

**REPLY BY THE MINISTER OF
THE COMMERCE AND EMPLOYMENT DEPARTMENT
TO A QUESTION ASKED PURSUANT TO RULE 6 OF THE
RULES OF PROCEDURE BY DEPUTY M FALLAIZE**

Question

Is the Department - in conjunction with other Departments if necessary - prepared to submit to the States a policy letter seeking direction as to the general policy which the States wish to be pursued in respect of the Guernsey-Gatwick route?

Answer

It is not the intention for the Commerce and Employment Board to submit to the States a policy letter seeking direction as to the general policy the States wish to see pursued in respect of the Guernsey-Gatwick route.

At the July States Meeting (Billet d'État XVII) I made a statement to States Members setting out why the Commerce and Employment Board would be abstaining from debate on the subject of Treasury and Resources Department - Aurigny Air Services - Aircraft Acquisitions.

The rationale for that decision is also relevant in the context of the rule 6 question that you raise here. I have therefore taken the liberty of restating this explanation.

“The Commerce and Employment Department is responsible for the Air Transport Licensing (Guernsey) Law, 1995, under which it performs the function of the licensing authority that determines applications for Guernsey air transport licences from airlines to operate air transport services between Guernsey and other places in the British Isles. Deputies Brouard, De Lisle and Laurie Queripel were elected onto the panel at the beginning of this term.

The Department has to carry out its licensing functions in accordance with the 1995 Law and in doing so must take into account the relevant Policy Statement that was approved by the States of Deliberation back in 2004. It has to consider each individual application impartially and on its merits, and this requires it to act in a quasi-judicial manner.

The States Report under consideration today discusses commercial matters that will directly affect both Aurigny, which is owned by the States of Guernsey, and Aurigny's competitors. I therefore rise to advise the Assembly that all Members of the Commerce and Employment Department will not be participating in the debate on this Report and they will abstain in any ensuing votes on the Propositions. This course of action is entirely consistent with the Department's historic practice of having no involvement in matters touching and concerning the management and administration of Aurigny, to avoid creating any perception of bias. The Department is taking this action in order to avoid any possibility that a statement made or a vote cast by any Member during the debate could be construed or perceived as doing anything that might prejudice or compromise the Department's licensing functions under the Air Transport Licensing (Guernsey) Law 1995.”

Date of Receipt of the Question: 24th September 2013 (dated 18th September 2013)

Date of Reply: 1st October 2013