

STATES OF JERSEY

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DRAFT RESTRICTION ON SMOKING (WORKPLACES) (JERSEY) REGULATIONS 200- (P.114/2006): AMENDMENTS

**Lodged au Greffe on 7th November 2006
by the Minister for Economic Development**

STATES GREFFE

DRAFT RESTRICTION ON SMOKING (WORKPLACES) (JERSEY) REGULATIONS 200 (P.114/2006):
AMENDMENTS

PAGE 19, REGULATION 13 –

Delete paragraph (a) and renumber the remaining paragraphs in Regulation 13 accordingly.

PAGE 20, REGULATION 14 –

For paragraph (e) substitute the following paragraph –

“(e) after the definition ‘self-employed person’ there shall be inserted the following definition –

‘ “ship or vessel” means –

- (a) a Jersey ship within the meaning of Article 2 of the Shipping (Jersey) Law 2002 that is –
 - (i) within the territorial sea adjacent to Jersey, or
 - (ii) in a harbour, port or other place in Jersey; or
- (b) any ship, vessel or boat of any description that is used in navigation, to which paragraph (a) does not apply, that is –
 - (i) wholly owned by a person ordinarily resident in Jersey or by a company incorporated in Jersey,
 - (ii) not registered under the law of the United Kingdom, any of the other Channel Islands, the Isle of Man or any other country outside Jersey, and
 - (iii) within the territorial sea adjacent to Jersey or in a harbour, port or other place in Jersey;’”.

MINISTER FOR ECONOMIC DEVELOPMENT

REPORT

Economic Development supports the introduction of the legislation to ban smoking in the workplace.

However, the legislation proposed by the Minister for Health and Social Services exempts, under certain circumstances, a particular category of non-Jersey ship. Article 13 describes foreign ships in such a way that some non-Jersey ships, whilst in Jersey territorial waters, will be covered by the ban in the workplace but others will be exempt.

A number of shipping and port user companies have made strong representations about the difference.

The aim of the amendments is to ensure that Jersey registered ships are covered by the ban but that all other ships are covered by their own legislation and international maritime safety standards.

Financial and manpower considerations

There are no financial or manpower requirements arising from these amendments.