

STATES OF JERSEY



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

Presented to the States on 22nd November 2005
by the Harbours and Airport Committee

STATES GREFFE

REPORT

On 21st October 2005, the Harbours and Airport Committee made an Act delegating certain of its functions under the Harbours (Jersey) Regulations 1962, as amended, Boats and Surf-Riding (Control) (Jersey) Regulations 1969, as amended, Shipping (Tonnage) (Jersey) Regulations 2004, Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004 and Shipping (Survey and Certification) (Jersey) Order 2005.

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

“A6. The Committee, with reference to its Act No. A2 of 23rd March 2005, received and considered a report prepared by the Strategic Development Co-ordinator, with regard to delegating certain functions to various officers of the Harbour Department. In this connexion the Committee received a list which detailed the relevant delegated functions (attached as an enclosure to this Act).

The Committee, having considered the matter, endorsed the recommendations, as detailed in the enclosure, and requested that a “rapport et correspondance” be prepared for presentation to the States at the earliest opportunity.”

The delegation was made in pursuance of Article 36A of the States of Jersey Law 1966, as amended, and had effect from 21st October 2005.

REPORT

Legislation:	Harbours (Jersey) Regulations 1962, as amended, Part 1 (Powers of Committee)
Delegate:	Harbour Master/Deputy Harbour Master
Function:	To restrict access to harbours (Regulation 1), removal of unserviceable vessels and other obstructions (Regulation 2), circulation and parking of vehicles (Regulation 4) and posting of notices (Regulation 5).
Scope of delegation:	Any action taken by the Harbour Master/Deputy 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 3 (Duties of Master and Owner)
Delegate:	Harbour Master/Deputy Harbour Master
Function:	Action to be taken under Regulation 7(2) following failure of a master to carry out directions of the Harbour Master/Deputy 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 4 (Provisions governing ships bringing petroleum spirit into a harbour) and Part 5 (Provisions governing the conveyance, loading and unloading of explosives)
Delegate:	Harbour Master/Deputy Harbour Master
Function:	To authorise an officer to discharge the functions of inspection to ascertain whether the requirements of Parts 4 (Regulation 24) and 5 (Regulation 35) 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 7 (Loading and Unloading etc.)
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Delegate:	Chief Executive/Commercial Director
Function:	To oversee the procedure for the charging for goods left on a harbour under Regulation 45(2) and 45(3).
Scope of delegation:	Charges and any reduction in the amounts to be as stated in the Regulations.

Legislation:	Harbours (Jersey) Regulations 1962, as amended, Part 8 (General)
Delegate:	Harbour Master/Deputy Harbour Master
Function:	Functions under Regulation 47 (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 8 (General)
Delegate:	Harbour Master/Deputy Harbour Master
Function:	Giving permission under Regulation 49(1) (a) through to 1 (e) and 1(g) 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.

Legislation:	Harbours (Jersey) Regulations 1962, as amended, Part 8 (General)
Delegate:	Commercial Director
Function:	Giving permission to engage in any trade or business activity under Regulation 49(1)(f) and the setting of any terms and conditions under Regulation 49(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.
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Legislation:	Boats and Surf-Riding (Control) (Jersey) Regulations 1969, as amended, Part 1 (Provisions as to Surf Riding)
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, as amended, Part 2 (Registration of Sail Boards)
Delegate:	Chief Executive/Commercial Director
Function:	To oversee the registration and insurance procedures and the issue of certificates, concerning sail boards.
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, as amended, Part 3, (Registration of Boats)
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, as amended, Part 4, (Control of Boats Plying for Hire)
Delegate:	Chief Executive
Function:	For boats to ply for hire (except where operating from the beach). To grant a licence (Regulations 14 and 15) and to revoke, suspend or vary a licence (Regulations 16 and 17).

Legislation:	Boats and Surf-Riding (Control) (Jersey) Regulations 1969, as amended, Part 5 (Control of Passenger Boats Plying for Hire etc.)
Delegate:	Chief Executive
Function:	For passenger boats to ply for hire between places in the Island: to grant a licence (Regulations 25 and 26) and to revoke, suspend, vary or refuse a licence (Regulations 27 and 28).
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/Deputy Harbour Master.

Legislation:	Boats and Surf-Riding (Control) (Jersey) Regulations 1969, as amended, Part 6 (Registration and Marking of Speed Boats)
Delegate:	Chief Executive/Commercial Director
Function:	To oversee the registration and marking of speed boats and to issue the relevant certificate of registration (Regulations 32, 33 and 34). To ensure compliance with the insurance obligations of the owner (Regulation 35)
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.

Legislation:	Shipping (Tonnage) (Jersey) Regulations 2004
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Delegate:	Registrar of Shipping
Function:	To appoint appropriately qualified authorized measurers and surveyors, as defined in Regulation 1.
Scope of delegation:	The Registrar shall only appoint the said measurers and surveyors for the purpose of their functions under the Tonnage Regulations.

Legislation:	Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004
Delegate:	Harbour Master/Deputy Harbour Master
Function:	To grant exemptions from the requirement for safety training under Article 4.
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 there being on-board safety and emergency briefings.

Legislation:	Shipping (Survey and Certification) (Jersey) Order 2005 Article 1(2)(j), regarding U.K. Regulation 11
Delegate:	Harbour Master/Deputy Harbour Master
Function:	To issue a Passenger Certificate in accordance with the associated U.K. Regulation 11(a) and recognise equivalent U.K. certification in accordance with the associated U.K. Regulation 11(b).
Scope of delegation:	The Harbour Master/Deputy Harbour Master shall only issue and recognise certificates where the appropriate survey or surveys have been satisfactorily completed.

Legislation:	Shipping (Survey and Certification) (Jersey) Order 2005 Article 1, regarding U.K. Regulation 19
Delegate:	Harbour Master/Deputy Harbour Master
Function:	To cancel a certificate issued to a Jersey ship in accordance with the associated U.K. Regulation 19(1) and to require the surrender of such a certificate in accordance

	with the associated U.K. Regulation 19(2).
Scope of delegation:	The Harbour Master/Deputy Harbour Master shall only cancel or require surrender of such certificates where the certificate was issued on false or erroneous information or since any survey required by the associated Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient.