

**WRITTEN QUESTION TO THE MINISTER FOR ECONOMIC DEVELOPMENT
BY SENATOR S.C. FERGUSON
ANSWER TO BE TABLED ON TUESDAY 22nd OCTOBER 2013**

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The Minister for Economic Development has responsibility for all areas of economic policy and development in Jersey, including agriculture, fisheries, tourism, retail, intellectual property and gambling. The Minister also has political responsibility for the airport, air and sea links, and postal and telecommunications services as well as overseeing consumer and regulatory services.

The following tables outline the statutes, as well as the key duties and high level services pertaining to these.

Policy & Regulation

SECTOR	STATUTE	KEY DUTIES	HIGH LEVEL SERVICES
Telecoms	Wireless Telegraphy (Jersey) Order (Extension of the Wireless Telegraphy Act 2006 to Jersey)	<p>Extension of the Wireless Telegraphy Act 2006 to Jersey</p> <p>Licensing and management of spectrum</p> <p>Sets out duties for Ofcom and defines the relationship with Jersey</p>	<ul style="list-style-type: none"> • Develop spectrum strategy • Set and implement spectrum policy • Liaise with the UK Secretary of State who must consult with minister on directions to Ofcom relating to Jersey • Ensure Jersey’s existing and future spectrum needs are met • Ensure Jersey legislation is up to date and in line with advances in technology
	Telecommunications (Jersey) Law 2002	<p>Ensure provision of telecommunication services and in doing so:</p> <ul style="list-style-type: none"> • Further the interest of users • Promote competition • Promote efficiency, economy and effectiveness in commercial activities connected with telecommunications • Further Jersey’s economic interests 	<ul style="list-style-type: none"> • Develop telecommunications strategy • Set and implement telecommunications policy • Ensure Jersey legislation is up to date and in line with advances in technology • Direct the JCRA in respect of the principles, procedures or policies to be followed in relation to: <ul style="list-style-type: none"> ○ The implementation of any social or environmental policies in respect of telecommunications. ○ corporate governance relating to the system and arrangements by and under which the Authority is directed and controlled

<p>Broadcasting</p>	<p>Broadcasting and Communications (Jersey) Order 2004</p> <p>Communications (Jersey) Order 2003</p> <p>(Extension of the Communications Act 2003 to Jersey)</p>	<p>Extension of the Communications Act 2003 and Office of Communications Act 2002 to Jersey and Orders amending them.</p> <p>Sets out duties for Ofcom and defines the relationship with Jersey</p>	<ul style="list-style-type: none"> • Develop broadcasting strategy • Set and implement broadcasting policy • Content regulation policy • Public service broadcasting policy • Ensure Jersey’s broadcasting needs are met • Ensure Jersey legislation is up to date • Liaise with the UK Secretary of State who must consult with minister on directions to Ofcom relating to Jersey
<p>Rural</p>	<p>Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965</p> <p>Agricultural (Loans and Guarantees) (Jersey) Law 1974</p> <p>Agricultural (Loans) (Jersey) Regulations 1974</p> <p>Agricultural Marketing (Jersey) Law 1953</p> <p>Agricultural Returns (Jersey) Law 1947</p> <p>Blight Disease (Jersey) Order 1982</p> <p>Certificates of Origin (Produce of the Soil) (Jersey) Law 1961</p> <p>Stem and Bulb eelworm (Jersey) Order 1971</p>	<ul style="list-style-type: none"> • Provision of an administrative function to process repayments of existing outstanding Ag loans. • Regulation of the marketing of potatoes and milk to protect quality and to provide minimum standards for local and export markets. • Provision of a function to collect and analyse agricultural statistics annually. • Provision of a regulatory function to control the spread of potato blight. • Provision of a regulatory function to control the spread of plant/animal diseases. • Provision of regulatory function to protect quality of Daffodils. 	<ul style="list-style-type: none"> • Ensure loans are repaid on time and that any arrears are addressed. • Programme of agricultural inspection. • Processing of returns. • Programme of agricultural inspection.

