

**DRAFT HARBOURS (AMENDMENT No. 34) (JERSEY) REGULATIONS 200**

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**Lodged au Greffe on 3rd September 2002  
by the Harbours and Airport Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **REPORT**

### **Background**

Regarding the European Convention on Human Rights, the Committee has been advised that the existing Regulations do not confer adequate rights of appeal against decisions concerning the issue of ramp permits for the loading or unloading of vehicles from vessels at a harbour in Jersey.

There are clauses in existing Service Level Agreements which make provision for disputes to be resolved through arbitration, but these arrangements do not apply to those companies who are applying for an initial ramp licence and for whom no relevant Service Level Agreement is in place.

The amendments give a specific power to the Committee to be able to vary conditions of an existing permit. Balancing this right, there are new rights of appeal against any refusal to grant a permit, or against the conditions attached to a permit or the revocation, suspension or variation of a permit.

### **Financial and manpower implications**

It is the view of the Harbours and Airport Committee that there are no financial or manpower implications for the States arising from the adoption of these Regulations.

## **Explanatory Note**

These Regulations further amend the Harbours (Jersey) Regulations 1962, as amended (the “principal Regulations”).

*Article 1* is the interpretation provision.

*Article 2* amends the principal Regulations so as to expand and clarify the statutory procedures for the grant of a permit to use a ramp at the harbour. In particular, the amendment confers a right of appeal against any refusal to issue a permit, or against the terms or conditions subject to which a permit is issued or against the revocation, suspension or variation of a permit.

*Article 3* is the citation and commencement provision.

**Harbours (Administration) (Jersey) Law 1961**

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HARBOURS (AMENDMENT No. 34) (JERSEY) REGULATIONS 200

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(Promulgated on the        day of        200-)

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**STATES OF JERSEY**

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The        day of        200-

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**THE STATES**, in pursuance of Article 4 of Harbours (Administration) (Jersey) Law 1961, <sup>[1]</sup> as amended, <sup>[2]</sup> have made the following Regulations -

1. In these Regulations, “principal Regulations” means the Harbours (Jersey) Regulations 1962, as amended. <sup>[3]</sup>
2. For Regulation 1B of the principal Regulations there shall be substituted the following Regulation -

**“Permits for the use of ramps at harbours**

**1B.**-(1) No operator of a vessel shall use any ramp at a harbour for the loading and unloading of vehicles or from that vessel unless he holds a valid permit issued by the Committee under this Regulation.

(2) An application for a permit shall be in such form as the Committee may require.

(3) The Committee may -

- (a) refuse to issue a permit;
- (b) issue a permit subject to such terms, conditions and limitations as it thinks fit;
- (c) vary the terms, conditions and limitations attached to a permit; and
- (d) suspend or revoke a permit.

(4) Where the Committee refuses to issue a permit, issues a permit subject to terms, conditions or limitations, varies the terms, conditions or limitations attached to a permit or suspends or revokes a permit, it shall notify the applicant for or holder of the permit of the reasons for its decision.

(5) An applicant for a permit shall have a right of appeal to the Royal Court against -

- (a) a refusal to issue a permit; or
- (b) the terms, conditions and limitations subject to which a permit is issued.

(6) The holder of a permit shall have a right of appeal to the Royal Court against the variation, suspension or revocation of the permit.

(7) An appeal may only be made within 28 days of the applicant for or holder of the permit being notified by the Committee of the reasons for its decision.

(8) Upon hearing an appeal, the Royal Court may uphold the decision of the Committee or substitute its own decision.

(9) A person who contravenes this Regulation or any provision of a permit issued under it shall be liable to a fine not exceeding level 4 on the standard scale. <sup>[4]</sup>.

**3.** These Regulations may be cited as the Harbours (Amendment No. 34) (Jersey) Regulations 200 and shall come into force on the seventh day after they are made by the States.

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[1] Recueil des Lois, Volume 1961-1962, page 165.

[2] Recueil des Lois, Volume 1998, page 424 and Volume 2000, page 865.

[3] Nos. 4338, 6057, 6297, 6477, 6642, 6844, 7148, 7240, 7541, 8479, 8893, 9182, 9203, 9343, 147/2000, 43/2001 and 177/2001.

[4] Recueil des Lois, Volume 1992-1993, page 437.