and that does not become a problem unless you are operating your vessel dangerously or carelessly, perhaps driving erratically or you hit someone. Do you think that is the right balance in there?

Mr. B. Shenton:

No, absolutely not, no. I think there should be an alcohol limit for all recreational. All the yachtsmen will hate me for saying, but you need a limit because it is dangerous to operate a motorboat or a jet-ski or whatever.

Deputy M. Tadier:

Where would you set the limit, do you think?

Mr. B. Shenton:

I do not see any ... I think in this case ... I think with commercial vessels it should be the maritime alcohol limit, which is lower, but with recreational maybe the road limit. There was a jet-ski outside my house the other day, too close in to land and going at quite a speed. I have no idea whether he was drunk or not but we had a lot of swimmers outside the house and it was just for the grace of god no one was injured.

Deputy M. Tadier:

One of the arguments that the Minister and the harbourmaster, I think, push back against is that would be criminalising potentially ... a paddleboarder is treated the same as a jet-skier who is treated the same as a speedboat operator and it might not be reasonable to, but of course at the moment it is only if they are operating dangerously or carelessly that they would step in.

Mr. B. Shenton:

Yes. I think there is proportionality. If someone is in kayak, the chances of them actually injuring someone are not particularly high whereas someone on a jet-ski can actually kill.

Deputy M. Tadier:

So it might be policed in a similar way to the roads where you are not routinely stopping cyclists unless there is something obvious.

Mr. B. Shenton:

They could just use their common sense, but I do not know whether that is ...

Deputy M. Tadier:

We will ask them to write that into the law.

Mr. B. Shenton:

You will have to explain what it is first.

Deputy M. Tadier:

If I just turn to maybe the question about how this law is potentially going to affect Jersey's rescue organisations. I am thinking of the R.N.L.I. (Royal National Lifeboat Institution), the J.L.A. (Jersey Lifeboat Association) but also other water-based charities, do you think they need to be aware or they might have things to say about this new law?

Mr. B. Shenton:

I think in the submission ... obviously if you are ... I am pretty sure that - someone will probably come back and say I am wrong here - the R.N.L.I. does not have a no-alcohol thing and nor does the J.L.A. because it is volunteers and you are calling them out to give up their time. If you have had a half a glass of chardonnay it is not going to make much difference. There is no no-alcohol limit but obviously the guideline is very much ...

[10:15]

Deputy M. Tadier:

Are there any additional offences or enforcement powers that you would perhaps recommend or want to see included here?

Mr. B. Shenton:

No, and the reason I say no is because you are giving it to the harbourmaster and a private company, which I am completely uncomfortable with.

Deputy M. Tadier:

But if it was not them, if it was the police.

Mr. B. Shenton:

If it was the police, I think you would just have to tie it up and see how it ties up with the other legislation but the police may well push back. I thought it was pretty bad that in the incident that I spoke about earlier, the Ports said the police might not even turn up, which does not say an awful lot for the police.

Deputy K.M. Wilson:

Do you have a view about the threshold where the harbourmaster fulfils his responsibilities and the police would take up theirs ... do you have an idea as to where the line is around that?

Mr. B. Shenton:

No, it is the commerciality aspect of it and the conflicts. It is just how you manage the conflicts and the easiest way to manage the conflicts would be to pull the harbourmaster out of Ports of Jersey.

Deputy M. Tadier:

Max, do you have any questions?

Deputy M.B. Andrews:

Not at the moment, no.

Deputy M. Tadier:

Mr. Shenton, I think you have answered our questions very well and we are at the point where we do not necessarily have anything else to ask you. Are there any points that you would like to convey to us?

Mr. B. Shenton:

No, not really. As I say, thank you for picking this up. It is a very important issue and the law does need certainly looking at. I sent you a submission yesterday that I am quite happy for you to put on your website or do whatever you want with. As someone who has never owned a boat in his life, I never thought I would become a bit of an expert on maritime law. I never thought I would be running a lifeboat charity either, but there we are.

Deputy M. Tadier:

We appreciate your submission and taking the time to come in. Thank you very much. We will draw the session to a close.

Mr. B. Shenton:

Thank you.

[10:18]