
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – TRANSPORT AND TECHNICAL SERVICES

Presented to the States on 29th June 2009
by the Minister for Transport and Technical Services

STATES GREFFE

REPORT

On 13th February 2009, the Minister for Transport and Technical Services made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-T-2009-0012, available at www.gov.je).

The terms of the delegations, and the legislation under which those delegations were made, were recorded in a Report attached to the Ministerial Decision, as shown below –

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
1	Issuing licences under Highways Law	Highways (Jersey) Law 1956	TTS as highway authority for main roads has powers to issue licences for things to be placed over, on or below main roads.	Chief Officer Director – Municipal Services Manager – Highways & Infrastructure Maintenance Manager – Traffic and Streetworks Director – Transport Manager – Transport Policy
2	Traffic signs	Road Traffic (Jersey) Law 1956	Road traffic Law permits TTS to erect signs (in some circumstances TTS is obliged to erect signs, e.g., regulatory signs such as speed limits, no entry, etc.).	Chief Officer Director – Municipal Services Manager – Highways & Infrastructure Maintenance Director – Transport Manager – Transport Policy Manager – Traffic and Streetworks
3	Temporary Changes to Traffic Orders	Road Traffic (Jersey) Law 1956	Temporary changes can be made to Parish Orders for a period up to 12 months, if approved by the Connétable and Roads Committee and are non-contentious.	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy Manager – Traffic and Streetworks

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
4	Speed limits – applications from all quarters including parishes and States members as well as public	Road Traffic (Jersey) Law 1956	Officers to apply States approved policy and notified to Minister for approval on a quarterly basis.	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy
5	Approving Temporary speed limits at road works	Road Traffic (Speed limits) (Jersey) Order 2003	The Minister for TTS has powers to introduce mandatory temporary speed limits at road works. Officers may approve requests from road works operators for temporary speed limits following consultation with the relevant Connétable.	Chief Officer Director Municipal Services Manager – Highways & Infrastructure Maintenance Manager – Traffic and Streetworks Director – Transport Manager – Transport policy
6	Requests for road humps on Parish by-roads	Highways Road Humps (Jersey) Regulations 2002	The Connétable of a Parish is required to consult the Minister for TTS before installing road humps on a by-road. Officers will advise the Connétable on good practice, legal requirements, and consultation with emergency services.	Chief Officer Director – Transport Manager – Transport policy
7	Install, remove or move bus-stops	Motor Traffic (Jersey) Law 1935	Bus-stops also require approval of the Connétable of the relevant Parish if on a by-road. Non-contentious measures only.	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy Manager – Traffic and Streetworks

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
8	Approve applications for “alfresco” areas	Customary Law (Choses Publiques) (Jersey) Law 1993	Approve non-contentious requests and inform Connétable of the Parish who issues a permit if approved by the Parish.	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy
9	Accept tenders not exceeding £200,000	Public Finances (Jersey) Law 2005	By formal contract documentation.	Chief Officer Director – Municipal Services Director – Transport Director – Waste Management
10	Appoint consultants for construction and engineering works	Public Finances (Jersey) Law 2005	Where the TTS is Client.	Chief Officer Director – Municipal Services Director – Transport Director – Waste Management
11	Write off bad debts: (a) with an individual value of less than £5,000 and a combined total of less than £25,000 (b) with an individual value of less than £1,000 and a combined total of less than £5,000	Public Finances (Jersey) Law 2005	Subject to them being reported to the Minister on a quarterly basis with an explanatory report.	Chief Officer Director – Finance Chief Officer Director – Finance

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
12	<p>Write off stock:</p> <p>(a) with an individual value of less than £5,000 and a combined total of less than £50,000</p> <p>(b) with an individual value of less than £1,000 and a combined total of less than £5,000</p>	Public Finances (Jersey) Law 2005	Subject to them being reported to the Minister on a quarterly basis with an explanatory report.	<p>Chief Officer Director – Finance</p> <p>Chief Officer Director – Finance</p>
13	Approve the Department's authorised signature schedule and approved expenditure limits conditional upon them being within pre-authorised limits	Public Finances (Jersey) Law 2005		Chief Officer Director – Finance
14	Planning Applications – comments	Planning And Building (Jersey) Law 2002	Provision of Highway and Drainage observations and the comments on Planning Applications. These will be reported to the Minister for noting.	See Below for Appendix listing officers with delegated responsibilities

