
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – PLANNING AND ENVIRONMENT – REVISED DELEGATIONS FEBRUARY 2014

Presented to the States on 27th February 2014
by the Minister for Planning and Environment

STATES GREFFE

REPORT

On 25th February 2014, the Minister for Planning and Environment made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-PE-2014-0013, available at www.gov.je).

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister or an officer.

The Law states, *inter alia* –

“28 Power of Minister to delegate functions

- (1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law or any other enactment or any enactment of the United Kingdom having effect in Jersey, to –
 - (a) one of his or her Assistant Ministers;
 - (b) an officer.
- (2) A Minister shall not delegate –
 - (a) any power to make an enactment;
 - (b) any power to decide an appeal under an enactment;
 - (c) any function the delegation of which is prohibited by an enactment.
- (3) The delegation of functions by a Minister under this Article shall not prevent the Minister exercising those functions personally.
- (4) Where any licence, permit or authorization is granted in purported exercise of functions delegated under paragraph (1), no criminal proceedings shall lie against any person for any act done, or omitted to be done, in good faith and in accordance with the terms of the licence, permit or authorization, by reason that the functions had not been delegated, or that any requirement attached to the delegation of the functions had not been complied with.
- (5) In this Article –

“Minister” includes the Chief Minister;

“officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 and includes a member of the States of Jersey Police Force and an officer appointed under paragraph 1(1) of Part 1 of Schedule 2 to the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993.
- (6) The States may by Regulations amend the definition “officer” in paragraph (5).”

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 –

Scheme of Delegation for the Minister for Planning and Environment February 2014

1. By virtue of the power conferred on him by Article 28(1) of the States of Jersey Law 2005, the Minister has delegated to the Assistant Minister the following functions conferred upon or vested in him:

1.1 The lodging of a Proposition with the States Assembly in accordance with Standing Order 19(c) of the Standing Orders of the States of Jersey.

1.2 Presentation of Reports or Comments to the States Assembly in accordance with Standing Order 35(1)(b) of the Standing Orders of the States of Jersey.

Where the Minister has indicated, for whatever reason, to the Assistant Minister that making any such decision is appropriate.

2. By virtue of the power conferred on him by Article 28(1) of the States of Jersey Law 2005 and Article 9A of the Planning and Building (Jersey) Law 2002, the Minister has delegated the following functions conferred upon or vested in him subject to the conditions as stated.

Law	Detail/Involves	Delegated to whom
Planning and Building (Jersey) Law 2002		
APPLICATIONS FOR PLANNING PERMISSION		
Article 9(5) Article 9(6)	Determining that an application has been properly made, that sufficient information is accompanying the application and that, if this is not the case, the application can be refused.	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer – Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners and Principal Historic Environment Officer • Senior Planners and Assistant Senior Planners
Article 11(3)	Determining that an application has been publicised in accordance with the Planning and Building (Application Publication) (Jersey) Order 2006.	
Article 11(4)	Taking into account representations received in connection with a planning application.	
Article 11(5)	Requiring evidence to demonstrate that an application for planning permission has been publicised or notified in the appropriate manner.	
Article 11(6)	Provision of a copy of any part of an application for consideration or comment.	
Article 13(1), (2) and (3)	Determination as to whether an application for planning permission should be the subject of an Environmental Impact Assessment (EIA) and consideration of applications accompanied by an EIA.	

Law	Detail/Involves	Delegated to whom
Article 14	Consideration of any comments received from the relevant Highway Authority (if any) in respect of any effect that any development might have on highway safety.	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners, Principal Historic Environment Officer • Senior Planners and Assistant Senior Planners
Article 15	Consideration of any comments received from the Minister for Economic Development in respect of any effect any development might have on the harbours or airport.	
Article 16	Consideration of any comments received from the Minister for Transport and Technical Services in respect of any effect any development might have on the sewerage or drainage system, flood defence works, surface water issues or water quality.	
Article 17	Consideration of any comments received from any Minister or other body created by statute who has an interest in an application for planning permission.	
Article 19 (save for Article 19(3))	Granting of planning permission either without conditions, or subject to conditions, and the refusal of planning permission, following the submission of an application.	
Article 19(3)	Grant of planning permission inconsistent with the Island Plan.	<ul style="list-style-type: none"> • Planning Applications Panel
Article 19(3)	Grant of planning permission inconsistent with the Island Plan for minor applications (as defined by the Department's guidance).	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment
Article 20	Grant of planning permission for development already undertaken following the submission of an application. Grant of planning permission for a development that does not accord with a condition attached to a previously granted planning permission.	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners, Principal Historic Environment Officer • Senior Planners and
Article 21	Variation of a condition attached to a previously granted planning permission following an application to vary the condition.	
Article 22	The giving of reasons for the grant or refusal of an application for planning permission.	
Article 23	The attaching of appropriate conditions to	

