

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY THE DEPUTY OF ST. MARY
ANSWER TO BE TABLED ON TUESDAY 29th MARCH 2011**

Question

In his answer to Written Question 6131 on March 15th 2011, the Minister referred to three documents:

1. Enforcement & Prosecution Policy;
2. Guidance for the Implementation of the Enforcement & Prosecution Policy;
3. Code on the Decision to Prosecute.

He also stated that the guidelines were originally drafted in 2001 updated to reflect changes in departmental structure in 2004.

Notwithstanding the fact that a further update has taken place in April and May 2010, which update is currently awaiting approval by the Attorney General, will the Minister make the above three documents as at 2004 available to members, or give a reference where they may be found, as members need to see the documents in order to understand the investigatory process vis-à-vis the pollution incident at La Collette in and around April 2009?

Answer

As correctly mentioned, the three documents relating to Environmental Protection's enforcement and prosecution policy have been updated. The updates largely reflect the change to Ministerial Government and the change from 'Water Resources' to 'Environmental Protection' (that currently comprises of the Water Resources Section, Waste Regulation and Agricultural Inspection). The 2010 documents are therefore, in essence, similar to the 2001 and 2004 versions.

The updated 2010 documents were forwarded to the Environment Scrutiny Panel as part of the written submission by Environmental Protection to the Panel's ongoing review into 'Protecting our Marine Environment - Monitoring and Regulation of Coastal Waters' (see Section 1.3: Enforcement by Environmental Protection) .

The public link to these documents can be found on the Scrutiny Panels web site at:
<http://www.scrutiny.gov.je/submissions.asp?reviewid=166>