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# STATES OF JERSEY



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – ECONOMIC DEVELOPMENT – MARITIME ADMINISTRATION – REVISED DELEGATIONS JANUARY 2015**

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**Presented to the States on 14th January 2015  
by the Minister for Economic Development**

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**STATES GREFFE**

## REPORT

On 12th January 2015, the Minister for Economic Development made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-E-2015-0001, available at [www.gov.je](http://www.gov.je)).

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister or an officer.

The Law states, *inter alia* –

### “28 Power of Minister to delegate functions

- (1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law or any other enactment or any enactment of the United Kingdom having effect in Jersey, to –
  - (a) one of his or her Assistant Ministers;
  - (b) an officer.
- (2) A Minister shall not delegate –
  - (a) any power to make an enactment;
  - (b) any power to decide an appeal under an enactment;
  - (c) any function the delegation of which is prohibited by an enactment.
- (3) The delegation of functions by a Minister under this Article shall not prevent the Minister exercising those functions personally.
- (4) Where any licence, permit or authorization is granted in purported exercise of functions delegated under paragraph (1), no criminal proceedings shall lie against any person for any act done, or omitted to be done, in good faith and in accordance with the terms of the licence, permit or authorization, by reason that the functions had not been delegated, or that any requirement attached to the delegation of the functions had not been complied with.
- (5) In this Article –
 

“Minister” includes the Chief Minister;

“officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 and includes a member of the States of Jersey Police Force and an officer appointed under paragraph 1(1) of Part 1 of Schedule 2 to the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993.
- (6) The States may by Regulations amend the definition “officer” in paragraph (5).”

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 –

**ECONOMIC DEVELOPMENT – MARITIME ADMINISTRATION**

<b>Legislation:</b>	<b>Function delegated and Scope of delegation:</b>	<b>Delegate:</b>
<i>Shipping (Jersey) Law 2002 – Article 154</i>	<p>Appointment of inspectors and surveyors.</p> <p>The individuals and organisations so appointed are to be subject to external audit of standards by the Registrar, the Jersey Marine Surveyor or the UK MCA acting on the Island's behalf.</p>	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<i>Shipping (Tonnage) (Jersey) Regulations 2004</i>	<p>To appoint appropriately qualified, authorized measurers and surveyors, as defined in Regulation 1.</p> <p>The Registrar shall only appoint measurers and surveyors for the purpose of their function under the Tonnage Regulations.</p>	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<i>Shipping (Training, Certification and Manning) (Jersey) Order 2004 – Article 5</i>	<p>To exempt any ship or description of ship from any requirement of the U.K. Training and Certification Regulations or the U.K. Manning Regulations as applied in Jersey.</p> <p>The Officer shall only do so where there is in place an equivalent requirement appropriate to the ship type and area of operation.</p>	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<i>Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004</i>	<p>To grant exemptions from the requirement for safety training under Article 4.</p> <p>Exemption may apply to fishermen operating vessels under 6 metres in length and where they have attended the approved alternative training.</p> <p>Temporary exemptions for fishermen new to the industry and being crew under supervision of a trained skipper operating any size vessel, who have not attended any approved training, must be limited to a maximum of 3 months and dependent on there being on-board safety and emergency briefings. Such exemptions to be based on a report issued on behalf of the Harbour Master.</p>	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>

<b>Legislation:</b>	<b>Function delegated and Scope of delegation:</b>	<b>Delegate:</b>
	Temporary exemptions will be allowed for existing fishermen operating any size vessel where a certificate is due to expire within the next 3 months, providing they undertake the appropriate renewal course not later than 3 months after the expiry of the current certificate. Certificates for training undertaken before the expiry date of the current certificate may be post-dated up to a maximum of 3 months from completion of the appropriate course.	
<i>Shipping (Fishing Vessels Safety Provisions) (Jersey) Order 2004 – Articles 129 and 133</i>	On receipt of a favourable survey report, issue or cancel fishing vessel certificates.  This to be based on a report issued on behalf of the Harbour Master.	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<i>Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013 – Regulation 3(3)</i>	To grant, on such terms as may be specified, exemption for a class of ships or for an individual ship from a specified requirement of the Jersey Code.  The delegate shall only accept such equivalents on having taken advice from professional surveyors appropriately appointed under the Shipping Law, and to advise on the Jersey Code as that code is referred to in Regulation 1(2) of the Regulations.	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<i>Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013 – Regulation 3(4)</i>	To accept equivalent equipment, machinery, or provisions.  The delegate shall only accept such equivalents on having taken advice from professional surveyors appropriately appointed under the Shipping Law, and to advise on the Jersey Code as that code is referred to in Regulation 1(2) of the Regulations.	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<i>Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013 – Regulation 4(2)</i>	To accept certificates of compliance issued otherwise than in accordance with paragraph (1) of Regulation 4.  The delegate shall only accept such alternative certificates on having taken advice from professional surveyors appropriately appointed under the	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>

<b>Legislation:</b>	<b>Function delegated and Scope of delegation:</b>	<b>Delegate:</b>
	Shipping Law, and to advise on the Jersey Code as that code is referred to in Regulation 1(2) of the Regulations.	
<p><i>Shipping (Survey and Certification) (Jersey) Order 2013</i> – Articles 1(2)(a) and 2(3); and</p> <p>U.K. Survey and Certification Regulations – Regulation 2(2)</p>	To grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) on such terms (if any) as he may do specify and may, subject to giving reasonable notice, alter or cancel any such exemption.	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<p><i>Shipping (Survey and Certification) (Jersey) Order 2013</i> – Article 1(2)(a); and</p> <p>U.K. Survey and Certification Regulations – Regulation 11</p>	To issue a Passenger Certificate in accordance with the associated U.K. Regulation 11(a).	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<p><i>Shipping (Survey and Certification) (Jersey) Order 2013</i> – Article 1(2)(a); and</p> <p>U.K. Survey and Certification Regulations – Regulation 19</p>	To cancel a certificate issued to a Jersey ship in accordance with the associated U.K. Regulation 19(1), and to require the surrender of such a certificate in accordance with the associated U.K. Regulation 19(2).	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>
<p><i>Shipping (Survey and Certification) (Jersey) Order 2013</i> – Article 4(10); and</p> <p>U.K. Domestic Voyage Regulations – Regulation 8</p>	<p>To exempt, subject to such conditions as may be specified, classes of ships or individual ships from specified provisions of these Regulations, and may alter or cancel any such exemption.</p> <p>This to be based on a report issued on behalf of the Harbour Master.</p>	<ul style="list-style-type: none"> <li>• Assistant Director</li> <li>• Registrar of Shipping</li> <li>• Assistant Registrar of Shipping</li> </ul>