

States Greffe

Deputy Kirsten Morel
Minister for Sustainable Economic Development

BY EMAIL

21st July 2025

Dear Minister,

Economic and International Affairs Scrutiny Panel**Draft Harbours (Inshore Safety) (Jersey) Amendment Regulations 202-
Review**

The Economic and International Affairs Scrutiny Panel has agreed to continue its review of the Draft Harbours (Inshore Safety) (Jersey) Amendment Regulations 202- (P.3/2025) following its referral to Scrutiny under Standing Order 72. We will look to undertake further information gathering and reporting in good time to allow for the draft Regulations to return for debate on the 30th October 2025 as indicated.

As part of the Panel's Review, the Panel wishes to understand how the draft Regulations will be enforced and policed as is particularly interested in establishing where responsibility lies across the Harbourmaster, States of Jersey Police and Ports of Jersey.

The Panel understands from the [public Hearing](#) held on 5th June 2025 that an M.O.U. (Memorandum of Understanding) was being finalised between the States of Jersey Police and Ports of Jersey aiming to clarify roles and responsibilities with regards to enforcement of these draft Regulations and maritime safety. Furthermore, within the accompanying report to your proposition it was stated that *"The resource implication will be underpinned by a new enforcement policy statement which will clarify how Ports of Jersey Limited will discharge its enforcement responsibilities. As of November 2024, this policy statement is pending approval"*.

As outlined in the Panel's comments, the Panel is concerned that the Public Service Obligations agreements between the Ports of Jersey are not publicly available and will need updating to match the requirements of the draft Regulations regarding enforcement and deconfliction of responsibilities.

The Panel would therefore appreciate if the following key documents could be provided to aid it's understanding of how the draft Regulations will be enforced:

1. The Memorandum of Understanding
2. The new enforcement policy statement
3. Public Service Obligations of the Ports of Jersey concerning the draft Regulations

It would be useful for the Panel's awareness, if information could be provided on the below examples to understand the responsibilities in a practical scenario of enforcing the draft Regulations if adopted:

- a) *An individual is operating a jetski carelessly and comes onto land parking the jetski. A member of the public has called the coastguard alerting the coastguard of the erratic behaviour on the water of the jetski operator.*
- b) *A sailing boat has been noticed acting erratically, coming close to impacting other vessels. It is now moored in a local bay for the evening.*
- c) *A heavily intoxicated individual has left a local restaurant and returned to their vessel, management of the restaurant have reported this to the States of Jersey Police.*
- d) *A kayaker has impacted a surfer who wants to report the incident when returning home.*
- e) *A paddle boarder who has been drinking with friends on the beach narrowly misses other water users repeatedly, this is witnessed by on duty lifeguards – a second day passes and the same occurs however this time a swimmer is injured.*

Could the Panel be provided with a breakdown of how the above examples will be policed including which authority will attend the scene, would the individual be breathalysed and, if so, would this be on land or at sea by the States of Jersey Police or by the Harbourmaster?

It has recently been [reported by local media](#) that roadside drug testing will be coming to the island, how will this impact the enforcement of the draft Regulations?

The Panel would also value clarify regarding legislation, penalties and enforcement that impact commercial vessels versus recreational ships that currently exist regarding careless or dangerous operation, or causing serious injury or death and how being under the influence of drugs or alcohol is included in this legislation. The Panel would further value if you can outline how the draft Regulations will impact, and be impacted by, these existing laws, enforcement and penalties.

Should an offence be introduced banning the operation, e.g. movement, of a motorised or sailing ship when under the influence of drugs or a prescribed limit of alcohol, what resource implications will there be?

We would be grateful if you could respond to this no later than Monday 28th July 2025 in line with the 5 working days approved for responses between Scrutiny Panels and Ministers.

We look forward to working with you and thank you in anticipation of your assistance on this issue.

Yours sincerely,



Deputy Montfort Tadier
Chair
Economic and International Affairs Scrutiny Panel