Law	Detail/Involves	Delegated to whom
	any grant of planning permission.	Assistant Senior Planners
Article 26	Termination of a planning permission which has been commenced but not completed by reference to time limit.	
Article 28	Provision of a certificate of completion of a development.	
APPLICATIONS FOR BUILDING PERMISSION (BUILDING BYE-LAWS APPROVAL)		
Article 34(4)	Refusal of an application for building permission on the basis of appropriate details not being submitted.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Building Control
Article 35(2)	Granting of building permission that is inconsistent with the Building Bye Laws.	
Article 35(3) and (4)	Granting or refusal of building permission (Building Bye Laws).	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Building Control • Directors of Planning Development Control and Planning Policy, Projects and the Historic Environment • Principal Building Control Surveyors • Senior Building Control Surveyors • Building Control Surveyors
Article 36	Giving of reasons for the refusal of building permission (Bye Laws).	
Article 35(2)	Granting of building permission that is inconsistent with the Building Bye Laws.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Building Control
ENFORCEMENT OF PLANNING AND BUILDING CONTROLS		
Article 40	Service of an Enforcement Notice where there has been a breach of Development Controls (Planning Controls and Building Controls).	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment • Directors of Building Control; Planning Development Control and Planning Policy, Projects and the Historic Environment • Principal Planners, Principal Historic
Article 42	Variation or withdrawal of an Enforcement Notice.	
Article 45	Service, alteration or withdrawal of a Stop Notice.	
Article 47	Service of an Enforcement Notice in respect of non-compliance with a condition attached to a planning or building permission.	

Law	Detail/Involves	Delegated to whom
		Environment Officer and Principal Building Control Surveyors • Senior Planners and Assistant Senior Planners
SITES OF SPECIAL INTEREST		
Article 51	Maintenance of a List of Sites of Special Interest.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment
Article 52	Adding or removing of a building or place on the List of Sites of Special Interest.	<ul style="list-style-type: none"> • Directors of Planning Development Control and Policy, Projects and the Historic Environment
Article 53	Provisional Listing of a building or place.	<ul style="list-style-type: none"> • Principal Planners, Principal Historic Environment Officer • Director of Environment/Deputy Chief Officer • Director of Environmental Management and Rural Economy • Principal Ecologist
Article 54(2)(a)	Grant of permission to carry out works to an SSI which, whilst not amounting to development, would affect the character of the SSI.	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners, Principal Historic Environment Officer • Senior Planners and Assistant Senior Planners • Director of Environment/ Deputy Chief Officer • Director of Environmental

Law	Detail/Involves	Delegated to whom
		Management and Rural Economy <ul style="list-style-type: none"> • Principal Ecologist • Senior Natural Environment Officer
Article 55(3)	This relates to allowing activities which are restricted on SSIs.	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment <p>In relation to those activities indicated in Article 55(1)(a) and (b) –</p> <ul style="list-style-type: none"> • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Historic Environment Officer <p>In relation to those activities indicated in Article 55(1)(c) (relating to those activities stipulated in Article 55(2)) –</p> <ul style="list-style-type: none"> • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Principal Ecologist • Senior Natural Environment Officer
PROTECTED TREES		
Article 58	Maintenance of a List of Protected Trees.	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects
Article 59	Adding or removing a tree on the List of Protected Trees.	
Article 60	Provisional listing of trees.	
Article 61(1)(a)	Grant of permission to carry out works to a Protected Tree.	

Law	Detail/Involves	Delegated to whom
		and the Historic Environment <ul style="list-style-type: none"> • Principal Planners, Principal Historic Environment Officer • Senior Planners and Assistant Senior Planners • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Principal Ecologist
DANGEROUS STRUCTURES		
Article 66	Serving of a dangerous building notice.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment and Building Control • Principal Building Control Surveyors • Senior Building Control Surveyors • Building Control Surveyors
Article 68	Variation or withdrawal of a dangerous building notice.	
Article 71	Immediate action to ensure safety of a building. This includes powers of entry to carry out any such works.	
PLANNING OBLIGATION AGREEMENTS		
Article 25	Entering into a Planning Obligation and modifying or discharging all or part of the obligations of that Agreement.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Directors of Planning and Development Control and Planning Policy, Projects and the Historic Environment

Law	Detail/Involves	Delegated to whom
CARAVANS		
Article 99	Permission to import a caravan, campervan or any other vehicle with sleeping, etc. accommodation	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment
Article 101	Attaching of conditions to the importation of a caravan, etc.	<ul style="list-style-type: none"> • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners and Principal Historic Environment Officer • Senior Planners and Assistant Senior Planners • Enforcement Officers • Hospitality and Leisure Manager, Department of Economic Development
ENVIRONMENTAL IMPACT ASSESSMENTS		
Planning and Building (Environmental Impact) (Jersey) Order 2006		
Article 3	Whether an environmental impact statement is required.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment
Article 4	What information (the Scope) should be provided in an environmental impact statement.	<ul style="list-style-type: none"> • Directors of Planning Development Control and Planning Policy, Projects and the Historic Environment • Principal Planners, Development Control
PUBLICITY FOR PLANNING APPLICATIONS		
Planning and Building (Application Publication) (Jersey) Order 2006		
All of the powers and responsibilities conferred on the Minister	Powers relating to the publicising of applications for planning permission, including extending the publicity period for more than 21 days and re-advertising a proposal.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners and Principal

