

**DRAFT BOATS AND SURF-RIDING (CONTROL) (AMENDMENT No. 23) (JERSEY) REGULATIONS 200**

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**Lodged au Greffe on 3rd September 2002  
by the Harbours and Airport Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **REPORT**

### **Background**

Regarding the European Convention on Human Rights, the Committee has been advised that the existing Regulations do not confer adequate rights of appeal against decisions concerning the licensing of boats for hire or carriage of passengers in vessels operating solely between places in the Island.

In particular, the amendments confer a right of appeal against any refusal to grant a licence, or against the conditions attached to a licence or the revocation, suspension or variation of a licence.

The Regulations affect both the Tourism and the Harbours and Airport Committees, in that the former is involved in the issue of licences to those who operate craft from beaches. The Harbours and Airport Committee present these Regulations on behalf of both Committees.

### **Financial and manpower implications**

It is the view of the Harbours and Airport Committee that there are no financial or manpower implications for the States arising from the adoption of these Regulations.

## **Explanatory Note**

These Regulations further amend the Boats and Surf-Riding (Control) (Jersey) Regulations 1969 (the “principal Regulations”).

*Article 1* is the interpretation provision.

*Article 2* amends Regulation 13 of the principal Regulations so that, before a licence authorizing the holder to let any boat on hire or carry passengers for hire in a boat is revoked, suspended or varied, the holder must be given an opportunity to be heard.

*Article 3* adds a new Regulation 13A to the principal Regulations so as to confer a right of appeal against any refusal to grant a licence authorizing the holder to let any boat on hire or carry passengers for hire in a boat, the conditions attached to a licence or the revocation, suspension or variation of a licence.

*Article 4* amends Regulation 23 of the principal Regulations so that, before a licence authorizing the holder to carry passengers for hire in a passenger boat between any places in the Island is revoked, suspended or varied, the holder must be given an opportunity to be heard.

*Article 5* adds a new Regulation 23A to the principal Regulations so as to confer a right of appeal against any refusal to grant a licence authorizing the holder to carry passengers for hire in a passenger boat between any places in the Island, the conditions attached to a licence or the revocation, suspension or variation of a licence.

*Article 6* is the citation and commencement provision.

**Harbours (Administration) (Jersey) Law 1961**

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BOATS AND SURF-RIDING (CONTROL) (AMENDMENT No. 23) (JERSEY) REGULATIONS 200

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*(Promulgated on the            day of            200-)*

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**STATES OF JERSEY**

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The            day of            200-

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**THE STATES**, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, <sup>[1]</sup> as amended, <sup>[2]</sup> have made the following Regulations -

**1.** In these Regulations, “principal Regulations” means the Boats and Surf-Riding (Control) (Jersey) Regulations 1969, as amended. <sup>[3]</sup>

**2.**-(1) At the beginning of Regulation 13 of the principal Regulations there shall be inserted the paragraph number “(1)”.

(2) After paragraph (1) of Regulation 13 of the principal Regulations there shall be added the following paragraph -

“(2) Before revoking, suspending or varying a licence, the competent authority shall give the holder of the licence an opportunity to be heard.”.

**3.** After Regulation 13 of the principal Regulations there shall be inserted the following Regulation-

“**13A.**-(1) Where the competent authority refuses to grant a licence, grants a licence subject to conditions or revokes, suspends or varies a licence, it shall notify the applicant for or holder of the licence of the reasons for its decision.

(2) An applicant for a licence shall have a right of appeal to the Royal Court against -

(a) a refusal to grant a licence; or

(b) the conditions subject to which a licence is granted.

(3) The holder of a licence shall have a right of appeal to the Royal Court against the revocation, suspension or variation of his licence.

(4) An appeal may only be made within 28 days of the applicant for or holder of the licence being notified by the competent authority of the reasons for its decision.

(5) Upon hearing an appeal, the Royal Court may uphold the decision of the competent authority or substitute its own decision.”.

**4.**-(1) At the beginning of Regulation 23 of the principal Regulations there shall be inserted the paragraph number “(1)”.

(2) After paragraph (1) of Regulation 23 of the principal Regulations there shall be added the following paragraph -

“(2) Before revoking, suspending or varying a licence, the competent authority shall give the holder of the licence an opportunity to be heard.”.

5. After Regulation 23 of the principal Regulations there shall be inserted the following Regulation-

“23A.-(1) Where the competent authority refuses to grant a licence, grants a licence subject to conditions or revokes, suspends or varies a licence, it shall notify the applicant for or holder of the licence of the reasons for its decision.

(2) An applicant for a licence shall have a right of appeal to the Royal Court against -

(a) a refusal to grant a licence; or

(b) the conditions subject to which a licence is granted.

(3) The holder of a licence shall have a right of appeal to the Royal Court against the revocation, suspension or variation of his licence.

(4) An appeal may only be made within 28 days of the applicant for or holder of the licence being notified by the competent authority of the reasons for its decision.

(5) Upon hearing an appeal, the Royal Court may uphold the decision of the competent authority or substitute its own decision.”.

6. These Regulations may be cited as the Boats and Surf-Riding (Control) (Amendment No. 23) (Jersey) Regulations 200- and shall come into force on the seventh day after they are made by the States.

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[1] Recueil des Lois, Volume 1961-1962, page 165.

[2] Recueil des Lois, Volume 1998, page 424 and Volume 2000, page 865.

[3] Nos. 5239, 7268, 7649, 7688, 8312, 8674, 8892, 9049, 9417, 176/2001 and 3/2002.