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
15	Carrying on a trade or business in a parking or public place	Road Traffic (Public Parking Places) (Jersey) Order 2006 Policing of Parks (Jersey) Regulations 2005	Where non-contentious, e.g., selling JEPs, ice-cream concessions, etc.	Chief Officer Director – Municipal Services Director – Transport Manager – Parking Control
16	Charity collections in parking or public places	Road Traffic (Public Parking Places) (Jersey) Order 2006 Policing of Parks (Jersey) Regulations 2005	Where non-contentious, e.g. poppy appeal, etc.	Chief Officer Director – Municipal Services Director – Transport Manager – Parking Control Manager – Parks and Gardens
17	Approval of requests for use of land administered by TTS for events, e.g. Victoria Avenue car parks, other car parks, etc.	Road Traffic (Public Parking Places) (Jersey) Order 2006 Policing of Parks (Jersey) Regulations 2005	Where non-contentious and often annual; reported to the Minister for noting on a quarterly basis.	Chief Officer Director – Municipal Services Manager – Highways & Infrastructure Maintenance Director – Transport Manager – Parking Control Manager – Parks and Gardens Manager – Traffic and Streetworks

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
18	Indicate the speed and route to be taken and other restrictions to be observed by a person driving a vehicle in a parking place or by pedestrians	Road Traffic (Public Parking Places) (Jersey) Order 2006	Directional signs within car parks.	Chief Officer Director – Transport Manager – Parking Control
19	Restrict the size or mass of vehicles that may use the whole or any part of the parking place	Road Traffic (Public Parking Places) (Jersey) Order 2006	Restriction on commercial and/or agricultural vehicles in certain parking places.	Chief Officer Director – Transport Manager – Parking Control
20	Close for any period and for any purpose the whole or any part of the parking place	Road Traffic (Public Parking Places) (Jersey) Order 2006	For events, maintenance works, setting aside an area for utility companies to lease as compounds whilst working in the area, etc., when non-contentious.	Chief Officer Director – Transport Manager – Parking Control
21	Set aside permanently or for any period the whole or any part of the parking place for parking vehicles of a type specified in the notice	Road Traffic (Public Parking Places) (Jersey) Order 2006	Changing of parking space layouts within car parks to move commercial vehicle spaces, motorcycle parking, etc., when non-contentious.	Chief Officer Director – Transport Manager – Parking Control

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
22	Set aside permanently or for any period the whole or any part of the parking place for parking vehicles on which a valid permit is displayed	Road Traffic (Public Parking Places) (Jersey) Order 2006	Moving of permit-holder areas within the parking area such as Disabled Bays, States Members' Parking, etc., when non-contentious.	Chief Officer Director – Transport Manager – Parking Control
23	Give approval for a boat, trailer or thing to be parked or placed in a parking place	Road Traffic (Public Parking Places) (Jersey) Order 2006	When non-contentious.	Chief Officer Director – Transport Manager – Parking Control
24	Give permission for advertising material to be placed in a parking place	Road Traffic (Public Parking Places) (Jersey) Order 2006	When non-contentious.	Chief Officer Director – Transport Manager – Parking Control
25	Use a vehicle in connection with a trade or business while it is parked in a parking space	Road Traffic (Public Parking Places) (Jersey) Order 2006	When non-contentious.	Chief Officer Director – Transport Manager – Parking Control
26	Allow the consumption of alcohol in a parking place	Road Traffic (Public Parking Places) (Jersey) Order 2006	Allow alcohol to be consumed in a public car park as part of an event such as a Fête held in a car park, when non-contentious.	Chief Officer Director – Transport Manager – Parking Control

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
27	Approve arrangements and instructors to carry out Compulsory Basic Training (CBT)	Motor Vehicles (Driving Licences) (Jersey) Order 2003: Article 13(1)	The Minister is responsible for holding or arranging courses and approving instructors conducting such courses that provide basic training and test competence to ride a moped or light motorcycle on the road with a provisional licence.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic
28	All matters associated with maintaining a register of driving instructors	Road Traffic (Jersey) Law 1956: Article 6(1), (3), (4) & (5)	<p>The Minister is required to maintain a register of driving instructors, adding instructors to, and removing them from, the register.</p> <p>The Minister would be notified of any person whose application to be on the register has been refused or who has been removed from the register.</p>	Inspector of Motor Traffic Deputy Inspector of Motor Traffic
29	Appointment of examiners to conduct examinations and tests	Road Traffic (Jersey) Law 1956: Article 8(6) and Motor Cars (Driving Instruction) (Jersey) Order 1982: Article 2	The Minister (as the “licensing authority” in the case of granting driving licences) is responsible for appointing persons to conduct examinations and tests for the purposes of testing competence to drive and for entering a person’s name in the register of driving instructors.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
			These persons are invariably officers in the Department, but there may be occasions when it would be desirable to appoint suitably qualified persons who are not from the Department, e.g. when an examiner is on long-term sick leave.	
30	Determining particulars to be supplied by candidates for examination and testing to become driving instructors. Determining the form of examination and tests to be undertaken by candidates wishing to become driving instructors	Motor Cars (Driving Instruction) (Jersey) Order 1982: Article 3(1) & (4)	The Minister is responsible for determining particulars to be supplied by those wishing to become driving instructors and for determining the form of examination and tests that candidates should undertake successfully to become a driving instructor.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic
31	Manner of application for licences for vehicles exempting them from complying with the requirements of the Motor Vehicles (Construction and Use) (Jersey) Order 1998 – P30 applications	Road Traffic (Jersey) Law 1956: Article 78(3)	The Minister is responsible for determining how applications should be made to exempt vehicles from the requirements of Construction and Use legislation. Invariably (but not exclusively) these tend to be applications for vehicles wider than the normal permitted width to circulate in the Island. Granting approval is the responsibility of the Inspector of Motor Traffic.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic Senior Traffic Officer

