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# STATES OF JERSEY



## STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – PLANNING AND ENVIRONMENT – APRIL 2010 REVISED DELEGATIONS

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Presented to the States on 15th April 2010  
by the Minister for Planning and Environment

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STATES GREFFE

## REPORT

On 12th April 2010, the Minister for Planning and Environment made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-PE-2010-0043, available at [www.gov.je](http://www.gov.je)).

The terms of the delegations, and the legislation under which those delegations were made, were recorded in a Report attached to the Ministerial Decision, as shown below –

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### **A. Planning and Building Services Division**

Unless otherwise stated, any reference to an Article in this section is a reference to the Article so numbered in the **Planning and Building (Jersey) Law 2002**.

#### **1. The Delegations**

- 1.1 By virtue of the power conferred on him by Article 28 of the States of Jersey Law 2005, and subject to the conditions set out below, the Minister for Planning and Environment has delegated to the Assistant Minister all of the functions conferred on or vested in the Minister by or under the Planning and Building (Jersey) Law 2002 and the Building Bye-Laws (Jersey) 2007, save the making of Orders when, for whatever reason, the Minister has indicated that he has a prejudicial interest in the matter for consideration.
- 1.2 By virtue of the power conferred on him by Article 9A of the Planning and Building (Jersey) Law 2002; and subject to the conditions set out in section 2 below, the Minister has delegated to the Planning Applications Panel the functions conferred upon or vested in him under –
  - I. Articles 9, 11(3) to (6), 13(1) to (3), 14 to 17, 19 to 24, 26 and 28 concerning planning applications;
  - II. Articles 40, 42 and 45 concerning enforcement;
  - III. Article 54(2)(a) concerning works to Sites of Special Interest;
  - IV. Article 61(1)(a) concerning works to a Protected Tree;
  - V. An Order made under Article 76 concerning the display of advertisements; and
  - VI. An Order made under Article 81 concerning movable structures.
- 1.3 By virtue of the power conferred on him by the States of Jersey Law 2005, the Minister has delegated to the officers specified below (individually, “an authorized officer” and collectively, “the authorized officers”) the functions conferred on or vested in him specified below.
- 1.4 The Minister has delegated to –
  - (a) the Chief Officer – Planning and Environment;
  - (b) the Director of Planning;
  - (c) the Assistant Directors of Planning;

- (d) the Principal Planners, Principal Historic Environment Officer and Principal Building Control Surveyors;
- (e) the Senior Planners and Senior Building Control Surveyors;
- (f) the Planners and Building Control Surveyors; and
- (g) the Enforcement Officers,

and in respect of Articles relating to Sites of Special Scientific Interest –

- (h) The Director of Environment;
- (i) The Assistant Director Environmental Management and Rural Economy;
- (j) The Principal Ecologist,

the following functions –

- I. the functions specified in paragraph 1.1 above;
- II. the functions specified in Articles 51, 52, 53 and 54(2)(a) concerning Sites of Special Interest;
- III. the functions specified in Articles 58, 59, 60 and 61(1)(a) concerning Protected Trees;
- IV. the functions specified in Articles 66, 68 and 71 concerning dangerous structures;
- V. the functions conferred upon or vested in the Minister by the Planning and Building Fees Order in force;
- VI. the functions conferred upon or vested in him by the Building Bye-Laws;
- VII. the designation of specified sites and areas of land as Buildings of Local Interest, Archaeological Sites and Areas of Archaeological Potential in pursuit of the functions exercised in Article 6(1)(c) and (d) and Article 8(6)(a) and (c).

For the avoidance of doubt, the functions delegated include the granting of permission, with or without conditions, and the refusal of permission.

1.5 The Minister has delegated to –

- (a) the Chief Officer – Planning and Environment;
- (b) the Director of Planning;
- (c) the Assistant Director of Planning (Policy and Projects);
- (d) the Principal Historic Environment Officer,
  - i. the function to allow and/or disallow requests for the consideration and reconsideration of the protection of a building or site for inclusion on the List of Sites of Special Interest and the Register of Buildings and Sites of Architectural, Archaeological and Historic Importance.

1.6 The Minister has delegated to –

- (a) the Chief Officer – Planning and Environment;
- (b) the Director of Planning;
- (c) the Assistant Director of Development Control;
- (d) the Principal Planners (Development Control),
  - i. the functions conferred upon or vested in the Minister by the Planning and Building (Environmental Impact) (Jersey) Order 2006.