Law	Detail/Involves	Delegated to whom
		Historic Environment Officer • Senior Planners and Assistant Senior Planners
PUBLIC INQUIRIES (FOR INFORMATION)		
Planning and Building (Public Inquiries) (Jersey) Order 2008		No powers delegated
MOVEABLE STRUCTURES		
Planning and Building (Moveable Structures) (Jersey) Order 2006 (under Article 81 of the Planning and Building (Jersey) Law 2002)		
All the functions conferred upon or vested in the Minister	Grant of permission for a moveable structure (as defined by the Order), attachment of conditions on a grant of permission and allowing retrospective permission.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners and Principal Historic Environment Officer • Senior Planners and Assistant Senior Planners
CONTROL OF ADVERTISEMENTS		
Planning and Building (Display of Advertisements) (Jersey) Order 2006 (under Article 76 of the Planning and Building (Jersey) Law 2002)		
All the functions conferred upon or vested in the Minister	Grant of permission for an advertisement, attachment of conditions on a grant of permission and allowing retrospective permission.	<ul style="list-style-type: none"> • Planning Applications Panel • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners and Principal Historic Environment Officer • Senior Planners and Assistant Senior Planners

Law	Detail/Involves	Delegated to whom
HIGH HEDGES		
High Hedges (Jersey) Law 2008		
By virtue of the power conferred on him by Article 28(1) of the States of Jersey Law 2005 and subject to the conditions set out below, the Minister has delegated the functions conferred upon or vested in him under –		
Article 6	Determining whether a complainant has taken steps to resolve the situation, whether the complaint is frivolous or vexatious, or whether the complaint is justified.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Directors of Planning Development Control and Policy, Projects and the Historic Environment • Principal Planners • Senior Planners and Assistant Senior Planners
Article 7	Issuing of a Remedial Notice provided that the owner of the hedge has not made any representation in connection with the complaint.	
Article 9	Withdrawal of a Remedial Notice and issuing of an amended Notice if appropriate.	

The conditions
1. Authorized Officers refer to those Officers indicated in the table above.
2. Proposals which, if approved, would involve a departure from the Island Plan, any guidelines or policies published in accordance with Article 6 of the Planning and Building (Jersey) Law 2002, or any other approved planning policy or Ministerial Guidance may only be considered by the Planning Applications Panel (PAP) and nominated Authorized Officers and where, in their opinion, there are good grounds to consider approving the application, it may grant such a permission.
3. Where the Planning Applications Panel is minded to reach a decision on an application which is fundamentally contrary to the Department's recommendation, the decision will not be taken at that meeting, but referred to the Minister, who may seek further information, issue advice to the Panel, or decide the application him/herself (under Ministerial Decision MD-PE-2006-0012).
4. Neither the Planning Applications Panel, nor any Authorized Officer, will make any decision or otherwise exercise any function in any case in which the Minister has given notice that he wishes to make the decision or exercise the function himself. Such indication may be given at any stage prior to the making of the decision or exercise of the function in pursuance of the delegated powers.
5. Where it is considered beneficial, the Minister may sit with the Planning Applications Panel.
6. In relation to all powers indicated above – save for those in relation to the Building Bye-Laws, Dangerous Structures and Caravans – all decisions made by an Authorized Officer will be made on the basis of a recommendation from another Officer. Any such recommendation shall be made in writing and must identify all the material considerations relevant to the decision to be taken or the action to be taken.
7. In considering applications for planning permission, Authorized Officers may determine applications where representations have been received, where those representations have been accommodated by revisions to the application or by the imposition of relevant conditions.

