

**STATES OF JERSEY LAW 1966, AS AMENDED:  
DELEGATION OF FUNCTIONS - STATUTORY NUISANCES**

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**Presented to the States on 24th October 2000  
by the Health and Social Services Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

150

2000

R.C.38

Price code: A

## Report

On 5th April 2000, the Health and Social Services Committee made an Act delegating certain of its functions under the Statutory Nuisances (Jersey) Law 1999.

The terms of the delegation were recorded in an Act of the Committee as follows -

“The Committee considered a schedule of delegated functions under the Statutory Nuisances (Jersey) Law 1999, attached as an appendix to this Act, and, having approved it, requested the Greffier to present it to the States to come into effect from the same date as the appointment day,...”.

<b>Legislation:</b>	Statutory Nuisances (Jersey) Law 1999.
<b>Delegate:</b>	Chief Environmental Health Officer, or nominated deputy.
<b>Functions delegated:</b>	<p><u>Article 4(1)</u> to take such steps as are reasonably practical to investigate a complaint of statutory nuisance;</p> <p><u>Article 4(2)</u> to cause inspections to be made to detect the presence or existence of a statutory nuisance in respect of which no complaint has been made;</p> <p><u>Article 5(1)</u></p> <ul style="list-style-type: none"><li>• to determine whether or not a statutory nuisance exists, or is likely to occur or recur;</li><li>• and where a statutory nuisance exists, or is likely to occur or recur, to determine the requirements of the abatement notice that must be served. The requirements may extend to the abatement of the nuisance, or prohibit or restrict its occurrence or recurrence, and the execution of such works and the taking of such other steps as may be necessary for any of those purposes. The requirements should also take into account whether or not the relevant circumstances described in Article 5(8) apply and, if so, whether a valid defence might be claimed that best practicable means were used to prevent or counteract the effects of the nuisance (Article 5(7)). Where reasonable alternative requirements are proposed (see Schedule (3)(c)), these may be accepted and the requirements of the notice may be varied or amended accordingly.</li></ul> <p><u>Article 5(4)</u> to decide whether or not to initiate proceedings for an offence under paragraph (4) of Article 5.</p> <p><u>Article 6(2)(b)</u> to determine that paragraph (2)(b) of Article 6 should apply, in which case an abatement notice shall be served by fixing the notice to the relevant vehicle, machinery or equipment.</p>

Article 7(4)

where an abatement notice has *not* been complied with, whether or not proceedings are taken for an offence under paragraph (4) of Article 5, to decide whether or not to abate the nuisance and do whatever may be necessary in the execution of the notice, save that, where this may have significant resource consequences or other implications of a sensitive or contentious nature, the Committee shall retain responsibility for this function.

Article 11(5)

before a vehicle, machinery or equipment is entered, opened or removed under Article 11(1), to notify a police officer of its removal and current location.

Article 11(6)

after a vehicle, machinery or equipment has been removed under Article 11(1) or (3), to notify a police officer of its removal and current location.

Paragraph 10 of the Schedule to the Law

to determine whether the conditions described in paragraph 10 of the Schedule are fulfilled.