1.7 By virtue of the power conferred on him by the States of Jersey Law 2005 the Minister has delegated to the officers specified below (individually, “an authorized officer” and collectively, “the authorized officers”) the functions conferred on or vested in him by or under the High Hedges (Jersey) Law 2008 as specified below.

The Minister has delegated to –

- (a) the Chief Officer – Planning and Environment;
- (b) the Director of Planning and Building Services;
- (c) the Assistant Directors of Planning;
- (d) the Principal Planners,

the following functions –

- I. the functions specified in Article 6 concerning the validity of a complaint;
- II. the functions specified in Article 7 concerning determination of an application and the requirement for remedial action;
- III. the functions specified in Article 9 concerning the varying and withdrawal of a remedial notice.

1.8 By virtue of the power conferred on him by the States of Jersey Law 2005 the Minister has delegated to the officers specified below (individually, “an authorized officer” and collectively, “the authorized officers”) the functions conferred on or vested in him specified below –

The Minister has delegated to –

- (e) the Chief Officer – Planning and Environment;
- (f) the Director of Planning and Building Services;
- (g) the Assistant Directors of Planning,

the following functions –

- i. the functions specified in Article 25 concerning Planning Obligations

The Minister retains all decision-making and other functions delegated by this document.

## **2. The conditions**

- 2.1 In the exercise of the functions delegated to them, the Planning Applications Panel and the authorized officers will observe and abide by the Code of Practice set out in section 3 below.
- 2.2 The Planning Applications Panel will not make any decision or otherwise exercise any function in any case where it disagrees fundamentally with the recommendation of the officers of the Planning and Environment Department until it has undertaken further consultation.
- 2.3 Neither the Planning Applications Panel, nor any authorized officer, will make any decision or otherwise exercise any function in any case in which the Minister has given notice that he wishes to make the decision or exercise the function himself. For the avoidance of doubt, the Minister may give such notice, as the case may be, after the Planning Applications Panel or an authorized officer has begun a consideration of the matter; and at any stage prior to the making of the decision or exercise of the function in pursuance of the delegated powers.
- 2.4 All decisions made by an authorized officer will be checked and countersigned by a more senior officer.

## **3. The Code of Practice**

- 3.1 Subject to sections 1 and 2 above, the Minister will consider, in public, requests for reconsideration if –
  - I. the decision was made by an authorized officer; and
  - II. the officer consulted the Minister as part of the process of determining the planning application; and
  - III. the decision was to refuse permission or impose conditions.

Where the Minister was not consulted by the authorized officer as part of the process of determining the application, but all other conditions outlined above were met, the Planning Applications Panel will reconsider the request for reconsideration.

- 3.2 Where it is considered beneficial, the Minister may sit with the Planning Applications Panel.
- 3.3 The Minister, or Chair of the Planning Applications Panel in respect of meetings of the Planning Applications Panel, may invite personal presentations by the applicant or objectors (provided always that the applicant has a right of reply to any third party representations). In the case of meetings

to determine applications made under the High Hedges (Jersey) Law 2008, the Minister may invite personal presentations by the complainant and hedge owner (as defined by the Law).

3.4 In practice, and subject to the conditions set out in section 2 above, the Planning Applications Panel may decide –

- (a) applications where written political representations have been made, either for or against the proposal;
- (b) applications which have become contentious by virtue of the number or strength of representations made;
- (c) applications which would involve a departure from the Island Plan, any guidelines or policies published in accordance with Article 6, any other approved planning policy but where, in its opinion, there are good grounds to consider approving the application;
- (d) the serving of enforcement notices; and
- (e) any other applications referred to it by an authorized officer or the Minister.

3.5 In practice, and subject to the conditions set out in section 2 above, the authorized officers will decide –

- (a) whether it is necessary to make an application;
- (b) the calculation or waiver, in whole or in part, of planning fees;
- (c) applications where the decision is in accordance with the Island Plan, any guidelines or policies published in accordance with Article 6, any other approved policies;
- (d) applications where the decision accords with an earlier decision of –
  - I. the former Environment and Public Services Committee;
  - II. the former Planning Sub-Committee;
  - III. the Minister for Planning and Environment; or
  - IV. the Planning Applications Panel;
- (e) applications where there have been representations from the general public, but where those representations have been accommodated by revisions to the application or by the imposition of conditions, are of a non-planning nature, or are not of sufficient weight to influence a decision on the application;
- (f) applications under the Building Bye-Laws, including applications for the relaxation of the Bye-Laws;
- (g) applications under the Planning and Building (Display of Advertisements) (Jersey) Order 2006;
- (h) applications under Articles 101 to 104 (importation of caravans) or under the Planning and Building (Movable Structures) (Jersey) Order 2006;

