
STATES OF JERSEY



SEA TRANSPORT POLICY

**Presented to the States on 3rd June 2024
by the Minister for Sustainable Economic Development**

STATES GREFFE

REPORT

Background

The previous Sea Transport Policy, providing direction to the Harbour Master on ferry services was published in July 2014. This Policy was intended to provide direction on the procurement and management of an Operating Agreement for the Island's ferry services.

In advance of the expiration of this Operating Agreement in March 2025, the Minister for Sustainable Economic Development has decided to provide the below update to the Sea Transport Policy.

This will inform a competitive tender of ferry operators to apply for a new permit for freight, car and passenger ferry services.

The issues

The updated policy will retain Ro/Ro freight, car and passenger services operating between Jersey and the United Kingdom within the scope of services that require a permit and authorises a maximum 15-year duration for a permit, followed by a 5-year extension period if required. These changes are to help ensure the long-term security of supply of Ro/Ro freight and combined passenger and private vehicle services.

Further, it will allow the Harbourmaster to confer either:

- an exclusive permit to a single Ro/Ro ferry operator or:
- permits to all who apply for permits, where the applicant can operate to the same standard and provision of a principal operator

Under Regulation 5(6)(a) of the Harbours (Jersey) Regulations 1962, and when dealing with any application for a permit, the Harbour Master must take account of the policy of the States as conveyed to him by the Minister.

Conclusion

The Minister has therefore decided to write to the Harbour Master so as to clarify the above points and to issue the revised policy as a formal notice in accordance with the legislation.

Dear Harbour Master,

Sea Transport Policy Notice - Permits issued under Regulation 5 of the Harbours (Jersey) Regulations 1962

1. Updated Policy

I have decided to update the Sea Transport Policy under which you may issue permits for Roll-on/Roll-off (Ro/Ro) sea shipping services. In particular, the updated policy:

- Allows the Harbourmaster to award a single, exclusive permit to a Ro/Ro ferry operator or continue to award permits to all who apply.
- Authorises a maximum fifteen-year duration for an exclusive permit, followed by a five-year wind down period if required.

These changes are to help ensure the long-term security of supply of Ro/Ro freight and combined passenger and private vehicle services. Therefore, the Direction attached to this letter replaces that issued in July 2014 concerning the designation of services that require permits. Likewise, a policy notice is attached regarding the issue of permits and this replaces that issued on 12 December 2012.

2. The process of granting a new ferry permit

The process for granting a new permit involves publication of application(s) and the seeking of comments from those likely to be affected as laid down in Regulation 5(4)(a). There then needs to be a period of consideration before you make your decision.

This process will take time and to reduce any uncertainty I should like you to publish applications received and commence the process as soon as possible.

Yours sincerely,

Deputy Kirsten Morel, Minister for Sustainable Economic Development

Direction under Regulation 4(4) of the Harbours (Jersey) Regulations 1962
To the Harbour Master.

I, the Minister for Sustainable Economic Development, acting in accordance with Regulation 4(4) of the Harbours (Jersey) Regulations 1962, direct you, acting in accordance with Regulation 4(1) of the Harbours (Jersey) Regulations, to designate the provision of Ferry Services across all route sectors, as requiring a Permit, but specifically excluding:

- (a) Lo/Lo freight services;
 - (b) foot passenger only services to and from the Cotentin peninsula;
 - (c) I inter-Island and Southern Route foot passenger only services;
 - (d) Southern Route Freight services, as far as these may be outside any Agreement.
- For existing services, a proposed service, or a variation to an existing service, a permit shall be required as soon as due process has been followed.

Signed, Minister for Sustainable Economic Development

Notice under Regulation 5(6)(a) of the Harbours (Jersey) Regulations 1962 To the Harbour Master I, the Minister for Sustainable Economic Development, acting in accordance with Regulation 5(6)(a) of the Harbours (Jersey) Regulation 1962, advise you that the policy of the States on the issue of permits is as follows – Ferry Services to/from Jersey

1. For the avoidance of doubt, services that must be in accordance with this policy are those referred to in the accompanying Direction to the Harbour Master, dated XX 2024.
2. As far as is practicable, in granting or refusing permits or imposing terms, conditions and limitations, the Harbour Master shall aim to maintain and develop year-round, long-term, reliable and robust services.
3. These services (which must include a reasonable winter service), should be of sufficient quality and frequency to meet the Ro/Ro freight transport needs of the Island economy as well as the travel needs of Island residents, the business community, and visitors.
4. The Harbourmaster may directly award an exclusive permit to a single applicant for the duration of that permit (a maximum of 15-years and a 5-year extension).
5. The Harbourmaster, at a point prior to any principal permit award, retains the power to grant permits to all who apply and who can demonstrably meet reasonable and relevant terms, conditions and limitations and policy, safety and security criteria.
6. Whether permits are granted on the basis of sections 3 or 4 shall be determined by full evaluation of an applicant's ability to deliver on the policy priorities set out in this document. Direct award of an exclusive permit will only take place following the outcome of a competitive tender process of applicants, coordinated by the Government of Jersey (and its partners).
7. Policy considerations: Applicants must offer services on both the Northern and Southern routes. The Northern Route (currently serving Portsmouth and Poole, whether or not via Guernsey) is of critical strategic importance to the Islands because it is the Islands' main freight supply and logistics link, and is of particular importance given increasing reliance on "just in time" methods of provisions supply. The Northern Route is also of strategic importance to the Islands' visitor economy and islanders, i.e. what can be, in the main, the leisure traveller or the visiting of friends and relatives (VFR).

The Northern Route is part of a network of services that extend from ports on the south coast of the UK Mainland to Guernsey, to Jersey and St. Malo. It has been served by a combination of High-Speed Craft and conventional ferries, the latter including, as an essential requirement, a Ro/Pax vessel that provides resilience against inclement weather. The Southern Route (St. Malo) makes a substantial contribution to Jersey's visitor economy and a smaller, but nevertheless valuable contribution to Guernsey's, as well as providing local residents with excellent lifestyle and leisure opportunities.

The Islands' needs will continue to be best served through a service network delivered via a combination of vessel types with the capability of providing the full service.

Applicants must submit to the Harbour Master a satisfactory permit application which includes:

- Fleet configuration and investment plan (including maintenance and people)
 - Service requirements plan
 - Draft timetable
 - Pricing plan (covering passenger fares and freight tariffs)
 - Risk analysis
 - Sustainability plan (which acknowledged Jersey's environmental commitments)
 - Financial plan and disclosure
8. Duration of permits: There is to be maximum 15-year duration for a permit, followed by a 5-year wind-down period if required.
9. In granting a permit, the Harbour Master shall have agreements and set passenger and private vehicle service level standards which are materially the same for all operators.
10. In granting a permit, the Harbour Master shall make it a condition that an operator maintains full compliance with EU Regulation 1177/2010 (concerning the rights of passengers when travelling by sea and inland waterways) on all routes, whether or not the voyage involves calling at an EU port. Contravention of an obligation under the Regulation is to be a breach of that condition.
11. Consideration of an application shall take account of any policy understanding between Jersey and Guernsey. In particular, there should be co-ordination of the commencement and duration of permits to ensure that the option to revoke or re-tender services remains available within the timescales agreed between Jersey and Guernsey.