<p>Electronic Communications</p>	<p>Electronic Communications (Jersey) Law 2000</p>	<ul style="list-style-type: none"> • Defines legal status of electronic communications • Provides for the facilitation of electronic business and the use of electronic communications and electronic storage. • Makes provision for the obligations of service providers and for protection of service providers from criminal and civil liability. 	<ul style="list-style-type: none"> • The Minister may by Order prescribe anything which may be prescribed under this Law • Ensure Jersey legislation remains up to date in light of changes or advancement in technology
<p>Intellectual Property</p>	<p>Intellectual Property (Unregistered Rights) (Jersey) Law 2011</p> <p>Paris Act of the Berne Convention</p>	<p>There are around 40 Articles within IPURL where the Minister either in his own right or as the Licensing Authority has functions he could be called upon to perform.</p>	<ul style="list-style-type: none"> • Act as licensing authority, hearing references and making determinations regarding the activities of collective licensing schemes; • Maintain law in line with economic need and changing international obligations; • Set rules for the operation of exceptions to rights, procedure for the licensing authority and set scope of definitions important to the operation of the law;
	<p>Trade Marks (Jersey) Law 2000</p> <p>Patents (Jersey) Law 1957</p> <p>Registered Designs (Jersey) Law 1957</p>	<p>Registered rights laws are administered by the Judicial Greffe. Registration of Patents, Trade Marks and Registered Designs. The Minister's responsibility is to ensure that the laws are brought up to date so that intellectual property rights owners can have an efficient and modern method for protecting their intellectual property. ED Minister specifies procedure for the treatment of infringing goods at the border.</p>	
<p>Hospitality & Leisure</p>	<p>Tourism (Jersey) Law 1948</p> <p>Tourism (General Provisions) (Jersey) Order 1990</p>	<p>For the encouragement and development of Tourism in Jersey, to establish effective control of the accommodation and attractions available for tourists.</p> <p>The Order sets the registration criteria for all tourist accommodation, hotels, guest house, self-catering, youth, hostels, holiday camps and camp sites.</p>	<ul style="list-style-type: none"> • Establish and maintain registers of tourism accommodation. • Develop and maintain policy on the operation of Tourism Law. • Promote and enforce minimum standards for tourist accommodation; • Develop the law according to the needs of the tourism industry whilst protecting the interests of visitors to the island.

	Places of Refreshment (Jersey) Law 1967	To provide for the registration of places of refreshment and of persons carrying on and managing such places, fore the proper conduct and control of such places.	<ul style="list-style-type: none"> Register, inspect and ensure compliance of places of refreshment.
	Policing of Beaches (Jersey) Regulations 1959	Regulations controlling activities on beaches including trading, presenting exhibits, parking, driving etc.	<ul style="list-style-type: none"> Oversee and ensure compliance with regulations. <p>Implement changes to the regulations in response to needs of the industry</p>
	Licensing (Jersey) Law 1974	A Law to control the sale and consumption of alcohol. Areas covered are Taverners, Residential, Restaurant, Comprehensive, Club, Off and Entertainment Licences.	<ul style="list-style-type: none"> Approve mangers and deputies Pronounce on the suitability of registered premises Attend the Licensing Assembly as the Chief Executive Officer's Deputy <p>EDD Minister sets policy about the regulation of the licensed industry and is responsible for ensuring that legislation is fit for purpose.</p>
	Hawkers and Non-Resident Traders (Jersey) Law 1965	A Law to control persons who go from place to place or from door to door for the purpose of selling goods and also to control non-residents who wish to trade in the island.	<ul style="list-style-type: none"> The Parish of St Helier carries out this function on behalf of the Minister.
Jersey Harbours	Harbours (Administration) (Jersey) Law 1961	<p>Duty to provide for safe administration of Jersey ports and territorial waters. Sets parameters for the administration of harbours and territorial waters and provides for duties and powers of Harbour Master</p> <p>Includes subordinate legislation covering</p> <ul style="list-style-type: none"> Harbour Regulations - Port and ship safety management, issuing permits & directions for what may or may not be authorised and setting the Sea Transport Policy. Inshore Safety – provides framework for registration and control of local pleasure craft and seaborne sport and leisure activities. Licensing of local passenger 	<p>Functions are split between Minister, Assistant Minister and various officers at Jersey Harbours and EDD who may also carry delegated duties.</p> <p>EDD Minister is responsible for developing the policy and long term strategy for the provision of ferry services.</p>

