

# **STATES OF JERSEY**

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## **DRAFT ELECTRICITY LINK WITH FRANCE (PROTECTION OF SUBMARINE CABLES) (JERSEY) REGULATIONS 200**

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**Lodged au Greffe on 26th October 2004  
by the Harbours and Airport Committee**

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**STATES GREFFE**





Jersey

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## **REPORT**

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### **Background**

These Regulations are required to give a degree of legal protection to the undersea cables that now supply most of Jersey's electricity. They prohibit fishing or anchoring in the vicinity of the cables.

The Regulations are triennial and therefore, if they are to be maintained, require being put before the States every 3 years. The existing Regulations expired in January 2003 and could have been replaced immediately. Instead research has been underway to see if the Regulations were strictly necessary, whether they could therefore be made permanent and if it might be necessary for extension of the protection to include the link with Guernsey.

As part of the enforcement and advisory regime, the exclusion area remains marked clearly on all relevant charts.

### **Research and the possibility of permanent legislation**

Discussions have taken place with personnel in the Channel Island Energy Group.

Comparison with existing United Kingdom shipping legislation and international conventions has shown that enforcement regimes involving criminal sanction are limited. They do not universally apply to power cables nor to all ships in territorial waters. By and large the protection is aimed at ensuring the safety of the vessels and personnel. It usually takes the form of information and advice issued by marking prohibited area clearly on the charts and via promulgation of Notices to Mariners.

The Island only has the ability to regulate for shipping within its territorial limits, so protection cannot cover international or French waters. Nevertheless, partial protection may be better than none. The view of the Committee is that the Island is now so very clearly dependent on the link with France that a higher level of protection than mere advisory notes is necessary.

With that in mind a bid for law drafting time to replace the triennial regulation with permanent legislation was made. Discussion with the Law Officers has shown that this would require an amendment to the Shipping (Jersey) Law 2002. Because of the current pressure on law drafting time it was not possible to proceed down this route and it is the Committee's intention to bid again for 2006.

### **Consultation with fishermen**

The issue of extension of the protection to cover the Jersey-to-Guernsey link has been raised with the fishing community and the States Sea Fisheries Adviser. Discussion has revealed strong opposition because of the effect prohibition could have on current fishing practices in the vicinity of the link.

Although there is a certain equity about apply the same protection to that link as well as the French link, the Committee is not inclined to pursue this approach for the time being. This is because of the very real concerns that have been voiced by fishermen. Their representatives do however accept the continuation of the prohibition regarding the French link.

The Committee is satisfied that the Island's strategic needs are met by protection of the French link alone.

### **Enforcement and policing**

The policing policy has been to react to any infringement that may occur. Enforcement would be pursued through the courts if persuasive action and due warning were ineffective. To date there have been no prosecutions and the Regulations appear to have been effective as a deterrent. The Committee sees no reason to change the policy.

### **Financial and Human Resource implications**

The Regulations continue an established regime and no new resources are required.

## **Explanatory Note**

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The purpose of these Regulations is to prohibit anchoring, dredging and trawling in the territorial waters around Jersey that are within one thousand metres on each side of the submarine electricity cables that link Jersey to France.

The Regulations come into force on the day they are made and expire three years after that date.





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## Arrangement

### Regulation

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- 1 Interpretation
- 2 Prohibited activities in certain parts of territorial sea
- 3 Liability of master and owner of fishing boat
- 4 Penalties for offence
- 5 Citation and commencement







Jersey

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*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of the Order in Council of the 28th March 1771, <sup>[1]</sup> have made the following Regulations –

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## **1 Interpretation**

In these Regulations, unless the context otherwise requires –

“fishing boat” means a vessel of whatever size, and in whatever way propelled, that is for the time being employed in sea-fishing or in the sea-fishing service;

“master”, in relation to a vessel, means the person who is, for the time being, in command or charge of that vessel;

“vessel” includes any ship or boat or any other description of vessel used in navigation.

## **2 Prohibited activities in certain parts of territorial sea**

(1) For the purposes of protecting the submarine electricity cable linking Jersey with France, a person shall not –

- (a) anchor a vessel or an object;
- (b) dredge; or
- (c) trawl,

in those parts of the territorial sea adjacent to Jersey that lie within 1,000 metres on each side of a line joining the following positions (where that line consists of a sequence of lines, each of which is the shortest possible line between adjacent positions) –

<b>Position</b>	<i>Grid Co-ordinates</i>		<i>Geographical Co-ordinates</i>	
	<b>UTM Zone 30</b>		<b>WGS 1984</b>	
	<b>Easting</b>	<b>Northing</b>	<b>Latitude</b>	<b>Longitude</b>
1	571252.2	5451531.6	49°12.746'N	2° 1.300'W
2	571502.2	5451270.5	49°12.603'N	2° 1.097'W
3	572000.9	5451013.7	49°12.461'N	2° 0.689'W
4	572449.4	5450931.4	49°12.413'N	2° 0.321'W
5	578466.9	5452374.4	49°13.148'N	1°55.348'W
6	583885.6	5454275.8	49°14.131'N	1°50.860'W
7	589962.6	5457002.2	49°15.550'N	1°45.816'W
8	592381.5	5459166.7	49°16.696'N	1°43.792'W
9	593078.9	5459354.4	49°16.791'N	1°43.214'W
10	593355.5	5459495.0	49°16.865'N	1°42.984'W
11	593555.1	5459543.8	49°16.889'N	1°42.818'W
12	593813.4	5459555.6	49°16.893'N	1°42.605'W
13	594265.0	5459675.2	49°16.953'N	1°42.231'W
14	594400.9	5459748.8	49°16.992'N	1°42.118'W
15	594720.4	5459910.8	49°17.076'N	1°41.852'W
16	595108.2	5460047.5	49°17.146'N	1°41.530'W
17	595138.2	5460087.8	49°17.168'N	1°41.505'W
18	594922.9	5460497.7	49°17.391'N	1°41.677W
19	594898.6	5460541.9	49°17.415'N	1°41.696'W
20	594889.7	5460644.7	49°17.471'N	1°41.702'W
21	594803.1	5460879.4	49°17.598'N	1°41.770'W

- (2) Without prejudice to Regulation 3, any person contravening this Regulation shall be guilty of an offence.

### **3 Liability of master and owner of fishing boat**

- (1) If a fishing boat is used for fishing in a manner that contravenes Regulation 2, the master and the owner of that fishing boat shall each be guilty of an offence.
- (2) Where proceedings are taken against the owner of a fishing boat in respect of an offence committed by the master, it shall be a good defence for the owner to prove that he or she exercised all due diligence to prevent the commission of that offence.
- (3) Paragraph (1) and (2) shall, in relation to a fishing boat that at the material time is under charter, have effect as if any reference in those paragraphs to the owner of the fishing boat were a reference to the charterer.

### **4 Penalties for offence**

Any person guilty of an offence under these Regulations shall be liable to imprisonment for a term of 3 months and a fine.

### **5 Citation and commencement**

- (1) These Regulations may be cited as the Electricity Link with France (Protection of Submarine Cables) (Jersey) Regulations 200-.
- (2) These Regulations shall come into force on the date they are made and shall remain in force for 3 years from that date.



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[\[1\]](#) *Recueil des Lois, Tomes I-III, page 1.*