8. In considering applications for planning permission, Authorized Officers may determine applications where representations have been received from 3 or less individuals, where each individual appears to be from a separate address – when the representations are contrary to the recommendation.
9. In deciding whether to include a building or place on a List of Sites of Special Interest, Authorized Officers may take a decision when representations have been received in connection with the process but where those representations are not material in considering whether to include the building or place on any List.
10. In deciding whether to include a tree or group of trees on a List of Protected Trees, Authorized Officers may take a decision when representations have been received in connection with the process but where those representations are not material in considering whether to include the tree or group of trees on a List.
<p>11. In granting permission to import a caravan, campervan or any other vehicle with sleeping, etc. accommodation into the Island, the Hospitality and Leisure Manager (Economic Development Department) must attach the following conditions –</p> <p>(a) Caravans can only be accommodated on the following sites –</p> <ul style="list-style-type: none"> • Beuvelande, St. Martin • Daisy Cottage Campsite, St. Ouen • Rozel Camping Park, St. Martin • Jersey Accommodation and Activity Centre, St. Martin. <p>(b) Where the visitor is staying at a private address or tourist accommodation, motorhomes may not be used for overnight accommodation, although they will be permitted to circulate the Island providing a valid permit is shown.</p> <p>(c) The maximum duration of stay is 31 days from the date of arrival in Jersey.</p> <p>(d) Visiting Caravans are restricted to one journey to, and one journey from, the campsite to the port. Caravans must remain on the designated site for the period of the permit. Motorhomes/campervans may circulate on the Island on a daily basis, but must return to the designated campsite each night.</p> <p>(e) Where it is necessary to change vessels when in transit in either direction between the UK and France, motorhomes/campervans are permitted to circulate the Island subject to a valid permit being displayed.</p> <p>(f) A permit displaying the dates for which the permission is valid must be displayed in the vehicle towing the caravan or motorhome/campervan.</p> <p>(g) The caravan or motorhome/campervan shall have in effect at all times during the duration of the visit, a valid policy or policies of insurance against public and third-party liability.</p> <p>(h) The maximum dimensions allowed are –</p> <ul style="list-style-type: none"> (i) width of caravan, motorhome or towing vehicle: 2.3 metres; (ii) length of any caravan: 6.7 metres (<i>excluding the means of attachment to the towing vehicle</i>); length of any motorhome/campervan: 9.3 metres; (iii) Caravan and towing vehicle: 16.50 metres (<i>to include any projection to the front or rear of the vehicle</i>).
12. In deciding an application and any requirement for remedial action in connection with a submission under the High Hedges (Jersey) Law 2008, Authorized Officers may only make a decision when representations have not been received from the owner of the hedge that is the subject of the application.

NOTE – the Planning Applications Panel do not have any powers to determine High Hedges applications, as neither the States of Jersey Law 2005 nor the High Hedges (Jersey) Law 2008 allow for such a delegation.

3. By virtue of the power conferred on him by Article 28(1) of the States of Jersey Law 2005, the Minister has delegated the following functions conferred upon or vested in him:

Legislation	Detail/Involves	Delegated to whom
<p>Animal Welfare (Jersey) Law 2004 <i>Subordinate</i></p> <ul style="list-style-type: none"> • <i>Animal Welfare (Temporary Licensing Exemptions) (Jersey) Order 2007</i> • <i>Animal Welfare (Licence Fee) (Jersey) Order 2008</i> • <i>Animal Welfare (Poisons) (Jersey) Order 2007</i> 	<ul style="list-style-type: none"> • A Law to consolidate and revise the laws promoting the welfare of animals and the prevention of suffering by animals, to regulate the keeping and use of animals, and for connected purposes. • The Law defines the Veterinary Officer according to the definition given under the Diseases of Animals (Jersey) Law 1956. The Appointed Veterinary Officer (or their appointed Deputy under Part 2, Article 2 of the 1956 Law) has delegated powers under all Orders and is empowered to perform all duties relating to veterinary matters (Articles 2 to 7). • Additional delegated powers are requested for appointment; as Inspector is required, in accordance with Article 22, to carry out licensing visits or enter premises licensed in accordance with Articles 14 or 15 of the Law. <p>The Animal Welfare (Jersey) Law 2004 to restrict the powers of an inspector appointed under Article 22, prohibiting them from exercising functions in relation to licensing if the licensed activity is also undertaken by the inspector or his/her employers.</p>	<ul style="list-style-type: none"> • Assistant Minister • Director of Environment/ Deputy Chief Officer • Principal Ecologist <p><i>For the purposes of administration, inspection and enforcement:</i></p> <ul style="list-style-type: none"> • States Veterinary Assistant • Standby Officers • Head of Agricultural Inspection • Agricultural Inspectors
<p>Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974</p>	<ul style="list-style-type: none"> • A Law to control sales and leases of agricultural land. <p>Delegated powers are requested under –</p> <ul style="list-style-type: none"> • Article 2 – The issuing of consents and permissions on agricultural land at the point of sale 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy

