

# **STATES OF JERSEY**



## **DRAFT COMMUNITY PROVISIONS (SHIP AND PORT FACILITY – SECURITY) (AMENDMENT) (JERSEY) REGULATIONS 200-**

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**Lodged au Greffe on 26th September 2007  
by the Minister for Economic Development**

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**STATES GREFFE**





Jersey

# DRAFT COMMUNITY PROVISIONS (SHIP AND PORT FACILITY – SECURITY) (AMENDMENT) (JERSEY) REGULATIONS 200-

## REPORT

### Background

The current Regulations came into force in July 2004 and follow on directly from changes to the Safety of Life at Sea Convention which were made as a result of the terrorist attacks in the U.S.A. on 11th September 2001. They form a vital part of the legislation used to manage not only security at Island ports but also for ships at sea in Jersey waters.

The United Kingdom’s Parliamentary Joint Committee on Statutory Instruments made a recommendation in its 25th Report that certain errors needed correcting in the U.K.’s equivalent legislation. These changes have now been via the Ship and Port Facility (Security) (Amendment) Regulations 2005 (S.I.2005 No. 1434). It is the advice of the Law Officers that one of these changes, concerning the reasoning where a person may wish to object to an enforcement notice, should also be made to the Jersey Regulations.

Other amendments may in time also be necessary to cover electronic communications. However, the Law Officers’ advice is not yet available on that matter.

### Detail of the change

The current legislation states –

#### 20 *Objections to enforcement notices*

- (1) .....
- (2) *The grounds of objection to an enforcement notice are –*
  - (a) .....
  - (b) *that the steps required by the notice to be taken do not constitute a failure to comply with the requirements as specified in Regulation 17;*
  - (c) *etc. ....*

The amendment redrafts Regulation 20(2) to be more readable and less capable of being misconstrued, as follows –

#### 20 *Objections to enforcement notices*

- (1) .....
- (2) *The grounds of objection to an enforcement notice are –*
  - (a) .....
  - (b) *that the matters stated in the enforcement notice in accordance with Regulation 18(1) do not constitute a failure to comply with the requirements specified in Regulation 17;*
  - (c) *etc. ....*

### Financial, manpower, property, ICT, Law Drafting and other resource implications

The Regulations amend established security and enforcement legislation without any new resource implications.

## **Explanatory Note**

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These Regulations amend the Community Provisions (Ship and Port Facility – Security) (Jersey) Regulations 2004 to correct a small defect in them.





Jersey

## **DRAFT COMMUNITY PROVISIONS (SHIP AND PORT FACILITY – SECURITY) (AMENDMENT) (JERSEY) REGULATIONS 200-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996<sup>[1]</sup> and Article 49(1)(e) of the Shipping (Jersey) Law 2002<sup>[2]</sup> and having regard to Regulation (EC) No. 725 of the European Parliament and Council of 31 March 2004 on enhancing ship and port security, have made the following Regulations –

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### **1 Regulation 20 of the Community Provisions (Ship and Port Facility – Security) (Jersey) Regulations 2004 amended**

For Regulation 20(2)(b) of the Community Provisions (Ship and Port Facility– Security) (Jersey) Regulations 2004<sup>[3]</sup> there is substituted the following sub-paragraph –

“(b) that the matters stated in the enforcement notice in accordance with Regulation 18(1) do not constitute a failure to comply with the requirements specified in Regulation 17”.

### **2 Citation and commencement**

- (1) These Regulations may be cited as the Community Provisions (Ship and Port Facility – Security) (Amendment) (Jersey) Regulations 200-.
- (2) They come into force 7 days after they are made.

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- [1] *chapter 17.245*
- [2] *chapter 19.885*
- [3] *chapter 17.245.48*