- (i) on reserved matters which follow an outline planning permission;
- (j) on requests to vary permissions, including conditions;
- (k) on the content of Notices served under the Law;
- (l) on the provisional listing of Sites of Special Interest;
- (m) on applications, for works that do not necessarily amount to development but which have the potential to affect the special interest of a Site of Special Interest;
- (n) on the inclusion or exclusion on the List of Sites of Special Interest of buildings or places considered to have public importance, where no representations have been submitted or where those representations are not material to determining the special interest of the building or place;
- (o) on the serving of Notices of Intent to include or exclude buildings or places on the List of Sites of Special Interest considered to have public importance;
- (p) on the inclusion or exclusion on the Register of Buildings and Sites of Architectural, Archaeological and Historic Importance of buildings or places considered to have public importance, as Buildings of Local Interest and/or Archaeological Sites where no representations have been submitted or where those representations are not material to determining the special interest of the building or place;
- (q) on the serving of Notices of Intent to include or exclude buildings or places on the Register of Buildings and Sites of Architectural, Archaeological and Historic Importance considered to have public importance;
- (r) on the designation of Areas of Archaeological Potential where no representations have been submitted or where those representations are not material to determining the potential archaeological interest of the area;
- (s) on the serving of Notices of Intent to designate Areas of Archaeological Potential considered to have potential archaeological interest;
- (t) on the provisional listing of protected trees;
- (u) applications to carry out an action specified in Article 61 to a tree listed as a protected tree;
- (r) applications under the High Hedges (Jersey) Law 2008, where the hedge-owner has not submitted a representation,

provided that, in all cases, the authorized officer's decision is endorsed by a more senior authorized officer.

## **B. Environment Division**

### **Schedule of Delegated Statutory Powers**

<b>Law</b>	<b>Detail/Involves</b>	<b>Delegated to whom</b>
<p><b>Animal Welfare (Jersey) Law 2004</b></p> <p><b>Animal Welfare (Amendment) (Jersey) Law 2006</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>Animal Welfare (Amendment of Schedule 1) (Jersey) Order 2007</li> <li>Animal Welfare (Temporary Licensing Exemptions) (Jersey) Order 2007</li> <li>Animal Welfare (Licence Fee) (Jersey) Order 2008</li> <li>Animal Welfare (Poisons) (Jersey) Order 2007</li> </ul>	<ul style="list-style-type: none"> <li>A Law to consolidate and revise the laws promoting the welfare of animals and the prevention of suffering by animals, to regulate the keeping and use of animals, and for connected purposes.</li> <li>The Law defines the Veterinary Officer according to the definition given under the Diseases of Animals (Jersey) Law 1956. The Appointed Veterinary Officer (or their appointed Deputy under Part 2, Article 2 of the 1956 Law) has delegated powers under all Orders and is empowered to perform all duties relating to veterinary matters (Article 2, 3, 4, 5, 6, 7).</li> <li>Additional delegated powers are requested for appointment as Inspector is required in accordance with Article 22 to carry out licensing visits or enter premises licensed in accordance with Articles 14 or 15 of the Law.</li> </ul> <p>The Animal Welfare (Amendment) (Jersey) Law 2006 amends the Animal Welfare (Jersey) Law 2004 to restrict the powers of an inspector appointed under Article 22 prohibiting them from exercising functions in relation to licensing if the licensed activity is also undertaken by the inspector or his/her employers. JSPCA veterinary surgeon to be appointed inspector for purposes of warrant application and inspection outwith licensed premises of same type as JSPCA.</p>	<ul style="list-style-type: none"> <li>Assistant Minister</li> <li>Chief Executive Officer</li> <li>Director of Environment</li> </ul> <p><i>For the purposes of administration, inspection and enforcement</i></p> <ul style="list-style-type: none"> <li>States Veterinary Assistant</li> <li>Standby Officers (4)</li> <li>Head of Agricultural Inspection</li> <li>Agricultural Inspectors (4)</li> </ul> <p><i>For the purposes of inspection and enforcement of suspected offences (not licensing)</i></p> <ul style="list-style-type: none"> <li>JSPCA Veterinary Officer</li> </ul>
<p><b>Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974</b></p>	<p>A Law to control sales and leases of agricultural land.</p> <p>Delegated powers are requested under –</p> <ul style="list-style-type: none"> <li>Article 2 – The issuing of consents and permissions on agricultural land at the point of sale or leases using longstanding terms of reference. Decisions not within TOR are referred to the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>Assistant Minister</li> <li>Chief Executive Officer</li> <li>Director of Environment</li> <li>Assistant Director of Environmental Management and Rural Economy</li> <li>Statutory Services Officer</li> <li>Horticultural Adviser</li> </ul>
<p><b>Agricultural Marketing (Jersey) Law 1953</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li><i>Export of Agricultural Produce (Jersey) Order 1972</i></li> </ul>	<ul style="list-style-type: none"> <li>A Law to provide for the control of the marketing of agricultural produce by control of production and by other means, to empower the States to approve schemes for this purpose and to provide for other matters incidental thereto.</li> <li>Delegated powers are requested for the</li> </ul>	<ul style="list-style-type: none"> <li>Assistant Minister</li> <li>Chief Executive Officer</li> <li>Director of Environment</li> <li>Assistant Director – Environmental Protection</li> <li>Assistant Director of</li> </ul>