Legislation	Detail/Involves	Delegated to whom
	or leases using longstanding terms of reference. Decisions not within the terms of reference are referred to the Minister.	<ul style="list-style-type: none"> • Land and Horticultural Development Manager • Land Controls and Planning Officer • Projects and Compliance Officer (for monitoring and enforcement)
Agricultural Marketing (Jersey) Law 1953 <i>Subordinate</i> <ul style="list-style-type: none"> • <i>Export of Agricultural Produce (Jersey) Order 1972</i> • <i>Potatoes (Precautions against Blight) (Jersey) Order 1961</i> • <i>Export of Flowers (Jersey) Order 1972</i> 	<ul style="list-style-type: none"> • A Law to provide for the control of the marketing of agricultural produce by control of production and by other means, to empower the States to approve schemes for this purpose and to provide for other matters incidental thereto. • Delegated powers are requested for the administration, inspection and enforcement for the 3 pieces of subordinate legislation to ensure that export produce adheres to certain standards and that crops are disease-free. This allows Jersey to trade with Europe. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director – Environmental Protection • Director of Environmental Management and Rural Economy <p><i>For the purposes of administration, inspection and enforcement:</i></p> <ul style="list-style-type: none"> • Head of Agricultural Inspection • Agricultural Inspectors
Animals (Trapping) (Jersey) Law 1961 <i>Subordinate</i> <ul style="list-style-type: none"> • <i>Spring Traps (Approval) (Jersey) Order 1996</i> • <i>Small Ground Vermin Traps (Jersey) Order 1961</i> 	<ul style="list-style-type: none"> • A Law to define approved traps and to regulate and enforce their appropriate use. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Principal Ecologist • States Veterinary Officer
Artificial Insemination of Domestic Animals (Jersey) Law 1952 <i>Subordinate</i> <ul style="list-style-type: none"> • <i>Artificial Insemination of Domestic Animals (Jersey) Order 2008</i> • <i>Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008</i> 	<ul style="list-style-type: none"> • Licences to those wishing to collect, store, distribute or sell the semen from any male domestic animal (Article 2). • Licences to persons wishing to import (other than cattle) or export the embryos, ova or semen of domestic animals and to export (including cattle) as above (Article 3). 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> • States Veterinary Assistant • Head of Agricultural Inspection • Agricultural Inspectors

Legislation	Detail/Involves	Delegated to whom
<p>Conservation of Wildlife (Jersey) Law 2000</p>	<ul style="list-style-type: none"> • A Law to protect scheduled wild animals and birds and their nest or dens from death, damage or disturbance. Article 16 allows for the licensing of normally prohibited activities under Articles 6, 8, 9, 10, 11 and 15. Prohibitions: <ul style="list-style-type: none"> • 6 – Relating to dens and nests, etc. of protected wild animals and protected wild birds • 8 – Keeping, etc. of protected wild animals and protected wild birds • 9 – Certain methods of killing or taking wild birds • 10 – Certain methods of killing or taking wild animals (no licences have ever been issued for 9 and 10) • 11 – Export of certain reptiles and amphibians • 15 – Release, etc. of imported species (specifically includes pheasants and partridges) Licences may only be issued if the thing to be done is for scientific, research or educational purposes (e.g. ringing, marking, tracking); preserving public health or public or air safety; the re-introduction of a species, the purpose of conservation or the prevention of the spread of diseases, preventing serious damage to livestock and crops, AND <p style="margin-left: 40px;"><i>‘there is no other satisfactory solution and that anything authorized by the licence will not be detrimental to the survival of the population concerned’.</i></p> • Delegated powers are also required under Article 18 for enforcement activities (Article 18) 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Principal Ecologist <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Natural Environment Officer • Research Ecologist

Legislation	Detail/Involves	Delegated to whom
Dangerous Wild Animals (Jersey) Law 1999	<p>This Law provides a licensing requirement to keep a scheduled animal (Article 3).</p> <ul style="list-style-type: none"> Administration of this Law is delegated to the States Veterinary Officer who will seek advice at his/her discretion. <p>(Note: Only one licence has been issued under the Law.)</p>	<ul style="list-style-type: none"> Assistant Minister Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> States Veterinary Assistant Head of Agricultural Inspection Agricultural Inspectors
Diseases of Animals (Jersey) Law 1956 <i>Subordinate</i> <ul style="list-style-type: none"> <i>Diseases of Animals (Approved Disinfectants) (Jersey) Order 1958</i> <i>Diseases of Animals (Importation of Live Fish) (Jersey) Order 1984</i> <i>Importation of Equine Animals (Jersey) Order 1958</i> <i>Importation of Equine Animals (African Horse Sickness) (Prohibition) (Jersey) Order 1961</i> <i>Diseases of Animals (Miscellaneous Provisions) (Jersey) Order 1958</i> <i>Diseases of Animals (Waste Foods) (Jersey) Order 1958</i> <i>Diseases of Animals (Pigs, Goats and Sheep Registration, Identification and Movement) (Jersey) Order 2007</i> <i>Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011</i> 	<ul style="list-style-type: none"> The Appointed Veterinary Officer (under Part 2, Article 2 of the Law) has delegated powers under all Orders and is empowered to perform all duties relating to veterinary matters (Articles 2 to 7). Licences are issued under delegated powers. The Minister is advised of the outbreak of any notifiable disease. 	<ul style="list-style-type: none"> Assistant Minister Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy <p><i>For the purposes of enforcement/inspection to report information to SVO:</i></p> <ul style="list-style-type: none"> States Veterinary Assistant Head of Agricultural Inspection Agricultural Inspectors Standby Officers Director – Environmental Protection Dairy and Livestock Adviser Horticultural Adviser Principal Ecologist Head of Plant Health Laboratory Manager

