

STATES OF JERSEY



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

**Presented to the States on 9th March 2004
by the Economic Development Committee**

STATES GREFFE

REPORT

On 4th February 2004, the Economic Development Committee made an Act delegating certain of its functions under the various pieces of legislation listed therein.

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

“A5. The Committee, with reference to its Act No. B1 of 5th September 2003, received and considered a report dated 4th February 2004, together with appendices, outlining legislation to be transferred to the Environment Section of the Environment and Public Services Committee, prepared by the Strategy Director, Jersey Agriculture in connection with a proposed extension of its delegated powers to the Director for the Environment [Agenda item No. A4].

The Committee, having recalled that it had previously agreed to the transfer of certain of its responsibilities to the Environment and Public Services Committee, decided in pursuance of that decision, to extend its current delegated powers to the Director for the Environment as an interim measure under the following legislation –

Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974;
Loi (1919) sur la location de biens-fonds;
Protection of Agricultural Land (Jersey) Law 1964;
Destructive Insects and Pests (Jersey) Law 1960 (to be replaced by the Plant Health (Jersey) Law 2003 when brought into force);
Colorado Beetle (Jersey) Order 1960;
Stem and Bulb Eelworm (Jersey) Order 1971;
Destructive Insects and Pests (Jersey) Order 1982;
Weeds (Jersey) Law 1961;
Pesticides (Jersey) Law 1991;
Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991;
Pesticides (General Provisions) (Jersey) Order 1991;
Agricultural Marketing (Jersey) Law 1953;
Export of Agricultural Produce (Jersey) Order 1972;
Potatoes (Precautions against Blight) (Jersey) Order 1961;
Export of Flowers (Jersey) Order 1972;
Diseases of Animals (Jersey) Law 1956;
Diseases of Animals (Importation of Miscellaneous Goods) (Jersey) Order 1958;
Bee Diseases (Control) (Jersey) Order 1992;
Diseases of Animals (Waste Foods) (Jersey) Order 1958;
Sea Fisheries (Jersey) Law 1994;
Sea Fisheries (Amendment) (Jersey) Law 2002;
Sea Fisheries (Log Books and Landing Declarations) (Jersey) Regulations 2001;
Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998;
Sea Fisheries (Inshore Waters) (Jersey) Regulations 1998;
Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 2001;
Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 2001;
Sea Fisheries (Establishment and Regulation of Fisheries) (Jersey) Regulations 1998;
Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 2001;
Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003;
Sea Fisheries (Les Minquiers) (Jersey) Regulations 1997;
Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003;
Territorial Sea (Consequential Provisions) (Jersey) Law 1994;
Loi (1894) sur la coupe et la pêche des vrais;
Pêcheries à Ronez: Limites 1902.

United Kingdom legislation extended to Jersey

The Sea Fisheries Act 1868;
The Merchant Shipping Act 1894;
The Sea Fisheries (Shellfish) Act 1967;
The Sea Fish (Conservation) Act 1967 (amended 1981);
The Sea Fisheries Act 1968;
The Fishery Limits Act 1976;
Sea Fisheries (Channel Island) Order 1973;
Sea Fisheries (Channel Islands Boats) Order 1973;
Sea Fish (Conservation) (Channel Islands Boats) Order 1978; and,
Foreign Fishing Boats (Stowage of Gear) Order 1970.

The Committee decided that the abovementioned delegation would have effect from the date of these minutes and directed the Greffier of the States to send a copy of the Act to the States for information.”

CURRENT LIST OF LEGISLATION REGULATING AREAS TRANSFERRED TO THE ENVIRONMENT DEPARTMENT

AGRICULTURE

Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974

A Law to prohibit the sale or lease of agricultural land without the consent of the Committee. This applies to land measuring more than one vergée. The purpose of the Law is to ensure that a viable land bank is retained for use by the farming industry, in order to protect agricultural incomes.