Law	Detail/Involves	Delegated to whom
<ul style="list-style-type: none"> <li>• <i>Potatoes (Precautions against Blight) (Jersey) Order 1961</i></li> <li>• <i>Export of Flowers (Jersey) Order 1972</i></li> </ul>	<p>administration, inspection and enforcement for the 3 pieces of subordinate legislation to ensure export produce adheres to certain standards and that crops are disease-free. This allows Jersey to trade with Europe.</p>	<p>Environmental Management and Rural Economy</p> <p><i>For the purposes of administration, inspection and enforcement</i></p> <ul style="list-style-type: none"> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<p><b>Animals (Trapping) (Jersey) Law 1961</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• <i>Spring Traps (Approval) (Jersey) Order 1996</i></li> <li>• <i>Small Ground Vermin Traps (Jersey) Order 1961</i></li> </ul>	<ul style="list-style-type: none"> <li>• A Law to define approved traps and to regulate and enforce their appropriate use.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Principal Ecologist</li> <li>• States Veterinary Officer</li> </ul>
<p><b>Artificial Insemination of Domestic Animals (Jersey) Law 1952</b></p> <p>(A replacement Law has been drafted entitled the Artificial Breeding of Domestic Animals (Jersey) Law 200- but has currently been deferred.)</p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• <i>Artificial Insemination of Domestic Animals (Jersey) Order 2008</i></li> <li>• <i>Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008</i></li> <li>• <i>Artificial Insemination of Domestic Animals (Jersey) Order 2008</i></li> </ul>	<ul style="list-style-type: none"> <li>• Licences to those wishing to perform artificial insemination on any female domestic animal and also to those who wish to collect, store, distribute or sell the semen from any male domestic animal (Article 2).</li> <li>• Licences to persons wishing to import (other than cattle) or export the embryos, ova or semen of domestic animals and to export (including cattle) as above (Article 3).</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<p><b>Conservation of Wildlife (Jersey) Law 2000</b></p>	<ul style="list-style-type: none"> <li>• A Law to protect scheduled wild animals and birds and their nest or dens from death, damage or disturbance.</li> </ul> <p>Article 16 allows for the licensing of normally prohibited activities under the following Articles 6, 8, 9, 10 11, 15 prohibitions –</p> <ul style="list-style-type: none"> <li>• 6 Relating to dens and nests, etc. of protected wild animals and protected wild birds</li> <li>• 8 Keeping, etc. of protected wild animals and protected wild birds</li> <li>• 9 Certain methods of killing or taking wild birds</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• Principal Ecologist</li> </ul>