		<p>craft.</p> <ul style="list-style-type: none"> • Protection of Undersea Cables <p>In addition to commercial port activity, Jersey Harbours provides marinas and moorings for local boat owners and visitors. Jersey Harbours also provides the Coastguard Service for territorial waters.</p>	
	Pilotage (Jersey) Law 2009	To set the arrangements under which pilotage services are provided by the port	<p>Jersey Harbours administers this with Harbour Master responsible, for example, as follows:</p> <ul style="list-style-type: none"> • Licensing of pilots • Setting the charges and area for compulsory pilotage • Issuing pilotage exemption certificates <p>Arrangements audited through EDD and Port Marine Safety Code</p>
	Community Provisions (Ship and Port Facility – Security) (Jersey) Regulations 2004	To ensure the port and ships entering or leaving Jersey are in compliance with international security standards – in particular the International Ship and Port Security Code under the SOLAS Convention Chapter XI-II	<p>Duties and functions of officers, port officials and private individuals and organisations:</p> <ul style="list-style-type: none"> • Inspection and potential detention of ships • Inspection of port facilities • Security requirements for ships and facilities • Conduct of security searches <p>Arrangements audited by UK DfT through EDD</p>
Jersey Airport	Aerodromes (Administration) (Jersey) Law 1952	<p>Duty to provide for safe administration of Jersey airport. Provides for duties and powers of Airport Director</p> <p>Jersey Airport provides a comprehensive network of commercial routes, facilities for business aviation and for local and visiting private aircraft.</p>	<p>The policing, administration and management of Jersey Airport</p> <p>Minister for Economic Development contracts Jersey Airport to provide air traffic control for the Channel Island Control Zone on behalf of the UK and French authorities.</p>
Jersey Airport	The Aviation Security (Bailiwick of Guernsey) (Amendment) Direction,	<p>Annex is based on Regulation (EC) No 300/2008.</p> <p>Part I must be read subject to Part II.</p> <p>Note that Part II is based on the following</p>	<p>The annex sets out the specific proscriptive compliance obligations including:</p> <ul style="list-style-type: none"> • Airport security

	<p>2013</p> <p>Annex A</p> <p>Channel Islands Common Basic Standards for Safeguarding Civil Aviation against Act of Unlawful Interference</p>	<p>EC Regulations: Chapter 1: Commission Regulation (EU) No 18/2010 Chapter 2: Commission Regulation (EU) No 1254/2009</p> <p>Jersey Airport is legally obligated to ensure it makes adequate provisions in regard of all aspects of aviation security contained in the Annex.</p>	<ul style="list-style-type: none"> • Demarcated areas of airports • Aircraft security • Passengers and cabin baggage • Hold baggage • Cargo and mail • Air carrier mail and air carrier material • In-flight supplies • Airport supplies • In-flight security measures • Staff recruitment and training • Security equipment
Trading Operations	<p>Public Finances (Jersey) Law 2005</p> <p>Public Finances (Transitional Provisions – States Trading Operations) (Jersey) Regulations 2005</p>	<p>Requirement to maintain a Trading Fund and make agreed returns to the States</p>	<p>Jersey Harbours provides for the administration, management, operation, financing, development and maintenance of the harbours of Jersey and their associated facilities.</p> <p>Jersey Airport provides for the administration, management, operation, financing, development and maintenance of Jersey Airport, its associated facilities and the Channel Islands Control Zone</p>
Maritime	<p>Maritime Security (Jersey) Order 1996</p>	<p>Extends sections of the UK Aviation and Maritime Security Act specific to port security – duty to maintain security at international standards</p>	<p>The Order creates offences in relation to the hijacking of ships and introduces a number of powers and duties specific to the Minister, officers and port officials at Jersey Harbours such as:</p> <ul style="list-style-type: none"> • To require port officials and others to carry out searches • To place restrictions on persons or property taken on board a ship • To set up restricted zones in harbours. <p>Arrangements audited by UK DfT through EDD.</p>

