

**DRAFT HARBOURS (ADMINISTRATION) (AMENDMENT No. 6) (JERSEY) LAW 200**

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**Lodged au Greffe on 7th May 2002  
by the Harbours and Airport Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **European Convention on Human Rights**

The President of the Harbours and Airport Committee has made the following statement -

In the view of the Harbours and Airport Committee the provisions of the Draft Harbours (Administration) (Amendment No. 6) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Deputy of St. Mary**

## **REPORT**

### **The purpose of the Law**

At present the 1961 Law authorises the Committee to appoint a Harbour Master to be entrusted with the “policing, control and administration of the harbours and territorial waters.”

With a separate Chief Executive, the core functions of the Harbour Master are better encapsulated in the new phrase “policing, operational control and safety of the harbours and territorial waters.” This clarifies and more accurately reflects the role.

The word “safety” is introduced so as to emphasise the importance of this function of the Harbour Master. It is repeated in Article 4, with regard to the States powers to make Regulations, not to suggest any change in the current powers, but to reflect the Harbour Master’s responsibility. This will ensure maritime safety remains in the forefront of any considerations when introducing future Regulations.

### **Financial and manpower implications**

It is the view of the Harbours and Airport Committee that there are no financial or manpower implications for the States if this draft Law is adopted.

### **Conclusions**

This is an important step forward to ensure that maritime regulatory and safety functions are safeguarded whilst allowing Jersey Harbours to continue to be commercially efficient.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 24th April 2002 the Harbours and Airport Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Harbours and Airport Committee the provisions of the Draft Harbours (Administration) (Amendment No. 6) (Jersey) Law 200 are compatible with the Convention Rights.

### **Explanatory Note**

Article 2(1) of the Harbours (Administration) (Jersey) Law 1961 charges the Harbour Master generally with the policing, control and administration of the Island's harbours and territorial waters.

This draft Law, if enacted, will define his general responsibilities as policing, operational control and safety. It will also amend Article 4(1) of the principal Law to specifically mention safety as one of the matters for which the States may make Regulations.

The Law would come into force seven days after its registration in the Royal Court.

**HARBOURS (ADMINISTRATION) (AMENDMENT No. 6) (JERSEY) LAW 200-**

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**A LAW** to amend further the Harbours (Administration) (Jersey) Law 1961; sanctioned by Order of Her Majesty in Council of the

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(Registered on the            day of            200-)

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**STATES OF JERSEY**

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The            day of            200-

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

**ARTICLE 1**

In this Law “principal Law” means the Harbours (Administration) (Jersey) Law 1961,<sup>[1]</sup> as amended.<sup>[2]</sup>

**ARTICLE 2**

In Article 2(1) of the principal Law,<sup>[3]</sup> for the words “who shall be entrusted with the policing, control and administration of the harbours and territorial waters of the Island” there shall be substituted the words “who shall be entrusted with the policing, operational control and safety of the harbours and territorial waters of the Island”.

**ARTICLE 3**

In Article 4(1) of the principal Law,<sup>[4]</sup> after the word “control” there shall be inserted the word “, safety”.

**ARTICLE 4**

This Law may be cited as the Harbours (Administration) (Amendment No. 6) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

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<sup>[1]</sup> Volume 1961-1962, page 163.

<sup>[2]</sup> Volume 1975-1978, page 261, Volume 1982-1983, page 35, Volume 1992-1993, page 5, Volume 1998, page 423 and Volume 2000, page 865.

<sup>[3]</sup> Volume 1961-1962, page 164.

<sup>[4]</sup> Volume 1961-1962, page 165 and Volume 1998, page 424.