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
32	Specifying form of defect notice	Motor Vehicles (Construction and Use) (Jersey) Order 1998: Article 118(2)	A defect notice should state what provision of the Order is contravened, require the owner to remedy the defect and present the vehicle for examination at a date, time and place so that it can be verified that the defect has been rectified or a notice may be issued for the purpose of carrying out a more thorough examination of the vehicle for other defects.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic Senior Traffic Officer
33	Designating place to impound vehicles for further testing	Motor Vehicles (Construction and Use) (Jersey) Order 1998: Article 119(1)	If any vehicle is impounded at a road check it should be towed by the owner to a place for examination, a garage for repairs or to be scrapped. The DVS test station at La Collette is specified in the Order for further testing but it can be such other place as the Minister may designate. There are times when it may be more appropriate to have the vehicle taken to another place for further tests.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic Senior Traffic Officer
34	Granting public service licences and the conditions attached thereto	Motor Traffic (Jersey) Law 1935: Article 9(1), (2) & (3)	Issuing psv licences (plates) for omnibuses, char-a-bancs and taxicabs. Subject to the Minister approving policies for granting licences, approving standard conditions of licence.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic Senior Traffic Officer

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
			Those recommended for refusal of a licence or who appeal against a condition will be notified to the Minister.	
35	Suspending public service vehicle licences	Motor Traffic (Jersey) Law 1935: Article 10(1)	Suspending a public service vehicle licence where the conduct of the licence-holder in operating the service or non-compliance with conditions of licence warrant it. The licence-holder can appeal to the Minister.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic Senior Traffic Officer
36	Suspending public service vehicle badges	Motor Traffic (Jersey) Law 1935: Article 30(1)	Suspending a public service vehicle badge where the conduct or health of the badge-holder warrants it. The badge-holder can appeal to the Minister.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic Senior Traffic Officer
37	Approving authorized insurers	Motor Traffic (Third-Party Insurance) (Jersey) Law 1948: Article 4	All providers of insurance in Jersey are licensed by the Jersey Financial Services Commission (JFSC). However, providers of motor insurance must be approved by the Minister. Subject to insurers meeting the criteria set out in Article 4(2) of the Law and the application from the insurer being supported by the JFSC, approving authorized insurers.	Inspector of Motor Traffic Deputy Inspector of Motor Traffic

	DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
			Where the application does not comply fully with the criteria or refusal to authorise is considered, the application will be presented to the Minister for decision.	

