
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – ENVIRONMENT – SCHEME OF DELEGATIONS – NOVEMBER 2016

Presented to the States on 11th November 2016
by the Minister for the Environment

STATES GREFFE

REPORT

On 8th November 2016, the Minister for the Environment made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-PE-2016-0139, available at 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 –

Scheme of Delegation for the Minister for the Environment – November 2016		
1. Background		
<p>Article 28 of the States of Jersey Law 2005 allows a Minister to delegate any function for which they have responsibility, to an Assistant Minister or an Officer.</p> <p>The Scheme of Delegation ensures that decisions are made at the appropriate level to ensure the efficient administration of the Minister’s duties and responsibilities.</p> <p>No delegations made prevent the Minister from exercising those functions personally.</p>		
2. Delegations to the Assistant Minister		
<p>In pursuance of Article 28(1) of the States of Jersey Law 2005, the Minister delegates:</p> <p>All powers and functions in respect of the Department of the Environment, including all other areas where the Minister would otherwise have to act and be advised, to his Assistant Minister, Connétable S.W. Pallett of St. Brelade, when he is unavailable or out of the Island.</p> <p>The determination of appeals made under Part 7 of the Planning and Building (Jersey) Law 2002, to his Assistant Minister, Deputy A.E. Pryke of Trinity, when he is unavailable, unable to determine an appeal, or when it could be perceived that he is conflicted.</p>		
3. Delegations to Officers – Public Finances (Jersey) Law 2005		
<p>In pursuance of Article 28(1) of the States of Jersey Law 2005, the Minister delegates the following powers and functions in respect of the Department of the Environment to Officers of the Department, subject to the conditions as stated.</p>		
Public Finances (Jersey) Law 2005		
Article:	Detail:	Delegated to:
Write off bad debts	For an individual value of less than £25,000 and a combined annual total of less than £200,000.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Finance Director, Department of the Environment
	For an individual value of less than £50.	<ul style="list-style-type: none"> • Finance Officer
	Subject to them being reported to the Minister on a quarterly basis with an explanatory report.	
	Approve the Department’s authorised signature schedule and approved expenditure limits, conditional upon them being within pre-authorised limits.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Finance Director, Department of the Environment
Article 28	Authorisation of non-contentious budget transfers up to the value of £200,000.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment

4. Delegations to Officers – Planning and Building Services Division		
In pursuance of Article 28(1) of the States of Jersey Law 2005, the Minister delegates the following powers and functions in respect of the Department of the Environment to Officers of the Department, subject to the conditions as stated.		
High Hedges (Jersey) Law 2008		
Article:	Detail:	Delegated to:
HIGH HEDGES		
Article 6	Determining whether a complainant has taken steps to resolve the situation, whether the complaint is frivolous or vexatious, or whether the complaint is justified.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Development Control
Article 7	Issuing a Remedial Notice, provided that the owner of the hedge has not made any representation in connection with the complaint.	<ul style="list-style-type: none"> • Director of Policy, Projects and the Historic Environment • Principal Planners
Article 9	Withdrawal of a Remedial Notice and issuing of an amended Notice if appropriate.	<ul style="list-style-type: none"> • Senior Planners and Assistant Senior Planners
CONDITIONS		
In deciding an application and any requirement for remedial action in connection with a submission under the High Hedges (Jersey) Law 2008, Authorised Officers may only make a decision when representations have not been received from the owner of the hedge that is the subject of the application.		
The Planning Applications Committee do not have any powers to determine High Hedges applications, as neither the States of Jersey Law 2005 nor the High Hedges (Jersey) Law 2008 allow for such a delegation.		
Planning and Building (Jersey) Law 2002		
Article:	Detail:	Delegated to:
Article 71	Immediate action to ensure safety of a building. This includes powers of entry to carry out any such works.	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Deputy Chief Officer • Director of Building Control
Article 116(3)	The giving of notice in writing of the determination of an appeal.	<ul style="list-style-type: none"> • Judicial Greffier
Article 116(4)	The making of reasonable arrangements for access to the inspector's report and notice given by the Minister.	<ul style="list-style-type: none"> • Judicial Greffier

5. Delegations to Officers – Environmental Division		
In pursuance of Article 28(1) of the States of Jersey Law 2005, the Minister delegates the following powers and functions in respect of the Department of the Environment to Officers of the Department, subject to the conditions as stated.		
Legislation:	Detail:	Delegated to:
<p>Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974</p>	<p>A Law to control sales and leases of agricultural land.</p> <p>Delegated powers under –</p> <ul style="list-style-type: none"> 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 the terms of reference are referred to the Minister. 	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy Land and Horticultural Development Manager Land Controls and Planning Officer Projects and Compliance Officer (<i>for monitoring and enforcement</i>) Waste and Water Management and Regulation Officer (<i>for monitoring and enforcement</i>)
<p>Agricultural Marketing (Jersey) Law 1953</p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> Export of Agricultural Produce (Jersey) Order 1972 Potatoes (Precautions against Blight) (Jersey) Order 1961 Export of Flowers (Jersey) Order 1972 	<p>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.</p> <p>Delegated powers for the administration, inspection and enforcement for the 3 pieces of subordinate legislation to ensure that export produce adheres to certain standards and that crops are disease-free. This allows Jersey to trade with Europe.</p>	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Protection Director of Environmental Management and Rural Economy <p><i>For the purposes of administration, inspection and enforcement:</i></p> <ul style="list-style-type: none"> Agricultural and Plant Health Inspectors

