

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY THE DEPUTY OF ST. MARY
ANSWER TO BE TABLED ON TUESDAY 15th MARCH 2011**

Question

Given the need for openness and transparency across government currently being highlighted by the successful requests for information about exam results, can the Minister provide members with the guidelines or protocols governing investigations by officers of his department into pollution incidents under the Water Pollution (Jersey) Law 2000 or under other anti-pollution legislation, together with a brief outline of how these guidelines or protocols were developed?

Answer

The Water Pollution (Jersey) Law 2000 is regulated by officers of Environmental Protection at the Department of the Environment.

There are three specific documents which form guidelines for Environmental Protection to follow during the investigation of offences under the Law and these are;

1. Enforcement & Prosecution Policy
2. Guidance for the Implementation of the Enforcement & Prosecution Policy
3. Code on the Decision to Prosecute

These guidelines were originally drafted in 2001. The Enforcement & Prosecution Policy and Guidance were both based on equivalent guidelines produced by the United Kingdom Environment Agency. The Code was based on the "Code on the decision to prosecute" issued to Centeniers by the Attorney General. All documents were subsequently approved by the Attorney General.

In 2004 these documents were updated to reflect changes in departmental structure. Further updates were made in April and May 2010 to incorporate the other environmental legislation which Environmental Protection regulates, for example the Waste Management (Jersey) Law 2005. These documents are currently with the Attorney General for approval and following this approval, will be sent to the Deputy.