**APPENDIX TO DELEGATED AUTHORITIES FOR DELEGATION OF
PLANNING APPLICATION DUTIES**

HIGHWAYS	DRAINAGE
<p>Officers with responsibility –</p> <p>Chief Officer Director – Municipal Services Manager – Traffic and Streetworks Director – Transport Manager – Transport Policy</p>	<p>Officers with responsibility –</p> <p>Chief Officer Director – Waste Management Principal Engineer – Drainage Senior Engineer – Drainage Records Manager</p>
<p>The applications lists issued by the Planning Department are inspected.</p> <p>The Planning Department issues copies of all applications for sites bordering main roads to the Transport and Technical Services Department (TTSD) for comment in respect of Article 14 of the Planning and Building (Jersey) Law 2002 (formerly Article 6(6) of the Island Planning (Jersey) Law 1964). Comment is requested to be returned within 14 days.</p> <p>In addition, officers from TTSD will request applications that while not bordering a main road might generate significant traffic that will have an impact on main roads.</p> <p>The Manager – Traffic and Streetworks inspects each planning application and will visit each site.</p> <p>The Manager – Traffic and Streetworks will submit comment on the application on the adequacy of visibility, access, servicing and turning facilities. If the development site is subject to any of the Department’s widening lines or policies for provision of footways, this will be highlighted and taken into account when making comment.</p>	<p>The applications lists issued by the Planning Department are inspected.</p> <p>The Planning Department issues copies of all applications to the Transport and Technical Services Department (TTSD) for comment in respect of Article 16 of the Planning and Building (Jersey) Law 2002 (formerly Article 6(7) of the Island Planning (Jersey) Law 1964). Comment is requested to be returned within 14 days.</p> <p>The Records Manager inspects each planning application and will visit site where necessary.</p> <p>The Records Manager will submit comment on the application on the adequacy of drainage provision for the development and proposals for connecting to the mains drainage system. If the development site is subject to any of the Minister’s policies for provision of drainage, this will be highlighted and taken into account when making comment. The Records Manager consults the Senior Engineer (Drainage) prior to submitting his comments.</p> <p>The comments are forwarded to the Planning Department normally within the requested timeframe.</p>

<p>The Manager – Traffic and Streetworks will discuss the comments with the Manager – Transport Policy, in particular, any recommendation to reject the application or stipulation that highway measures are required, for example, provision of a public footway, or where an application may conflict with the Department’s policy on sustainable development.</p> <p>The Manager – Transport Policy or the Manager – Traffic and Streetworks will approve the comments, amend the comments or request further investigation.</p> <p>The comments are forwarded to the Planning Department normally within the requested timeframe.</p> <p>The comments are submitted to the Minister for noting.</p> <p>In cases where a development will have a very significant impact on the Minister’s policy areas, e.g. provision of a major retail outlet, a report will normally be submitted to the Minister for sanctioning.</p>	<p>The comments are submitted to the Minister.</p> <p>In cases where a development will have a very significant impact on the Ministers policy areas, e.g. provision of a major retail outlet, a report will normally be submitted to the Minister for sanctioning.</p>
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DRAINAGE (JERSEY) LAW 2005**SCHEDULE OF AUTHORISED PERSONS**

Authorised Person	Authorised to exercise power under Articles
Chief Executive Officer	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Director of Waste Management	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Principal Engineer, Liquid Waste	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Senior Engineer, Drainage Design	8, 12, 13, 14, 15, 16, 17, 18, 19, 23, 27, 30, 31, 34, 35, 37
Records Manager	8, 12, 13, 14, 15, 16, 17, 18, 19, 23, 30, 31, 34, 35, 37
Manager – Liquid Waste Treatment	22, 23, 24, 25, 26, 27, 34, 35, 37
Senior Engineer – Contracts Management	15, 16, 17, 23, 27, 30, 31, 34, 35, 37
Assistant Manager Drainage	15, 16, 31, 34
Assistant Manager Drainage Maintenance	15, 16, 31, 34
Leading Chargehand Drainage Investigations	15, 34
Chargehand Drainage Survey	15, 34
Senior Surveyor	34
Surveyor	34
Departmental Duty Officers	34

Article	Title	Brief Description
8	Sewers and drains to the sea	Restricts discharge to sea shore without consent
12	Adoption of other sewerage facilities	Power to adopt sewerage facilities as public
13	Separation of foul and surface water sewers	Power to reserve sewer for foul or surface water only
14	Obligation to connect to public sewer	Power to require property owner to connect to the sewer
15	Repair of sewers and drains by owners	Power to examine sewer or drain and require property owner to repair
16	Restricted discharges into sewers and drains	Restricts surface water from being discharged to foul sewers without consent
17	Disturbance of public sewers	Restricts building close to sewer, or connecting to sewer, without consent
18	Septic tanks	Restricts use of septic tanks where property is connected to sewer
19	Abandonment of public sewerage facilities	Power to discontinue or prohibit use of public sewer
22	Trade effluent discharge consents	Power to issue a discharge consent
23	Production of plans and furnishing of information	Requirement on owner to provide information on discharge
24	Variation, suspension and revocation	Power to amend trade discharge consent
25	Transfers	Power to transfer trade discharge consent to new holder
26	Information about harmful effluent	Power to request information about nature of trade discharge
27	Control of harmful effluent	Power to require person to dispose of harmful trade effluent
30	Alternation of designated flood defences	Restricts alterations without consent
31	Repair of other flood defences	Power to require work to be undertaken by owner on flood defences
34	Exercise of ancillary powers	Powers of entry for inspection, survey purposes, etc
35	Remedial action by person causing damage	Power to require owner to correct damage
37	Remedial action by Minister	Power for TTSD to correct damage at owners cost