Legislation	Detail/Involves	Delegated to whom
<ul style="list-style-type: none"> • <i>Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011</i> • <i>Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012</i> • <i>Diseases of Animals (Bees) (Jersey) Order 2013</i> 		
<p><i>Notifiable Disease Orders</i></p> <ul style="list-style-type: none"> • <i>Anthrax (Jersey) Order 1958</i> • <i>Aujeszky's Disease (Jersey) Order 1984</i> • <i>Diseases of Animals (Avian Influenza) (Jersey) Order 2005</i> • <i>Diseases of Animals (Bluetongue) (Jersey) Order 2006</i> • <i>Bovine Spongiform Encephalopathy (Jersey) Order 1988</i> • <i>Cattle Plague (Jersey) Order 1958</i> • <i>Contagious Abortion (Jersey) Order 1958</i> • <i>Enzootic Bovine Leucosis Disease (Jersey) Order 1984</i> • <i>Epizootic Lymphangitis (Jersey) Order 1958</i> • <i>Foot-and-Mouth Disease (Jersey) Order 1958</i> • <i>Fowl Pest (Jersey) Order 1958</i> • <i>Fowl Typhoid (Jersey) Order 1959</i> • <i>Glanders or Farcy (Jersey) Order 1958</i> • <i>Diseases of Animals (Infectious Bovine Rhinotracheitis) (Jersey) Order 2012</i> 		

Legislation	Detail/Involves	Delegated to whom
<ul style="list-style-type: none"> • <i>Virus Hepatitis (Jersey) Order 1958</i> • <i>Parasitic Mange (Jersey) Order 1958</i> • <i>Pleuro-Pneumonia (Jersey) Order 1958</i> • <i>Psittacosis (Jersey) Order 1958</i> • <i>Rabies (Control) (Jersey) Order 1976</i> • <i>Sheep-Pox (Jersey) Order 1958</i> • <i>Sheep Scab (Jersey) Order 1958</i> • <i>Swine Fever (Jersey) Order 1958</i> • <i>Swine Vesicular Disease (Jersey) Order 1974</i> • <i>Teschen Disease (Jersey) Order 1975</i> • <i>Tuberculosis (Jersey) Order 1958</i> • <i>Warble Fly (Jersey) Order 1984</i> 		
<p>European Communities Legislation (Implementation) (Jersey) Law 1996 <i>Subordinate</i></p> <ul style="list-style-type: none"> • <i>Fish Health (Jersey) Regulations 1999</i> • <i>Community Provisions (Mortality in Oysters) (Jersey) Regulations 2010</i> 	<ul style="list-style-type: none"> • To ensure the health of aquaculture animals and aquaculture products in order to prevent the spread of disease. • Regulation, enforcement and inspections are carried out by States Veterinary Officer or his/her assistants. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> • States Veterinary Assistant • Head of Agricultural Inspection • Agricultural Inspectors • Standby Officers • Senior Fisheries Inspector • Fisheries Officer – Research and Development • Sea Fisheries Officers

Legislation	Detail/Involves	Delegated to whom
<ul style="list-style-type: none"> • <i>Community Provisions (Animal Feeding) (Jersey) Regulations 2005</i> 	<ul style="list-style-type: none"> • Regulations to ensure the prevention, control and eradication of certain transmissible spongiform encephalopathies. • Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> • States Veterinary Assistant • Head of Agricultural Inspection • Agricultural Inspectors
<ul style="list-style-type: none"> • <i>European Communities Legislation (Bluetongue) (Jersey) Regulations 2008</i> 	<ul style="list-style-type: none"> • Regulate the controls, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue. • Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> • States Veterinary Assistant • Standby Officers • Head of Agricultural Inspection • Agricultural Inspectors • Dairy and Livestock Adviser
<ul style="list-style-type: none"> • <i>Community Provisions (Bovine Embryos) (Jersey) Regulations 2010</i> 	<ul style="list-style-type: none"> • Regulates the trade in bovine embryos with Member States and controls the importation of bovine embryos from third countries. Approve embryo collection teams, including laboratories, embryo production teams and storage facilities for trade. • Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> • States Veterinary Assistant • Head of Agricultural Inspection • Agricultural Inspectors