Also: Loi (1919) sur la location de biens-fonds (periods of notice to be given by either party to terminate the tenancy of houses and outbuildings with land exceeding two vergées in area and also land without a house).

Protection of Agricultural Land (Jersey) Law 1964

A Law preventing the spoliation and contamination of agricultural land; the purpose of which is to ensure reinstatement of agricultural land for use by the industry (e.g. prohibiting the removal of topsoil and to prevent unauthorised dumping).

Destructive Insects and Pests (Jersey) Law 1960 (to be replaced by the Plant Health (Jersey) Law 2003 when brought into force)

A Law to control the spread of pests and diseases of plants and trees. A new Plant Health Order is still being drafted.

*Subordinate: Colorado Beetle (Jersey) Order 1960
Stem and Bulb Eelworm (Jersey) Order 1971
Blight Disease (Jersey) Order 1982
Destructive Insects and Pests (Jersey) Order 1982*

The purpose of the Law is to protect the Industry and the Island at large against the harmful and devastating effects that the importation of certain pests and diseases can cause (thus resulting in loss of income to the Industry).

Weeds (Jersey) Law 1961

A Law to provide for prevention of the spread of injurious weeds.

Pesticides (Jersey) Law 1991

A Law to control the advertising, storage, use and disposal of all pesticides as well as the maximum residue levels of pesticides in any crops produced for sale.

*Subordinate: Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991
Pesticides (General Provisions) (Jersey) Order 1991*

Agricultural Marketing (Jersey) Law 1953

A Law to provide for the control of the marketing of agricultural produce by the control of production and other means. (This Law enables the States to approve Schemes for this purpose.)

Subordinate: Export of Agricultural Produce (Jersey) Order 1972
Potatoes (Precautions Against Blight) (Jersey) Order 1961
Export of Flowers (Jersey) Order 1972

(Specific Orders only)

Diseases of Animals (Jersey) Law 1956

A Law to prevent the introduction and spread of diseases of animals.

Subordinate: Diseases of Animals (Importation of Miscellaneous Goods) (Jersey) Order 1958
Bee Diseases (Control) (Jersey) Order 1992
Diseases of Animals (Waste Foods) (Jersey) Order 1958

(Specific Orders only)

FISHERIES

Sea Fisheries (Jersey) Law 1994 and Sea Fisheries (Amendment) (Jersey) Law 2002

A Law to make new provision for the regulation of sea fishing and the conservation of sea fish; to make provision for the regulation of mariculture, for the licensing of fishing boats, for the appointment and duties of fisheries officers and for connected matters.

Subordinate Regulations –

Sea Fisheries (Log Books and Landing Declarations) (Jersey) Regulations 2001
Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998
Sea Fisheries (Inshore Waters) (Jersey) Regulations 1998
Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 2001
Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 2001
Sea Fisheries (Establishment and Regulation of Fisheries) (Jersey) Regulations 1998
Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 2001
Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003
Sea Fisheries (Les Minquiers) (Jersey) Regulations 1997
Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003

Territorial Sea (Consequential Provisions) (Jersey) Law 1994

A Law to provide for various matters in consequence of the extension of the territorial sea adjacent to the Island.

U.K. legislation extended to the Island

The Sea Fisheries Act 1868

The Merchant Shipping Act 1894
The Sea Fisheries (Shellfish) Act 1967
The Sea Fish (Conservation) Act 1967 (amended 1981)
The Sea Fisheries Act 1968
The Fishery Limits Act 1976
Sea Fisheries (Channel Islands) Order 1973
Sea Fisheries (Channel Islands Boats) Order 1973
Sea Fish (Conservation) (Channel Islands Boats) Order 1978
Foreign Fishing Boats (Stowage of Gear) Order 1970

Miscellaneous legislation

Loi (1894) sur la coupe et la pêche des vraics (low-water fishing)
Pêcheries à Ronez: Limites 1902