<p>Merchant Shipping (Oil Pollution) (Jersey) Order 1997</p>	<p>Extends sections of the UK Merchant Shipping Act 1995 specifically to allow Oil Pollution Liability and Compensation Conventions to apply to the Island – international duty to comply with Conventions.</p> <p>Oil Pollution Liability and Compensation Conventions apply to the Island. In particular these allow access to international funds to compensate for oil spills at sea.</p>	<p>Routine maintenance and up-dating of the legislation is carried out by EDD with assistance from Law Officers</p>
<p>Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003</p>	<p>Sets limits on size and type of ship registered in Jersey – duty of Minister and Registrar to comply.</p>	<p>Jersey ships registered in compliance with the Order and MOU with UK.</p> <ul style="list-style-type: none"> • Specific functions relate to international legislation, safety, survey and certification. These come under the Shipping (Jersey) Law 2002 and related subordinate legislation (below).
<p>Shipping (Jersey) Law 2002</p>	<p>Minister has general superintendence of all matters relating to shipping and seafarers.</p> <p>Inter alia:</p> <ul style="list-style-type: none"> • Jersey Harbours has delegated duty to take or co-ordinate measures to prevent and minimise marine pollution • Harbour Master is Receiver of Wreck • There is a Registrar of Ships • There are surveyors and inspectors 	<p>Seventeen pieces of subordinate legislation. These have on-going functions variously related to:</p> <ul style="list-style-type: none"> • Ship and Fishing vessel Registration • Safety at sea • Survey and certification • Prevention and management of Pollution • Manning and Qualifications • Dealing with Wreck • Search and Rescue • Lighthouses • Accident Investigation • Compliance & Enforcement <p>Functions carried out by Minister, officers (e.g. Registrar) and port officials at Jersey Harbours (e.g. Harbour Master)</p>

Competition and Utilities	Postal Services (Jersey) Law 2004	Ensure a competitive and effective market exists for postal services, and ensure that social objectives are met.	<p>Responsibility for directing JCRA on social policies and other areas, and to issue guidance to JCRA in any area.</p> <p>Responsibility to oversee operation of postal sector to ensure public benefit</p> <p>Development and emergency management of postal services</p>
	Competition (Jersey) Law 2005	Oversee the management of the competitive environment in Jersey by the JCRA	<p>Represent the public interest in the management of competition regulation in Jersey, which includes mergers, acquisitions and the operation of monopoly or dominant operators.</p> <p>To make decisions about some procedural operations of the JCRA in respect of competition.</p>
	Competition Regulatory Authority (Jersey) Law 2001	Oversee and part fund the operation of the JCRA	<ul style="list-style-type: none"> • Nominate the Chairman of the JCRA • Oversee governance arrangement, • Manage the provision of funds for the operation of the authority • Manage reporting. • Minister requests market studies under Article 6(4).
	Shops (Regulation of Opening) (Jersey) Regulations 2011	The law falls under the aegis of the EDM, but is administered and a run by the Connétables	<p>To designate special occasions</p> <p>Maintain policy and law in respect of Sunday trading</p>

Trading Standards

	STATUTE	KEY DUTIES	HIGH LEVEL SERVICES
	Weights and Measures (Jersey) Law 1967	<p>Statutory duty to enforce as well as enforcement of subordinate legislation</p> <p>Carry out routine inspections</p>	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary • Approval of annual increase of verification fees

		<p>Fees charged for statutory verification of weighing and measuring equipment in use for trade</p> <p>Provide compliance advice and guidance for retail/wholesale/packing businesses</p> <p>Quality assurance services provided to businesses on request</p>	
	<p>Subordinate legislation enforced.</p> <p>Weights and Measures (Abbreviations of Units of Measurement) (Jersey) Order 1975</p> <p>Weights and Measures (Beer and Cider) (Exemption) (Jersey) Order 1968</p> <p>Weights and Measures (Egg-Grading Machines (Jersey) Order 1968</p> <p>Weights and Measures (Equivalents for dealing with drugs) (Jersey) Order 1969</p> <p>Weights and Measures (General Provisions) (Jersey) Order 1968</p> <p>Weights and Measures (International Definitions) (Jersey) Order 1968</p> <p>Weights and Measures (Marking) (Jersey) Order</p>		