Legislation	Detail/Involves	Delegated to whom
<ul style="list-style-type: none"> <i>Pet Travel Scheme (Jersey) Regulations 2011</i> 	<ul style="list-style-type: none"> Regulate the movement of pet animals arriving from outside the British Islands entering Jersey from a member State or a third country. Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants. 	<ul style="list-style-type: none"> Assistant Minister Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> States Veterinary Assistant Head of Agricultural Inspection Agricultural Inspectors Standby Officers
<ul style="list-style-type: none"> <i>Community Provisions (Welfare of Animals during Transport) (Jersey) Regulations 2013</i> 	<p>The object of these Regulations is to ensure the application and implementation of 2 European Council Regulations that deal with the welfare of animals when they are being transported. Those Regulations are – Council Regulation (EC) No. 1/2005 and Council Regulation (EC) No. 1255/97, which harmonise applicable animal welfare controls as well as preventing the occurrence and spread of infectious animal diseases. These Regulations put in place more stringent requirements than previously, so as to prevent pain and suffering in order to safeguard the welfare and health of animals during and after transport.</p>	<ul style="list-style-type: none"> Assistant Minister Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> States Veterinary Assistant Head of Agricultural Inspection Agricultural Inspectors Standby Officers
<p>Fertilisers and Feeding Stuffs (Jersey) Law 1950 <i>Subordinate</i></p> <ul style="list-style-type: none"> <i>Fertilizers and Feeding Stuffs (Jersey) Order 1972</i> 	<ul style="list-style-type: none"> A Law to make provision with respect to the sale of fertilizers and feeding stuffs in the Island and their contents which must not have animal extracts within them. 	<ul style="list-style-type: none"> Assistant Minister Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> States Veterinary Assistant Head of Agricultural Inspection Agricultural Inspectors

Legislation	Detail/Involves	Delegated to whom
Food and Environment Protection Act 1985 (Jersey) Order 1987	<ul style="list-style-type: none"> • To authorize the issue of licences for the deposit of substances at sea (Article 5 of 1987 Order), e.g. dredge spoil from maintenance dredging of the harbours, burials at sea. • Detailed protocols establish the procedures and fees for each class of deposit, together with lists of compulsory consultees. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer
Pesticides (Jersey) Law 1991 <i>Subordinate</i> <ul style="list-style-type: none"> • <i>Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991</i> • <i>Pesticides (General Provisions) (Jersey) Order 1991</i> 	<ul style="list-style-type: none"> • To regulate the use of pesticides. • Delegated powers are requested for Article 4, which outlines the enforcement provisions. 	<ul style="list-style-type: none"> • Assistant Minister • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Director of Environmental Protection <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Head of Agricultural Inspection • Agricultural Inspectors • Head of Water Resources • Environmental Protection Officers
Planning and Building (Jersey) Law 2002	<ul style="list-style-type: none"> • Permission to carry out activities on SSI land (Article 55), e.g. permission for the T.A. to carry out exercises, utilities maintenance, etc. • Permission to allow use of public land by Clubs and Associations, e.g. by the Jersey Rifle Club, who close Les Landes SSI 6 times annually for firing purposes. • Provisional listing (for 3 months only) of SSIs under Article 53 in the case of extreme threat to an area of SSI quality. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Principal Ecologist • Senior Natural Environment Officer

Legislation	Detail/Involves	Delegated to whom
<p>Plant Health (Jersey) Law 2003 <i>Subordinate</i></p> <ul style="list-style-type: none"> • <i>Stem and Bulb Eelworm (Jersey) Order 1971</i> • <i>Blight Disease (Jersey) Order 1982</i> • <i>Plant Health (Jersey) Order 2005</i> 	<ul style="list-style-type: none"> • Issuance of plant passports – Article 18 of the Plant Health Order. • Registration of growers, propagators or traders (Article 19 of the Plant Health Order) and keeping of the register (Article 20 of the Plant Health Order). • Delegated powers are requested for inspection and enforcement functions under Articles 24–31 of the Plant Health Order. • Issuance of licences – Article 34 of the Plant Health Order. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Director of Environmental Protection • Plant Pathologist • Entomologist <p><i>For the purposes of enforcement/inspection:</i></p> <ul style="list-style-type: none"> • Head of Agricultural Inspection • Agricultural Inspectors
<p>Protection of Agricultural Land (Jersey) Law 1964</p>	<ul style="list-style-type: none"> • This Law is to protect the ‘spoilation’ of agricultural land from contamination, neglect, the removal of surface soil or any misuse. • Under Article 4(2), consents and permissions can be issued for prohibited activities to be carried out on agricultural land. • For the purposes of inspection and enforcement, delegated powers of entry are requested (Article 3) as are the powers to obtain information (Article 5). 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Horticultural Adviser • Statutory Services Officer • Principal Ecologist • Land and Horticultural Development Manager • Land Controls and Planning Officer <p><i>For the purposes of enforcement/inspection/ obtain information:</i></p> <ul style="list-style-type: none"> • Head of Agricultural Inspection • Agricultural Inspectors • Projects and Compliance Officer
<p>Slaughter of Animals (Jersey) Law 1962</p>	<ul style="list-style-type: none"> • The SVO issues slaughterers’ licences under delegated powers (Article 4). • The slaughterhouse is supervised by the Superintendent (Article 2). 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer

