

STATES OF JERSEY



STATES OF JERSEY LAW 1966, AS AMENDED: DELEGATION OF FUNCTIONS – AIRPORT

**Presented to the States on 7th October 2003
by the Harbours and Airport Committee**

STATES GREFFE

REPORT

On 29th January 2003, the Harbours and Airport Committee made an Act delegating certain of its functions under Article 36A of the States of Jersey Law 1966, as amended, the Airport Dues (Jersey) Law 1956, as amended and the Air Navigation (Jersey) Order 2000.

The terms of the delegation were recorded in an Act of the Committee as follows –

“A11. The Committee considered a report prepared by the Airport Director in connexion with the delegation of the following functions, under Article 36A of the States of Jersey Law 1966, as amended which had previously been contained within R.C.11/1998 entitled ‘States of Jersey Law 1966, as amended: delegation of functions – Air Navigation’ and R.C.29/2000 entitled ‘States of Jersey Law 1966, as amended: delegation of functions – Aircraft Dues’.

The Committee confirmed that it wished to continue the arrangements for delegating powers to the Airport Director. It noted that there had been no alteration to the scope of the delegations, and in pursuance of the States of Jersey Law 1966, as amended, it agreed to delegate to the relevant Officer(s) concerned functions under the following legislation –

- (a) Airport Dues (Jersey) Law 1956, as amended;
- (b) the Air Navigation (Jersey) Order 2000, as follows –
 - (i) Article 47 – the authority to permit a helicopter to fly with a suspended load;
 - (ii) Article 48 – the authority to permit the dropping of articles for public health or measurement of weather conditions, surface icing or oil pollution and the dropping of wind drift indicators for parachuting;
 - (iii) Article 49 – the authority to permit parachute drops;
 - (iv) Article 76 – the authority to permit the flying of balloons, kites, airships, gliders and parascending parachutes;
 - (v) Article 76A – the authority to permit the flying of small aircraft such as used by the Jersey Model Aero Club, and to keep a register of the aircraft of the Club;
 - (vi) Article 90 – the authority to grant an exemption for helicopters to fly from or to land at places other than Jersey Airport;
 - (vii) Article 116 – the authority to exempt from the Air Navigation Order and the Rules of the Air made there under, certain persons, classes of persons, classes of aircraft and certain age groups and other users, such as model aircraft owners, from any of the provisions of the Air Navigation Order other than Articles 72, 102, 103, 104, 105, all of which relate to the powers of the Secretary of State, or Article 117, which relates to the ability to appeal to the Royal Court.

The Committee, having noted that the Airport Director was an authorised person under Article 118 of the Air Navigation (Jersey) Order 2000, confirmed the following personnel, all having been appointed under the Aerodromes (Administration) (Jersey) Law 1952, to act as authorised persons when deputising for the Airport Director –

Mr. J. Buckley, Senior Air Traffic Control Officer,
Mr. A. Pallot, Principal Meteorological Officer,
Mr. J. Snowdon, Chief Electronics Engineer,
Mr. J. Such, Head of Customer Services.

The Committee further delegated functions under Article 36A of the States of Jersey Law 1966, as amended, powers to deal with the granting of leases for which States approval was not required. These were described within the current Standing Orders relating to Certain Transactions in Land and included –

- (i) Clause 1(1)(e)– letting not exceeding 9 years for starting rent not exceeding £50,000 and letting not exceeding 99 years for starting rent not exceeding £40,000; and,
- (ii) Clause 1(1)(h)– the assignment of any unexpired portion or annulment of any lease.

It was noted that the approval of the Finance and Economics Committee, through the delegated powers of the Treasurer of the States, would be required for any lease approved by the Airport Director, in accordance with the provisions of Standing Orders Relating to Certain Transactions in Land.

It was also acknowledged that the Committee’s approval was currently sought for the granting of Concessions to permit trade at the Airport, such as car hire, shops and catering. It was accepted that delays in receiving approval for new Concessions had been prejudicial to securing new business. The Department of Property Services had previously advised that for temporary occupations of land or accommodation, generally up to twelve months and not exceeding three years, a licence agreement could be entered into with the occupier by the Airport Director, rather than a lease.

The Committee approved the delegation to the Airport Director of powers to –

- (a) approve leases as described in Clauses 1(1)(e) and (h) of Standing Orders relating to Certain Transactions in Land, and any variation of such transactions;
- (b) approve and sign licence agreements for the temporary occupation of land or property; and,
- (c) approve Concessions to trade at the Airport provided that the terms of such a concession were, in general, no less favourable to the Committee than those currently in place.

The Committee decided that the delegation would have immediate effect and the Greffier of the States was requested to make the necessary arrangements for the delegated functions to be presented to the States.”