	<p>1975</p> <p>Weights and Measures (Measuring Instruments) (Liquid Fuel and Lubricants) (Jersey) Order 1968</p> <p>Weights and Measures (Measuring Instruments) (Intoxicating Liquor) (Jersey) Order 1975</p> <p>Weights and Measures (Prescribed Quantities No 1) (Jersey) Order 1977</p> <p>Weights and Measures (Prescribed Quantities No 2 (Jersey) Order 1977</p> <p>Weights and Measures (Prescribed Stamp) (Jersey) Order 1975</p> <p>Weights and Measures (Weights) (Jersey) Order 1975</p> <p>Weights and Measures (Working Standards and Testing Equipment) (Testing and Adjustment) (Jersey) Order 1975</p> <p>Weights and Measures (Jersey) Order 1968</p>		
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	Price and Charge Indicators(Jersey) Law 2008	Provide compliance advice and guidance for retail/wholesale businesses Ensure consistent enforcement Investigate alleged offences	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Subordinate legislation enforced Price and Charge Indicators (Jersey) Regulations 2008		
	Protection of Children (Restriction on Supply of Goods) (Jersey) Law 2009	Provide compliance advice and guidance to retailers Investigate alleged offences	<ul style="list-style-type: none"> • Ensure the Minister is advised of any need to restrict the supply of additional goods
	Subordinate legislation enforced Protection of Children (Cigarette Lighter Refills) (Jersey) Regulations 2009		
	Distance Selling (Jersey) Law 2007	Provide compliance advice and guidance to on-line retailers and other traders who sell goods and services by other distance means Monitor compliance within an annual inspection programme	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary • Provide non-compliance reports to the Attorney General when necessary
	Consumer Safety (Jersey) Law 2006	Provide compliance advice and guidance to importers and producers Publish national safety recalls in association with local suppliers Investigate alleged offences	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Trade Marks (Jersey) Law 2000	Enforce the anti-counterfeiting provisions using powers in Article 25 and 26 of the Law	<ul style="list-style-type: none"> • Ensure the Minister is aware of any significant seizures of counterfeit goods

		Work with Customs officers to authenticate suspect goods at point of entry to Jersey	
	Video Recordings (Jersey) Law 1990	Enforce the age restrictions for film classifications Provide compliance advice and guidance when necessary. Investigate alleged offences	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Supply of Goods and Services (Jersey) Law 2009	Provide advice and guidance to retailers on their responsibilities under the law Provide a free confidential consumer advice and conciliation service to resolve contractual disputes over goods and services.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Intellectual Property (Unregistered Rights) (Jersey) Law 2011	Investigate offences under duties and powers provided in Article 397 of the Law Provide case files with recommendations to the Crown Officers for consideration	<ul style="list-style-type: none"> • Ensure the Minister is aware of any significant seizures of products which breach intellectual property rights

Rural Economy

	Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965	Provision of an administrative function to process repayments of existing outstanding Agricultural loans.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Subordinate Legislation: Basic Slag and Lime (Jersey) Scheme 1968 Control of Infestation		

	(Potato Root eel Worm) (Jersey) Scheme 1968		
	Agricultural (Loans and Guarantees) (Jersey) Law 1974		<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Agricultural (Loans) (Jersey) Regulations 1974		<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Agricultural Marketing (Jersey) Law 1953	Regulation of the marketing of potatoes and milk to protect quality and to provide minimum standards for local and export markets	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Subordinate Legislation: Jersey Potato Export Marketing (Polls) (Jersey) Order 2002 Jersey Potato Export Marketing (Registration of Producers) (Jersey) Order 2001 Jersey Potato Export Marketing Scheme (Approval) (Jersey) Act 2001 Milk Marketing (Polls) (Jersey) Order 1954 Milk Marketing (Registration of Producers) (Jersey) Order 1954 Milk Marketing Scheme (Approval) (Jersey) Act 1954		

	Agricultural Returns (Jersey) Law 1947	Provision of a function to collect and analyse agricultural statistics on an annual basis.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Blight Disease (Jersey) Order 1982	Provision of a regulatory and advisory function to control the spread of plant disease.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Certificates of Origin (Produce of the Soil) (Jersey) Law 1961	Provision of a regulatory function to control the spread of plant and animal disease.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	<p>Subordinate Legislation</p> <p>Bovine Spongiform Encephalopathy (Jersey) Order 1988*</p> <p>Foot-and-Mouth Disease (Sera and Glandular Products) (Jersey) Order 1958*</p> <p>Foot-and-Mouth Disease (Jersey) Order 1958*</p> <p>European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 2002*¹</p> <p>Fertilisers and Feeding Stuffs (Fees) (Jersey) Order 1951*²</p> <p>Fertilisers and Feeding Stuffs (Jersey) Order 1972*²</p> <p>Pesticides (General Provisions) (Jersey) Order 1991*³</p>		

	Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991* ³		
	Stem and Bulb Eelworm (Jersey) Order 1971	Provision of regulatory function to protect quality of Daffodils	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary

Key

* Orders under Disease of Animals (Jersey) Law 1956, administered by the Planning & Environment Department

*¹ An Order under European Communities Legislation (Implementation) (Jersey) Law 1996, administered by the Chief Ministers Department

*² Orders under Fertilisers and Feeding Stuffs (Jersey) Law 1950, administered by the Planning & Environment Department

*³ Orders under Pesticides (Jersey) Law 1991, administered by the Planning & Environmen