

STATES OF JERSEY



STATES OF JERSEY LAW 1966, AS AMENDED: DELEGATION OF FUNCTIONS– HARBOURS

**Presented to the States on 18th March 2003
by the Harbours and Airport Committee**

STATES GREFFE

REPORT

On 5th March 2003, the Harbours and Airport Committee made an Act delegating certain of its functions under the Harbours (Jersey) Regulations 1962, as amended, the Fishing Vessels (Safety Training) (Jersey) Regulations 2001 and the Boats and Surf-Riding (Control) (Jersey) Regulations 1969, as amended.

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

“A4. The Committee, in pursuance of Article 36A of the States of Jersey Law 1966, as amended, endorsed decisions of the Committee, as previously constituted, to delegate certain functions, under legislation in force, as follows –

Legislation: Harbours (Jersey) Regulations 1962, as amended, Part I (Powers of the Committee).

Delegate: Harbour Master.

Function: To restrict access to harbours (Regulation 1), removal of unserviceable vessels and other obstructions (Regulation 1A), circulation and parking of vehicles (Regulation 2) and posting of notices (Regulation 3).

Scope of delegation: Any action taken by the Harbour Master must conform with Shipping legislation and conventions in force in Jersey and with any codes of practice approved by the Committee.

Legislation: Harbours (Jersey) Regulations 1962, as amended, Part III (Duties of Master and Owner).

Delegate: Harbour Master.

Function: Action to be taken under Regulation 5 following failure of a master to carry out directions of the Harbour Master requiring movement of a vessel.

Scope of delegation: To conform to agreed Committee policies and codes of practice.

Legislation: Harbours (Jersey) Regulations 1962, as amended, Part IV (Provisions governing ships bringing petroleum spirit into a harbour) and Part IVA (Provisions governing the conveyance, loading and unloading of explosives).

Delegate: Harbour Master.

Function: To authorise an officer to discharge the functions of inspection to ascertain whether the requirements of Parts IV (Regulation 21) and IVA (Regulation 23I) of the Regulations are being carried out.

Scope of delegation: Any professional fees required, or provision of facilities, to be within annual budget or agreed contingency budget.

Legislation: Harbours (Jersey) Regulations 1962, as amended, Part VI

(General).

Delegate:	Harbour Master.
Function:	Functions under Regulation 26 (Damage by vessels in harbour) with respect to persons answerable for any damage, and persons liable to make good any such damage, including power to detain a vessel and obtain security for the amount of damage done.
Scope of delegation:	Valuation of cost to make good damage to be based on independent professional report.
Legislation:	Harbours (Jersey) Regulations 1962, as amended, Part VI (General).
Delegate:	Harbour Master.
Function:	Giving permission under Regulation 29 for any of the following – fixing notices; use of vessels as houseboats; use of firearms; public address or performance; soliciting or collecting; lighting fireworks.
Scope of delegation:	Any permission given to fall within the scope of any policies or codes of practice approved by the Committee and not to exceed a period of one year.
Legislation:	Harbours (Jersey) Regulations 1962, as amended, Part VI (General).
Delegate:	Commercial Director.
Function:	Permission to engage in any trade or business activity under Regulation 29(1)(e) and the setting of any terms and conditions under Regulation 29(2).
Scope of delegation:	Any permission given or withdrawal of such permission to fall within the scope of any policies or codes of practice approved by the Committee and the permission not to exceed a period of one year.
Legislation:	Fishing Vessels (Safety Training) (Jersey) Regulations 2001.
Delegate:	Harbour Master.
Function:	To grant exemptions under Regulation 4 from the requirement for safety training.
Scope of delegation:	Exemption may apply to fishermen operating vessels under 6 metres in length and where they have attended the approved alternative training. Temporary exemptions for those who have not attended any approved training must be time-limited and dependent on their being on-board safety and emergency briefings.

The Committee also approved the following delegated functions –

Legislation: Harbours (Jersey) Regulations 1962, as amended, Part V (General).

Delegate: Chief Executive/Commercial Director.

Function: To oversee the procedure for the charging for goods left on a harbour under Regulation 24(2) and 24(2A).

Scope of delegation: Charges and any reduction in the amounts to be as stated in the Regulations.

Legislation: Boats and Surf-Riding (Control) (Jersey) Regulations 1969, Part I, as amended.

Delegate: Chief Executive/Commercial Director.

Function: To oversee the registration and insurance procedures and the issue of certificates, concerning surf-riding.

Scope of delegation: Any fees required to be as stated in the Regulation. The design of forms, certificates and discs to be determined by the delegate. Cancellation of the certificate to be within the clearly stated procedures of these Regulations.

Legislation: Boats and Surf-Riding (Control) (Jersey) Regulations 1969, Part II, as amended.

Delegate: Chief Executive/Commercial Director.

Function: To oversee the registration procedures and issue of certificates of registration for boats.

Scope of delegation: Any fees required to be as stated in the Regulation. The design of forms and certificates to be determined by the delegate.

Legislation: Boats and Surf-Riding (Control) (Jersey) Regulations 1969, Part III, as amended.

Delegate: Chief Executive.

Function: For boats to ply for hire (except where operating from the beach). To grant a licence (Regulations 11 and 12) and to revoke, suspend or vary a licence (Regulations 13 and 13A).

Scope of delegation: Any fees required to be as stated in the Regulation. The design of forms and licences to be determined by the delegate. Any revocation, suspension or variation of the licence to be within the clearly stated procedures of these Regulations and with due regard to the advice of the Harbour Master.

Legislation: Boats and Surf-Riding (Control) (Jersey) Regulations

1969, Part IV, as amended.

- Delegate:** Chief Executive.
- Function:** For passenger boats to ply for hire between places in the Island: to grant a licence (Regulations 21 and 22) and to revoke, suspend or vary a licence (Regulations 23 and 23A).
- Scope of delegation:** Any fees required to be as stated in the Regulation. The design of forms and licences to be determined by the delegate. Any revocation, suspension or variation of the licence to be within the clearly stated procedures of these Regulations and with due regard to the advice of the Harbour Master.
- Legislation:** Boats and Surf-Riding (Control) (Jersey) Regulations 1969, Part V, as amended.
- Delegate:** Chief Executive/Commercial Director.
- Function:** To oversee the registration and marking of speed boats and to issue the relevant certificate of registration (Regulations 27, 28 and 30). To ensure compliance with the insurance obligations of the owner (Regulation 30).
- Scope of delegation:** Any fees required to be as stated in the Regulation. The design of forms to be determined by the delegate. Cancellation of the certificate to be within the clearly stated procedures of these Regulations.

The Committee agreed to present the aforementioned delegated functions to the States as a Rapport et Correspondence and requested the Greffier of the States to make the necessary arrangements.”