Law	Detail/Involves	Delegated to whom
	<ul style="list-style-type: none"> <li>• 10 Certain methods of killing or taking wild animals (no licences have ever been issued for 9 and 10)</li> <li>• 11 Export of certain reptiles and amphibians</li> <li>• 15 Release, etc. of imported species (specifically includes Pheasants and Partridges)</li> </ul> <p>Licences may only be issued if the thing to be done is for scientific, research, educational purposes (e.g. ringing, marking, tracking; preserving public health or public or air safety; the re-introduction of a species, the purpose of conservation or the spreading of diseases, preventing serious damage to livestock and crops, AND</p> <p style="text-align: center;"><i>'there is no other satisfactory solution and that anything authorized by the licence will not be detrimental to the survival of the population concerned'.</i></p> <ul style="list-style-type: none"> <li>• Delegated powers are also required under Article 18 for enforcement activities (Article 18)</li> </ul>	
<p><b>Dangerous Wild Animals (Jersey) Law 1999</b></p>	<p>This Law provides a licensing requirement to keep a scheduled animal (Article 3).</p> <ul style="list-style-type: none"> <li>• Administration of this Law is delegated to the States Veterinary Officer who will seek advice at his/her discretion.</li> </ul> <p>(Note: Only one licence has been issued under the Law.)</p>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<p><b>Diseases of Animals (Jersey) Law 1956</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• <i>Diseases of Animals (Importation of Miscellaneous Goods) (Jersey) Order 1958</i></li> <li>• <i>Diseases of Animals (Approved Disinfectants) (Jersey) Order 1958</i></li> <li>• <i>Diseases of Animals (Importation of Live Fish) (Jersey) Order 1984</i></li> <li>• <i>Importation of Equine Animals (Jersey) Order 1958</i></li> <li>• <i>Importation of Equine</i></li> </ul>	<ul style="list-style-type: none"> <li>• The Appointed Veterinary Officer (under Part 2, Article 2 of the Law) has delegated powers under all Orders and is empowered to perform all duties relating to veterinary matters (Article 2,3,4,5,6,7).</li> <li>• Licences are issued under delegated powers.</li> <li>• The Minister is advised of the outbreak of any notifiable disease.</li> </ul> <p><b>Notifiable Disease Orders</b></p> <p><i>Anthrax (Jersey) Order 1958</i></p> <p><i>Aujeszky's Disease (Jersey) Order 1984</i></p> <p><i>Diseases of Animals (Avian Influenza) (Jersey) Order 2005</i></p> <p><i>Foul Brood Disease of Bees (Jersey) Order 1958</i></p> <p><i>Bovine Spongiform Encephalopathy (Jersey) Order 1988</i></p>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> </ul> <p><i>For the purposes of enforcement/inspection to report information to SVO</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> <li>• Standby Officers (4)</li> <li>• Assistant Director – Environmental Protection</li> </ul>

Law	Detail/Involves	Delegated to whom
<p><i>Animals (African Horse Sickness) (Prohibition) (Jersey) Order 1961</i></p> <ul style="list-style-type: none"> <li>• <i>Bee Diseases (Control) (Jersey) Order 1992</i></li> <li>• <i>Diseases of Animals (Bees) (Jersey) Order 2003</i></li> <li>• <i>Diseases of Animals (Miscellaneous Provisions) (Jersey) Order 1958</i></li> <li>• <i>Export Quarantine Stations (Regulation) (Jersey) Order 1958</i></li> <li>• <i>Foot-and-Mouth Disease (Sera and Glandular Products) (Jersey) Order 1958</i></li> <li>• <i>Diseases of Animals (Therapeutic Substances) (Jersey) Order 1958</i></li> <li>• <i>Diseases of Animals (Waste Foods) (Jersey) Order 1958</i></li> <li>• <i>Diseases of Animals (Welfare in Transit) (Jersey) Order 2001</i></li> <li>• <i>Rabies (Jersey) Order 1958</i></li> <li>• <i>Rabies (Control) (Jersey) Order 1976</i></li> <li>• <i>Rabies (Importation of Dogs, Cats and Other Mammals) (Jersey) Order 1976</i></li> <li>• <i>Diseases of Animals (Pigs, Goats and Sheep Registration, Identification and Movement) (Jersey) Order 2007</i></li> </ul>	<p><i>Cattle Plague (Jersey) Order 1958</i>  <i>Contagious Abortion (Jersey) Order 1958</i>  <i>Contagious Abortion (Amendment) (Jersey) Order 2006</i>  <i>Enzootic Bovine Leucosis Disease (Jersey) Order 1984</i>  <i>Epizootic Lymphangitis (Jersey) Order 1958</i>  <i>Foot-and-Mouth Disease (Jersey) Order 1958</i>  <i>Fowl Pest (Jersey) Order 1958</i>  <i>Fowl Typhoid (Jersey) Order 1959</i>  <i>Glanders or Farcy (Jersey) Order 1958</i>  <i>Virus Hepatitis (Jersey) Order 1958</i>  <i>Parasitic Mange (Jersey) Order 1958</i>  <i>Pleuro-Pneumonia (Jersey) Order 1958</i>  <i>Psittacosis (Jersey) Order 1958</i>  <i>Sheep-Pox (Jersey) Order 1958</i>  <i>Sheep Scab (Jersey) Order 1958</i>  <i>Swine Fever (Jersey) Order 1958</i>  <i>Swine Vesicular Disease (Jersey) Order 1974</i>  <i>Teschen Disease (Jersey) Order 1975</i>  <i>Tuberculosis (Jersey) Order 1958</i>  <i>Warble Fly (Jersey) Order 1984</i>  <i>Diseases of Animals (Bluetongue) (Jersey) Order 2006</i></p>	<ul style="list-style-type: none"> <li>• Dairy and Livestock Adviser</li> <li>• Horticultural Adviser</li> <li>• Head of Countryside</li> <li>• Principal Ecologist</li> <li>• Head of Plant Health</li> <li>• Laboratory Manager</li> </ul>
<p><b>European Communities Legislation (Implementation) (Jersey) Law 1996</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• <i>Fish Health (Jersey) Regulations 1999</i></li> </ul>	<ul style="list-style-type: none"> <li>• To ensure the health of aquaculture animals and aquaculture products in order to prevent the spread of disease.</li> <li>• Regulation, enforcement and inspections are carried out by States Veterinary Officer or his/her assistants.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> <li>• Standby Officers (4)</li> <li>• Senior Fisheries Inspector</li> <li>• Fisheries Officer – Research and Development</li> <li>• Sea Fisheries Officers (3)</li> </ul>

