

STATES OF JERSEY



Jersey

DRAFT AIR AND SEA PORTS (INCORPORATION) (MISCELLANEOUS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 28th June 2019
by the Minister for Economic Development, Tourism, Sport and Culture**

STATES GREFFE

REPORT

These Regulations will transfer 2 staff members from the employment of the Ports of Jersey Ltd. into the Government of Jersey.

In 2015, the States of Jersey agreed to transfer the staff and assets in use by the 'Ports of Jersey' section of the Government of Jersey into the control of the newly incorporated Ports of Jersey Ltd.

As the ports had until that time been an intrinsic part of government, a line had to be drawn at the point of incorporation between those functions that would remain with government, and those that would be transferred to the new entity.

The staff supporting the TETRA radio service were transferred to the new entity as part of the Communications Services function, which maintained the TETRA service and supported the communications facilities of the airport and harbour. The estimate at the time was that 2.5 FTE within that section would be dedicated to TETRA, although this would be spread across the section as a whole. As in the case of some other government functions that could not be cleanly separated from the intrinsic functions of the Ports of Jersey Ltd., the entire section was transferred in anticipation of an agreement between the parties to maintain the established level of service.

Since the incorporation in 2015, it has become apparent that it would have been preferable to retain the TETRA service within government. To correct the position, some staff will need to be 'repatriated' from the Ports of Jersey Ltd. Fortunately, 2 staff members can be identified as TETRA experts, who can be returned to the civil service to support the system. The remaining 0.5 FTE will be absorbed by civilian staff within States of Jersey Police who have been trained to support the system.

The outward transfer of staff was made by action of law in order to allow them to retain their accrued service rights, including pension rights, while transferring between employers (by means of the [Air and Sea Ports \(Incorporation\) \(Transfer\) \(Jersey\) Regulations 2015](#)). To maintain that position, their return to government service must also be by these corrective Regulations, which serve to 'perfect' the original transfer arrangements.

The staff affected and the Ports of Jersey Ltd. have been fully consulted and are supportive of this course of action.

Financial and manpower implications

These Regulations increase by 2 the headcount of the Justice and Home Affairs Department in order to maintain essential services (TETRA).

EXPLANATORY NOTE

The Air and Sea Ports (Incorporation) (Miscellaneous) (Jersey) Regulations 201- if passed will transfer specified employees to the States of Jersey to reverse, in part, the transfer of staff to the Ports of Jersey Limited effected by the Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 2017.

The relevant staff were, immediately before 1st December 2017, employees of the States of Jersey.



Jersey

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(MISCELLANEOUS) (JERSEY) REGULATIONS
201-**

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DRAFT AIR AND SEA PORTS (INCORPORATION) (MISCELLANEOUS) (JERSEY) REGULATIONS 201-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Articles 33 and 53 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015¹ –

1 Transfer of specified staff from Ports of Jersey Limited

- (1) This Regulation applies to an individual person who –
 - (a) immediately before the commencement of this Regulation, was employed by POJL as a consequence of the transfer of staff effected by the Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 2017² (the “transfer Regulations”); and
 - (b) is identified by name in a letter of intent dated 7th June 2019 and sent by the Group Chief Executive of POJL to the Director General, Justice and Home Affairs.
- (2) The transfer Regulations are repealed to the extent to which they transfer all rights and liabilities under and in relation to contracts of employment of persons to whom this Regulation applies to POJL.
- (3) The operation of this Regulation is not to be regarded as –
 - (a) a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
 - (b) giving rise to any remedy by a party to a contract.

2 Citation and commencement

These Regulations may be cited as the Air and Sea Ports (Incorporation) (Miscellaneous) (Jersey) Regulations 201- and come into effect immediately after they are made.

ENDNOTES

Table of Endnote References

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| <i>1</i> | <i>chapter 03.050</i> |
| <i>2</i> | <i>chapter 03.050.71</i> |