

# STATES OF JERSEY



## **DRAFT AIR AND SEA PORTS (INCORPORATION) (JERSEY) LAW 201- (APPOINTED DAY) ACT 201-**

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**Lodged au Greffe on 24th July 2015  
by the Council of Ministers**

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**STATES GREFFE**





Jersey

## **DRAFT AIR AND SEA PORTS (INCORPORATION) (JERSEY) LAW 201- (APPOINTED DAY) ACT 201-**

### **REPORT**

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This Appointed Day Act will bring the Air and Sea Ports (Incorporation) (Jersey) Law 201- (the “Incorporation Law”) into force in 2 tranches. The initial tranche will come into force immediately on approval of the Act by the States Assembly. This will activate the Regulation-making powers in the Law, and thus allow the draft Regulations which transfer the staff and property to the new entity to be debated (*see* P.80/2015). This tranche will also create the new company (as a ‘shell’ with no assets or legal duties), and allow assets, etc. to be transferred to that company, as described in Part 5 of the Incorporation Law.

The second tranche will bring the remainder of the Incorporation Law into force on 1st October 2015, and imbue the new Ports of Jersey Ltd. with the powers and duties as provided for in the Law.

The Act is divided in this way to ensure that the Regulations can be debated in a timely manner, while the responsibilities of the company (which primarily consist of those assigned by the consequential legislative amendments within the Incorporation Law, and a general duty to act as Harbour Authority and Airport Authority) are not ‘live’ until the planned incorporation date.

The Act sets the date for the incorporation as 1st October 2015, but if for any reason the transfer Regulations are delayed beyond that date (which is not expected to happen but must be provided for), the activation of the second tranche of the Incorporation Law will be delayed until they come into force.

The Incorporation Law was approved by the States Assembly on 2nd June 2015 from [P.5/2015](#) ‘Draft Air and Sea Ports (Incorporation) (Jersey) Law 201-’, and was granted Royal Assent on 15th July 2015.

#### **Financial and manpower implications**

Details of financial and manpower implications for the States arising from incorporation of the Ports of Jersey were identified in the report accompanying the Incorporation Law when it was lodged *au Greffe* as [P.5/2015](#).

There are no additional financial or manpower implications arising from the adoption of this draft Appointed Day Act.

## Explanatory Note

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This draft Act would bring into force, in 2 tranches and on 2 different dates, the Air and Sea Ports (Incorporation) (Jersey) Law 201-

The first provisions to be brought into force, immediately following the commencement of this Act, would be those listed in *Article 1(1)* which are required to establish a transferee company (Ports of Jersey Limited) and to enable the transfer, by Regulations, of assets and liabilities of the States and the Public of the Island of Jersey to that company, in accordance with the provisions of Part 5 of the Law. (Part 5 confers the power to make transfer Regulations and deals with some overall terms of transfer, notably those relating to employees' contracts.)

The remaining provisions of the Law (giving Ports of Jersey Limited full powers and obligations as the air and sea port operator and harbour authority for Jersey) would be brought into force in accordance with *Article 1(2)*, on either 1st October 2015 or, if the making of the transfer Regulations is for any reason delayed later than that date, immediately following commencement of such Regulations.

*Article 2* provides for the citation of this Act.



Jersey

## **DRAFT AIR AND SEA PORTS (INCORPORATION) (JERSEY) LAW 201- (APPOINTED DAY) ACT 201-**

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

**THE STATES**, in pursuance of Article 55(2) of the Air and Sea Ports (Incorporation) (Jersey) Law 201-<sup>1</sup>, have made the following Act –

### **1 Commencement of the Air and Sea Ports (Incorporation) (Jersey) Law 201-**

- (1) The following provisions of the Air and Sea Ports (Incorporation) (Jersey) Law 201-<sup>2</sup> (the “Law”) shall come into force immediately after the making of this Act –
  - (a) Article 1, for the purpose of interpretation of other provisions brought into force by this paragraph;
  - (b) Article 3;
  - (c) Article 13, for the purpose of making an Order, in accordance with paragraph (1) of that Article, to take effect upon the commencement of Article 7 of the Law under paragraph (2) of this Article;
  - (d) Part 5;
  - (e) Articles 47, 50, 53, 54(2) and 55.
- (2) To the extent that it is not brought into force by paragraph (1), the Law shall come into force –
  - (a) on 1st October 2015; or
  - (b) immediately after the commencement of transfer Regulations made under Part 5 of that Law,whichever is the later.

### **2 Citation**

This Act may be cited as the Air and Sea Ports (Incorporation) (Jersey) Law 201- (Appointed Day) Act 201-.

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- <sup>1</sup> *Law sanctioned by H.M. Privy Council 15th July 2015 and awaiting registration in the Royal Court*
- <sup>2</sup> *Law sanctioned by H.M. Privy Council 15th July 2015 and awaiting registration in the Royal Court*