Law	Detail/Involves	Delegated to whom
<ul style="list-style-type: none"> <li>• <i>European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 2002</i></li> </ul>	<ul style="list-style-type: none"> <li>• To ensure the correct form and application of prescribed cattle eartags; the registration of cattle and recording of movements.</li> <li>• Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Community Provisions (Animal Feeding) (Jersey) Regulations 2005</i></li> </ul>	<ul style="list-style-type: none"> <li>• Regulations to ensure the prevention, control and eradication of certain transmissible spongiform encephalopathies.</li> <li>• Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006</i></li> </ul>	<ul style="list-style-type: none"> <li>• Regulate the movement of pet animals arriving from outside the British Isles entering Jersey from the EU and non-EU listed countries and territories.</li> <li>• Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Standby Officers (4)</li> </ul>
<ul style="list-style-type: none"> <li>• <i>European Communities Legislation (Bluetongue) (Jersey) Regulations 2008</i></li> </ul>	<ul style="list-style-type: none"> <li>• Regulate the controls, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.</li> <li>• Inspections and enforcement are carried out by States Veterinary Officer or his/her assistants.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Standby Officers (4)</li> </ul>

Law	Detail/Involves	Delegated to whom
		<ul style="list-style-type: none"> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> <li>• Dairy and Livestock Adviser</li> </ul>
<p><b>Fertilisers and Feeding Stuffs (Jersey) Law 1950</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• <i>Fertilizers and Feeding Stuffs (Jersey) Order 1972</i></li> </ul>	<ul style="list-style-type: none"> <li>• A Law to make provision with respect to the sale of fertilizers and feeding stuffs in the Island and their contents which must not have animal extracts within them.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• States Veterinary Officer</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• States Veterinary Assistant</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<p><b>Food and Environmental Protection Act 1985 (Jersey) Order 1987</b></p> <p><b>Food and Environmental Protection Act 1985 (Jersey) (Amendment) Order 1997</b></p>	<ul style="list-style-type: none"> <li>• To authorize the issue of licences for the deposit of substances at sea (Article 5 of 1987 order), e.g. dredge spoil from maintenance dredging of the harbours, burials at sea.</li> <li>• Detailed protocols establish the procedures and fees for each class of deposit together with lists of compulsory consultees.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Head of Fisheries and Marine Resources</li> </ul>
<p><b>Pesticides (Jersey) Law 1991</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• <i>Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991</i></li> <li>• <i>Pesticides (General Provisions) (Jersey) Order 1991</i></li> </ul>	<ul style="list-style-type: none"> <li>• To regulate the use of pesticides.</li> <li>• Delegated powers are requested for Article 4 which outlines the enforcement provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• Assistant Director – Environmental Protection</li> </ul> <p><i>For the purposes of enforcement</i></p> <ul style="list-style-type: none"> <li>• Head of Agricultural Inspection</li> <li>• Agricultural – Environmental Specialists</li> <li>• Agricultural Inspectors (4)</li> </ul>
<p><b>Planning and Building (Jersey) Law 2002</b></p>	<ul style="list-style-type: none"> <li>• Permission to carry out activities on SSI land (Article 55), e.g. permission for the TA to carry out exercises, utilities maintenance, etc.</li> <li>• Permission to allow use of public land by Clubs and Associations, e.g. by the Jersey Rifle Club, who close Les Landes SSI 6 times</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> </ul>

