

STATES OF JERSEY



DRAFT AIR AND SEA PORTS (INCORPORATION) (JERSEY) LAW 201- (P.5/2015): AMENDMENT

**Lodged au Greffe on 16th April 2015
by the Chief Minister**

STATES GREFFE

DRAFT AIR AND SEA PORTS (INCORPORATION) (JERSEY) LAW 201-
(P.5/2015): AMENDMENT

1 PAGE 49, ARTICLE 41 –

In paragraph (1), for the words “an employee of” substitute the words “employed by”.

2 PAGE 61, SCHEDULE, PARAGRAPH 6 –

In draft Article 2(7)(b) to be substituted in the Harbours (Administration) (Jersey) Law 1961, for the word “delegate” substitute the word “entrust”.

3 PAGE 89, SCHEDULE, PARAGRAPH 14 –

For sub-paragraph (b) substitute –

“(b) in Regulation 2 –

- (i) for the word “delegating” there shall be substituted the word “entrusting”, and
- (ii) for the words “Harbour Master” there shall be substituted the words “harbour authority”;

CHIEF MINISTER

REPORT

This is a simple amendment to the Draft Air and Sea Ports (Incorporation) (Jersey) Law 201-, which would do 3 things –

- Firstly, in the main Law it would change the phrase ‘*an employee of*’ in Article 41(1) to ‘*employed by*’.
- Secondly, as part of the consequential amendments to other legislation, it would change the word ‘*delegate*’ to ‘*entrust*’ in Article 2(7)(b) of the Harbours (Administration) (Jersey) Law 1961.
- Thirdly, as part of the consequential amendments to other legislation, it would change the word ‘*delegated*’ to ‘*entrusted*’ in Regulation 2 of the Harbours (Inshore Safety) (Jersey) Regulations 2012.

These changes will have no effect at all on the policy behind the Law. They are to ensure that the Law reads precisely as it is intended to, and that no confusion as to its exact terms can later arise.

The change from ‘*an employee of*’ to ‘*employed by*’ in Article 41(1) of the principal Law (page 49 of the proposition) is desirable because the Law elsewhere defines ‘employee’ for the purposes of Part 5 as being a transferring States employee.

This definition means that in Part 5 the Law understands ‘*an employee*’ to be a person who has transferred from the States to the company. By using the phrase ‘an employee’ in another context, the wording accidentally suggests that new staff joining the company in future would at the same time be people who have transferred from the States on incorporation. This clearly does not make sense. This change will resolve this inconsistency by using different terms for the 2 sets of people. It does not affect the position of transferring staff or any new staff later employed, but simply removes an accidental cross-reference from the wording.

It is understood that this provision would be read so as to make sense in context even if left unchanged, but it is not seen as wise to leave these minor points on the statute book when they can be avoided.

The changes from ‘*delegated*’ to ‘*entrusted*’ in the Harbours (Inshore Safety) (Jersey) Regulations 2012 (on page 89) and in Article 2(7)(b) of the Harbours (Administration) (Jersey) Law 1961 (on page 61) reflects that this change in terminology has been made elsewhere throughout the Law. ‘Entrustment’ better fits the relationship between government and the new entity than ‘delegation’, a word which is given a specific meaning by the States of Jersey Law 2005.

These small amendments are minor technical changes which reflect the complexity of the legislation, which runs to 57 pages of legal provisions and amends 14 other pieces of legislation.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from this amendment.