

STATES OF JERSEY



DRAFT AIR AND SEA PORTS (INCORPORATION) (TRANSFER No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 24th August 2017
by the Council of Ministers**

STATES GREFFE



Jersey

DRAFT AIR AND SEA PORTS (INCORPORATION) (TRANSFER No. 2) (JERSEY) REGULATIONS 201-

REPORT

This Report sets out the proposal to use enabling powers in the Air and Sea Ports (Incorporation) (Jersey) Law 2015 (“the Law”) to facilitate the transfer of 7 employees from the Department for Infrastructure (“DfI”) to Ports of Jersey Limited (“PoJL”).

A 10-year service level agreement (“SLA”) has been in place between DfI and PoJL for the delivery of maintenance services on PoJL Harbour Assets. The current SLA will expire in December 2017.

A joint business review of the maintenance activities undertaken by DfI on behalf of PoJL was completed in 2016. Following the completion of that review, PoJL made the decision that it would undertake the maintenance services of Harbour Assets via a mixture of insourced and outsourced maintenance packages.

For the insourced services, PoJL would like to employ the 7 DfI employees who currently undertake the maintenance services on these assets. For the outsourced services, PoJL has divided the workload up into 24 separate work packages, and these have gone out to formal tender during July 2017.

Article 33 of the Law allows for the making of transfer Regulations, including the transfer of States of Jersey employees to the PoJL. By transferring staff under the Law, the 7 DfI employees who provide specific services on PoJL assets, will be transferred to PoJL, carrying over their existing terms and conditions. This will protect the DfI employees’ length of service and pension arrangements, and will avoid redundancies.

Financial and manpower implications

There are no material financial implications for the States arising from the adoption of these draft Regulations.

The sole manpower implication for the States of Jersey is a reduction of 7 FTE within DfI; however, these employees only work on the current SLA with PoJL, so will not be required after the expiration of the SLA in December 2017.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers for Infrastructure, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Explanatory Note

Regulation 1 of these Regulations would transfer the contracts of employment of 7 members of staff from the Department of Infrastructure to Ports of Jersey Limited. The date of the transfer would be 1st December 2017 and the transfer would be on terms set out in Part 5 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015, the effect of which is to preserve existing terms and conditions of the relevant contracts of employment, including pension rights and accrued service.

Regulation 2 gives the title by which these Regulations may be cited and provides that they would come into force on the day after the day on which they are made.



Jersey

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Arrangement

Regulation

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 33 and 53 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015¹, have made the following Regulations –

1 Transfer of specified staff to Ports of Jersey Limited

- (1) All rights and liabilities under and in relation to contracts of employment of persons to whom paragraph (2) applies are transferred to POJL on 1st December 2017, without variation and in accordance with Part 5 of the Air and Sea Ports (Incorporation) (Jersey) Law 2015².
- (2) This paragraph applies to an individual person who –
 - (a) immediately before the date mentioned in paragraph (1), is employed by the States of Jersey in providing maintenance or support services to the Department for Infrastructure; and
 - (b) is identified by name in a letter of intent dated 9th August 2017 and sent by the Minister for Infrastructure to the Group Chief Executive of POJL.

2 Citation and commencement

These Regulations may be cited as the Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201- and shall come into force on the day after the day on which they are made.

¹ *chapter 03.050*
² *chapter 03.050*