Law	Detail/Involves	Delegated to whom
	<p>annually for firing purposes.</p> <ul style="list-style-type: none"> <li>• Provisional listing (for 3 months only) of SSIs under Article 53 in the case of extreme threat to an area of SSI quality.</li> </ul>	
<p><b>Plant Health (Jersey) Law 2003</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• <i>Stem and Bulb Eelworm (Jersey) Order 1971</i></li> <li>• <i>Blight Disease (Jersey) Order 1982</i></li> <li>• <i>Plant Health (Jersey) Order 2005</i></li> </ul>	<ul style="list-style-type: none"> <li>• Issuance of plant passports – Article 18 of the Plant Health Order.</li> <li>• Registration of growers, propagators or traders (Article 19 of the Plant Health Order) and keeping of the register (Article 20 of the Plant Health Order).</li> <li>• Delegated powers are requested for inspection and enforcement functions under Articles 24–31 of the Plant Health Order.</li> <li>• Issuance of licences – Article 34 of the Plant Health Order.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• Assistant Director – Environmental Protection</li> <li>• Plant Pathologist</li> <li>• Entomologist</li> </ul> <p><i>For the purposes of enforcement/inspection</i></p> <ul style="list-style-type: none"> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<p><b>Protection of Agricultural Land (Jersey) Law 1964</b></p>	<ul style="list-style-type: none"> <li>• This Law is to protect the ‘spoilation’ of agricultural land from contamination, neglect the removal of surface soil or any misuse.</li> <li>• Under Article 4(2), consents and permissions can be issued for prohibited activities to be carried out on agricultural land.</li> <li>• For the purposes of inspection and enforcement, delegated powers of entry are requested (Article 3) as are the powers to obtain information (Article 5).</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> <li>• Horticultural Adviser</li> <li>• Statutory Services Officer</li> <li>• Head of Countryside</li> </ul> <p><i>For the purposes of enforcement/inspection/obtain information</i></p> <ul style="list-style-type: none"> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>
<p><b>Slaughter of Animals (Jersey) Law 1962</b></p>	<ul style="list-style-type: none"> <li>• The SVO issues slaughterers licences under delegated powers (Article 4).</li> <li>• The slaughterhouse is supervised by the Superintendent (Article 2).</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• States Veterinary Officer</li> </ul>
<p><b>Waste Management (Jersey) Law 2005</b></p>	<ul style="list-style-type: none"> <li>• A Law to: <ol style="list-style-type: none"> <li>1. Control the transboundary shipment of wastes to, from, and through Jersey.</li> <li>2. Control the movements of hazardous and healthcare wastes in Jersey.</li> <li>3. Allow for the licensing of waste management facilities and the registration of certain carriers in Jersey.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director – Environmental Protection</li> <li>• Head of Waste Regulation</li> </ul>