Legislation	Detail/Involves	Delegated to whom
Waste Management (Jersey) Law 2005	<ul style="list-style-type: none"> • A Law to: <ol style="list-style-type: none"> 1. Control the transboundary shipment of wastes to, from, and through Jersey. 2. Control the movements of hazardous and healthcare wastes in Jersey. 3. Allow for the licensing of waste management facilities and the registration of certain carriers in Jersey. • All administration of: <ul style="list-style-type: none"> Part 1 – INTRODUCTORY PROVISIONS (Articles 1 to 9) Part 2 – ADMINISTRATION (Articles 10 to 22) Part 3 – WASTE MANAGEMENT WITHIN THE ISLAND <ul style="list-style-type: none"> • Licensing of Operations (Articles 23 to 37) • Registration of Waste Carriers (Articles 38 to 48) • Internal Movements (Articles 49 to 52) • Other Provisions (Articles 53 to 56). Part 4 – TRANSBOUNDARY MOVEMENTS OF WASTE <ul style="list-style-type: none"> • Introductory Provisions (Articles 57 to 63) • Export of Waste (Articles 64 to 67) • Import of Waste (Articles 68 to 69) • Waste in Transit (Articles 70 to 71) • Illegal Traffic (Articles 72 to 75) • Other Provisions (Articles 76 to 81) Part 5 – ENFORCEMENT (Articles 82 to 93) Part 6 – OTHER PROVISIONS (Articles 94 to 113) Any further responsibilities under Schedules 1 to 11. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Planning and Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Waste Regulation <p><i>In addition for enforcement (Part 5):</i></p> <ul style="list-style-type: none"> • Head of Water Resources • Environmental Protection Officers • Hydrogeologist • Environmental Protection Technician • Head of Agricultural Inspection • Agricultural Inspectors

Legislation	Detail/Involves	Delegated to whom
<p>Water Pollution (Jersey) Law 2000</p>	<p>A Law to provide for the control of pollution in Jersey waters, and the implementing of provisions of the Convention for the Protection of the Marine Environment of the North-East Atlantic; the monitoring and the classification of waters; the setting of quality objectives for classified waters; administrative, regulatory, preventive and remedial measures; and related purposes.</p> <ul style="list-style-type: none"> • Delegated powers are requested for the issuance of discharge permits and the publishing of notices and consultation before considering applications relating to Discharge Permits (Article 10). • Special regard to the issuance of discharge permits will be given relating to high-risk substances (Article 19(1)). • Consideration of Discharge Permits (Article 21). • Conditions attached to Discharge permits (Article 22). • Procedure for varying or revoking Discharge Permits (Article 23). • Procedure for suspension of Discharge Permits (Article 24). • Consideration of transfer of Discharge permits (Article 25). • Procedure for notification of decisions relating to Discharge Permits (Article 27; with the exception of paragraph (1)(c)). <p>Delegated powers are requested for the purposes of enforcement (under Article 29) and –</p> <ul style="list-style-type: none"> • Access to documents relevant to Law (Article 34); • Requirement to produce information relating to potentially polluting matter (Article 35); • Requirement for precautions to be taken to prevent pollution (Article 36); • Requirement for polluters to eliminate and remediate pollution (Article 37); 	<ul style="list-style-type: none"> • Assistant Minister • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Water Resources <p><i>In addition for enforcement (Article 29):</i></p> <ul style="list-style-type: none"> • Environmental Protection Officers • Head of Waste Regulation • Hydrogeologist • Environmental Protection Technician • Head of Agricultural Inspection • Agricultural Inspectors • Marine and Costal Manager • Assistant Director, Marine Resources • Marine Scientist

Legislation	Detail/Involves	Delegated to whom
	<ul style="list-style-type: none"> • The procedure to be adopted in respect of Articles 36–37 (Article 38); • Ability of the Department to take remedial action in respect of Articles 36 and 37 (Article 39(1)); • Transitional provisions in respect of Discharge Permits (Schedule 5). 	
Water (Jersey) Law 1972	<ul style="list-style-type: none"> • Jersey Water must provide ‘wholesome water’ (Article 9). • Enforcement of standards are performed by officers. 	<ul style="list-style-type: none"> • Assistant Minister • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Water Resources <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Environmental Protection Officer
Weeds (Jersey) Law 1961	<p>A Law to provide for preventing the spreading of injurious weeds.</p> <p>Delegated powers are requested for enforcement activities to prevent the spreading of injurious weeds (Article 2) performed by the Inspectorate.</p>	<ul style="list-style-type: none"> • Assistant Minister • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Head of Agricultural Inspection • Agricultural Inspectors
Water Resources (Jersey) Law 2007	<p>A Law to provide for the protection, management and regulation of water resources in Jersey; the promotion of the conservation of the fauna and flora that are dependent on inland waters and of the habitats of such fauna and flora to the extent that those habitats are themselves dependent on inland waters; the conservation and enhancement of the natural beauty and amenity of inland waters; and for related purposes.</p>	<ul style="list-style-type: none"> • Assistant Minister • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Water Resources • Hydrogeologist <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Environmental Protection Officers • Environmental Protection Technician • Head of Agricultural Inspection • Agricultural Inspectors