

29<sup>th</sup> May 2025

Deputy Montfort Tadier  
Chair, Economic and International Affairs Scrutiny Panel  
States Greffe  
Morier House  
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By email: [r.sharp@gov.je](mailto:r.sharp@gov.je)

Dear Deputy Tadier,

**Re: Draft Harbours (Inshore Safety) (Jersey) Amendment Regulations 202- – Review Submission**

Thank you for your letter dated 12<sup>th</sup> May 2025 inviting the States of Jersey Police (SoJP) to provide comments on the Draft Harbours (Inshore Safety) (Jersey) Amendment Regulations 202- (P.3/2025). Coincidentally, discussions remain ongoing between the States of Jersey Police and Ports of Jersey (PoJ) with a view to agreeing a Memorandum of Understanding around a number of associated maritime matters. This aims to clarify roles, responsibilities and operational boundaries in relation to maritime safety and enforcement.

These discussions are taking place against a backdrop of a busy legislative programme (including the Violence Against Women and Girls (VAWG) strategy, Domestic Abuse Law, and increasing requests from regulators/agencies etc. to investigate matters on their behalf). Whilst not specifically related to maritime matters, it may interest the panel to know VAWG related crime has increased by 21% since 2021. It is therefore important, as clearly and helpfully evidenced by your panel, to carefully consider the organisational, operational and financial implications to changes in law particularly given current demands and budgetary constraints.

With that in mind, I welcome the opportunity to contribute to the panel's review and offer the following responses to the specific questions raised:

**1. What is States of Jersey Polices' current participation on occasions where dangerous behaviour occurs in Jersey's territorial waters?**

The States of Jersey Police currently have no formal role in responding to dangerous behaviour occurring within Jersey's territorial waters. Matters such as these are the remit of the Harbour Master and the PoJ Maritime Standards team. In these circumstances, PoJ retain primacy and lead responsibility for coordinating the response and ensuring maritime safety.

**2. What are the main benefits or risks of the proposed regulations?**

While the proposed regulations may enhance maritime safety and accountability, a key risk lies in the potential increase in demand on SoJP's already finite resources.

The panel may determine that the Harbour Master/PoJ, as a commercial entity with their current extensive legal powers and authorities, should investigate and prosecute maritime matters, excluding suspicious (non-accidental) death at sea.

**3. Is it felt by States of Jersey Police that the draft regulations go far enough in ensuring consequences for those committing offences in Jersey's territorial waters?**

The draft regulations appear to provide a sufficient legal framework to address offences in Jersey's territorial waters. However, there remains ambiguity regarding which agency will be responsible for enforcement, particularly in relation to powers such as boarding vessels and conducting tests. Whether the regulations go far enough in practice is ultimately a matter for PoJ and the Harbour Master, who retain responsibility for investigating incidents and pursuing enforcement or prosecution where necessary.

**4. Did States of Jersey Police participate in the formation of the proposed regulations? If yes, do you feel that any views raised have been reflected in the proposed draft regulations?**

States of Jersey Police have not been consulted (until now) during the formation of the proposed regulations. As such, no views or operational/organisational considerations from SoJP have been reflected in the current draft. States of Jersey Police have since been made aware of the Harbour Authority Public Enforcement Policy which it is seeking to contribute towards.

States of Jersey Police welcomes the opportunity to collaborate in any future consultation processes to ensure that all perspectives and operational requirements are appropriately considered to prevent any confusion as to primacy, responsibility and accountability with a view to keeping islanders and those visiting the island safe.

**5. Should penalties be introduced if an individual is found to have consumed alcohol or drugs whilst in charge of a vessel?**

SOJP supports the introduction of penalties for individuals found to be under the influence of alcohol or drugs while in charge of a vessel. This aligns with existing road safety legislation and reinforces the importance of responsible conduct at sea. However, the question of how such offences will be resourced and enforced, and by which agency, remains a matter for further discussion and clarification.

**6. Should the Government of Jersey introduce measures allowing the boarding of a vessel and test individuals if there is suspicion of alcohol or drug consumption?**

We are in favour of measures that would allow for the boarding of vessels and the testing of individuals where there is reasonable suspicion of alcohol or drug consumption. Such powers would be essential for effective enforcement. It is anticipated that these responsibilities would fall to PoJ and the Harbour Master, who are best placed to carry out such actions within Jersey's territorial waters.

**7. Do you anticipate that the proposed draft regulations will increase States of Jersey Polices workload? If so, do you feel that there is staffing resource necessary to meet this need?**

It is anticipated that the implementation of the proposed regulations will lead to an increase in demand on SoJP. At present, the organisation does not have the staffing or financial resources to absorb this additional responsibility without impacting on other areas of policing.

The panel may determine Ports of Jersey have clear responsibility to investigate all maritime incidents up to and including 'serious injury' (the MOU will look to define 'serious injury' including primacy for investigating serious sexual offences committed at sea.) In doing so, PoJ may wish to review and if necessary, enhance its capability and capacity to investigate matters that occur in their jurisdiction. Clarification is also needed on the role of the Health and Safety Inspectorate in such investigations, particularly where there may be overlap in jurisdiction or responsibility.

The panel may be aware that under current legislation, the Harbour Master possesses extensive powers in law equal to those of a Centenier. Specifically, the Harbours (Administration) (Jersey) Law 1961 provides the Harbour Master with powers of detention, arrest and the enforcement of public order within Jersey's territorial waters. In certain maritime contexts, these powers may exceed those available to the Chief of Police, reflecting the Harbour Master's unique jurisdiction and responsibilities.

It is of course for Ports of Jersey and the Harbour Master to consider both its capability and capacity to effectively enforce any new powers introduced under the proposed regulations. Furthermore, the panel may wish to comment on the appropriateness for the operational and financial burden associated with these enforcement responsibilities to be transferred from a commercial entity to States of Jersey Police.

I trust the above provides clarity on the position of States of Jersey Police. Should the panel require any further information or wish to discuss these matters in more detail, we would be happy to engage further.

Yours sincerely,



**Robin Smith**  
Chief Officer  
States of Jersey Police