Law	Detail/Involves	Delegated to whom
	<ul style="list-style-type: none"> <li>• All administration of:</li> <li>Part 1 – INTRODUCTORY PROVISIONS (Articles 1 to 9)</li> <li>Part 2 – ADMINISTRATION (Articles 10 to 22)</li> <li>Part 3 – WASTE MANAGEMENT WITHIN THE ISLAND</li> <li>• Licensing of Operations (Articles 23 to 37)</li> <li>• Registration of Waste Carriers (Articles 38 to 48)</li> <li>• Internal Movements (Articles 49 to 52)</li> <li>• Other Provisions (Articles 53 to 56).</li> <li>Part 4 – TRANSBOUNDARY MOVEMENTS OF WASTE</li> <li>• Introductory Provisions (Articles 57 to 63)</li> <li>• Export of Waste (Articles 64 to 67)</li> <li>• Import of Waste (Articles 68 to 69)</li> <li>• Waste in Transit (Articles 70 to 71)</li> <li>• Illegal Traffic (Articles 72 to 75)</li> <li>• Other Provisions (Articles 76 to 81)</li> <li>Part 5 – ENFORCEMENT (Articles 82 to 93)</li> <li>Part 6 – OTHER PROVISIONS (Articles 94 to 113)</li> <li>Any further responsibilities under Schedules 1 to 11.</li> </ul>	<p><i>In addition for enforcement (Part 5)</i></p> <ul style="list-style-type: none"> <li>• Environmental Protection Officers</li> <li>• Environmental Protection Support Officer</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors</li> </ul>
<p><b>Water Pollution (Jersey) Law 2000</b></p>	<p>A Law to provide for the control of pollution in Jersey waters, and the implementing of provisions of the Convention for the Protection of the Marine Environment of the North-East Atlantic; the monitoring and the classification of waters; the setting of quality objectives for classified waters; administrative, regulatory, preventive and remedial measures; and related purposes.</p> <ul style="list-style-type: none"> <li>• Delegated powers are requested for the issuance of discharge permits and the publishing of notices and consultation before considering applications relating to Discharge Permits (Article 10).</li> <li>• Special regard to the issuance of discharge permits will be given relating to high risk substances (Article 19(1)).</li> <li>• Consideration of Discharge Permits (Article 21).</li> <li>• Conditions attached to Discharge permits (Article 22).</li> <li>• Procedure for varying or revoking Discharge Permits (Article 23).</li> <li>• Procedure for suspension of Discharge Permits (Article 24).</li> <li>• Consideration of transfer of Discharge</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director – Environmental Protection</li> </ul> <p><i>In addition for enforcement (Article 29)</i></p> <ul style="list-style-type: none"> <li>• Environmental Protection Officer (5)</li> <li>• Head of Waste Regulation</li> <li>• Agricultural – Environmental Specialist</li> <li>• Environmental Protection Assistant</li> <li>• Environmental Protection Support Officer</li> <li>• Head of Fisheries and Marine Resources</li> <li>• Senior Fisheries Inspector</li> <li>• Fisheries Officer – Research and Development</li> </ul>

Law	Detail/Involves	Delegated to whom
	<p>permits (Article 25).</p> <ul style="list-style-type: none"> <li>• Procedure for notification of decisions relating to Discharge Permits (Article 27; with the exception of paragraph (1)(c)).</li> </ul> <p>Delegated powers are requested for the purposes of enforcement (under Article 29) and –</p> <ul style="list-style-type: none"> <li>• Access to documents relevant to Law (Article 34);</li> <li>• Requirement to produce information relating to potentially polluting matter (Article 35);</li> <li>• Requirement for precautions to be taken to prevent pollution (Article 36);</li> <li>• Requirement for polluters to eliminate and remediate pollution (Article 37);</li> <li>• The procedure to be adopted in respect of Articles 36–37 (Article 38);</li> <li>• Ability of the Department to take remedial action in respect of Articles 36 and 37 (Article 39(1));</li> <li>• Transitional provisions in respect of Discharge Permits (Schedule 5).</li> </ul>	
<b>Water (Jersey) Law 1972</b>	<ul style="list-style-type: none"> <li>• Jersey Water must provide ‘wholesome water’ (Article 9).</li> <li>• Enforcement of standards are performed by officers.</li> </ul>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director – Environmental Protection</li> </ul> <p><i>For the purposes of enforcement</i></p> <ul style="list-style-type: none"> <li>• Environmental Protection Officer (5)</li> <li>• Environmental Protection Support Officer</li> </ul>
<b>Weeds (Jersey) Law 1961</b>	<p>A Law to provide for preventing the spreading of injurious weeds.</p> <p>Delegated powers are requested for enforcement activities to prevent the spreading of injurious weeds (Article 2) performed by the Inspectorate.</p>	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director of Environmental Management and Rural Economy</li> </ul> <p><i>*In addition for enforcement</i></p> <ul style="list-style-type: none"> <li>• Assistant Director – Environmental Protection</li> <li>• Head of Agricultural Inspection</li> <li>• Agricultural Inspectors (4)</li> </ul>

Law	Detail/Involves	Delegated to whom
<b>Water Resources (Jersey) Law 2007</b>	A Law to provide for the protection, management and regulation of water resources in Jersey; the promotion of the conservation of the fauna and flora that are dependent on inland waters and of the habitats of such fauna and flora to the extent that those habitats are themselves dependent on inland waters; the conservation and enhancement of the natural beauty and amenity of inland waters; and for related purposes.	<ul style="list-style-type: none"> <li>• Assistant Minister</li> <li>• Chief Executive Officer</li> <li>• Director of Environment</li> <li>• Assistant Director – Environmental Protection</li> <li>• Head of Water Resources</li> <li>• Hydrogeologist</li> </ul> <p><i>For the purposes of enforcement</i></p> <ul style="list-style-type: none"> <li>• Environmental Protection Officer (5)</li> <li>• Environmental Protection Support Officer</li> </ul>