

3.9 The Deputy of Grouville of the Minister for Economic Development, Tourism, Sport and Culture regarding the safety measures and licensing systems in place in respect of leisure boat and craft users in Jersey waters: [1(447)]

Will the Minister state what safety measures or licensing systems are in place in respect of leisure boat and craft users in Jersey waters?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

Although Jersey's shipping legislation is quite extensive the key safety measures and registration systems that apply to leisure users are found in the inshore safety regulations. Regulation 3 provides for the setting of controls on sporting or recreational activities in territorial waters. These powers have been delegated to the Harbour Authority which has published a general direction. The general direction sets, among other things, a speed limit of 5 knots in any harbour or closer than 200 metres of the water's edge in any bay. Regulation 7 requires that all leisure craft over 3 metres in length or capable of a speed of more than 12 knots is to be registered with the Harbour Authority. Registered vessels are issued with a JY number which must be displayed in a conspicuous place on the vessel. If the leisure craft is sold the registration must be transferred within 28 days. Regulation 8 requires leisure craft to be insured to cover the death or injury of another person and/or damage to property of another person. The Harbour Authority advises that the registration scheme is working well and that the Authority can readily and quickly identify the owners of leisure boats. The Harbour Authority are already planning to undertake a review of its existing beach safety management plan later this year.

3.9.1 The Deputy of Grouville:

I heard the Minister cite various regulations on speed, registration of craft, insurance, but I did not hear anything about licensing of the operator of the crafts.

[11:00]

Could he confirm if the operator of the craft or seagoing vessel is required... and what form of safety certificates are required also?

Senator L.J. Farnham:

No, I avoided using the word "licence" because we do not have a licensing scheme. The law requires that owners of boats register their vessel and they must provide insurance. There is no requirement by law that the owner or operator of such a vessel needs to be qualified in any way, shape or form to drive one. Having said that, and having spoken in depth recently with the Harbourmaster, we do generally enjoy a very high standard of marine activity over here in local waters, notwithstanding we cannot apply that to everybody and there are some incidents where people do not act safely. But generally it is very good. Fortunately accidents are few and far between, notwithstanding a very serious accident that has happened in St. Brelade this week and I am sure the Assembly will join me in sending our sympathies and best wishes to those involved.

3.9.2 Deputy M. Tadier:

Would the Minister confirm whether it is lawful to be drunk in charge of a marine vessel?

Senator L.J. Farnham:

I would think not but I will double check just to be absolutely sure.

3.9.3 Deputy M. Tadier:

If he could. I do not recall anything being in the law saying that you cannot be drunk in charge of a boat, in fact it seems to be a prerequisite for some in Jersey to be inebriated while they are out and before they come back into the Island. Obviously there is no threat of ... I will finish my question. Obviously there is no threat of one losing one's licence if one is because there is no legal basis, and secondly there is no licence. Does the Minister think, especially in the context that we have been talking about road safety today, that this is an appropriate and sustainable route forward?

Senator L.J. Farnham:

Firstly, I completely disagree with the first part of Deputy Tadier's statement. It is completely unfair to make that allegation. We do enjoy a high standard of marine activity and most operators and owners of boats are extremely sensible and responsible. I understand it is an offence to drive a boat dangerously or without due care and attention and there is a joint harbour and police investigation ongoing. Also there was a prosecution 18 months ago for such behaviour and there is another one in process at the moment.

3.9.4 Connétable J.E. Le Maistre of Grouville:

Can the Minister confirm whether or not companies who offer pleasure craft off the various bays are licenced in any way?

Senator L.J. Farnham:

There is a registration scheme and I am just referring to my notes, and there are various certificates of safety and training offered by the Harbours Department for such operators but I am quite happy to send through the technical detail on that to the Constable.

3.9.5 Deputy D. Johnson of St. Mary:

Very briefly, I apologise if I misheard but is there no reference to age in any of the regulations as to operator of a craft?

Senator L.J. Farnham:

Not that I am aware of, no. As I said, could I just add, there will be conditions in that relating to the insurance of a vessel and insurance is a requirement before registration of a vessel. So I think age may be controlled by that.

3.9.6 The Deputy of Grouville:

Does it not seem irresponsible, if not a little perverse, that we require our fishermen to undergo all kinds of licensing and qualifications and training to go out on the high seas, and yet somebody can go into a showroom, purchase a vessel, and take it out to sea. Will the Minister look into this with a certain degree of urgency?

Senator L.J. Farnham:

Of course there is a difference between the operation of pleasure and leisure craft and doing something for a livelihood and operating in far more hazardous conditions as our fishermen do. This is not a new issue, this is something that we share with the U.K., and parts of Europe have much more stringent conditions before you can operate a leisure vehicle. But we have decided in the past not to do that. I will undertake to put this on our agenda as a matter of urgency and we will discuss it with the relevant officers.