Legislation:	Detail:	Delegated to:
<p>Animals (Trapping) (Jersey) Law 1961</p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> • Spring Traps (Approval) (Jersey) Order 1996 • Small Ground Vermin Traps (Jersey) Order 1961 	<p>A Law to define approved traps and to regulate and enforce their appropriate use.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Principal Ecologist • States Veterinary Officer
<p>Animal Welfare (Jersey) Law 2004</p>	<p>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.</p> <p>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 (Articles 1 to 7).</p> <p>Additional delegated powers are requested for appointment; as the 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.</p> <p>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.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer • Principal Ecologist • States Veterinary Assistant
<p>Artificial Insemination of Domestic Animals (Jersey) Law 1952</p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> • Artificial Insemination of Domestic Animals (Jersey) Order 2008 	<p>Licences to those wishing to collect, store, distribute or sell the semen from any male domestic animal (Article 2).</p> <p>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).</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer

Legislation:	Detail:	Delegated to:
<ul style="list-style-type: none"> Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008 		
<p>Conservation of Wildlife (Jersey) Law 2000</p>	<p>A Law to protect scheduled wild animals and birds and their nests or dens from death, damage or disturbance.</p> <p>Article 16 allows for the licensing of normally prohibited activities under Articles 6, 8, 9, 10, 11 and 15.</p> <p>Prohibitions:</p> <ul style="list-style-type: none"> 6 – Relating to dens and nests, etc. of protected wild animals and protected wild birds; 8 – Keeping, etc. of protected wild animals and protected wild birds; 9 – Certain methods of killing or taking wild birds; 10 – Certain methods of killing or taking wild animals (no licences have ever been issued for 9 and 10); 11 – Export of certain reptiles and amphibians; 15 – Release, etc. of imported species (specifically includes pheasants and partridges). <p>Licences may only be issued if the thing to be done is for scientific, research or 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 prevention of the spread of diseases, preventing serious damage to livestock and crops, AND <i>‘there is no other satisfactory solution and that anything Authorised by the licence will not be detrimental to the survival of the population concerned’.</i></p> <ul style="list-style-type: none"> Delegated powers under Article 18 for enforcement activities. 	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy Principal Ecologist <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> Natural Environment Officer Research Ecologist Sea Fisheries Officers

Legislation:	Detail:	Delegated to:
<p>Dangerous Wild Animals (Jersey) Law 1999</p>	<p>This Law provides a licensing requirement to keep a scheduled animal (Article 3).</p> <p>Administration of this Law is delegated to the States Veterinary Officer, who will seek advice at his/her discretion.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer
<p>Diseases of Animals (Jersey) Law 1956</p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> • Diseases of Animals (Approved Disinfectants) (Jersey) Order 1958 • Diseases of Animals (Miscellaneous Provisions) (Jersey) Order 1958 • Diseases of Animals (Waste Foods) (Jersey) Order 1958 • Diseases of Animals (Pigs, Goats and Sheep Registration, Identification and Movement) (Jersey) Order 2007 • Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011 • Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011 • Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012 • Diseases of Animals (Bees) (Jersey) Order 2013 	<p>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 (Articles 1 to 7).</p> <p>Licences are issued under delegated powers.</p> <p>The Minister is advised of the outbreak of any notifiable disease.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy

Legislation:	Detail:	Delegated to:
<p>Notifiable Disease Orders</p> <ul style="list-style-type: none"> • Diseases of Animals (African Horse Sickness) (Jersey) Order 2016 • Anthrax (Jersey) Order 1958 • Aujeszky's Disease (Jersey) Order 1984 • Diseases of Animals (Avian Influenza) (Jersey) Order 2005 • Diseases of Animals (Bluetongue) (Jersey) Order 2006 • Contagious Abortion (Jersey) Order 1958 • Enzootic Bovine Leucosis Disease (Jersey) Order 1984 • Epizootic Lymphangitis (Jersey) Order 1958 • Foot-and-Mouth Disease (Jersey) Order 1958 • Fowl Pest (Jersey) Order 1958 • Glanders or Farcy (Jersey) Order 1958 • Diseases of Animals (Infectious Bovine Rhinotracheitis) (Jersey) Order 2012 • Pleuro-Pneumonia (Jersey) Order 1958 • Psittacosis (Jersey) Order 1958 • Rabies (Control) (Jersey) Order 1976 		

Legislation:	Detail:	Delegated to:
<ul style="list-style-type: none"> • Sheep-Pox (Jersey) Order 1958 • Sheep Scab (Jersey) Order 1958 • Swine Fever (Jersey) Order 1958 • Swine Vesicular Disease (Jersey) Order 1974 • Tuberculosis (Jersey) Order 1958 		
<p>Endangered Species (CITES) (Jersey) Law 2012</p>	<p>MANAGEMENT AUTHORITY Article 6(1)</p> <p>A Law to regulate the trade in certain animal and plant species that are or may be in danger of extinction, and to ensure the implementation of the Convention on the International Trade in Endangered Species (CITES), and for connected purposes.</p> <p>The Law prescribes a number of functions to the Management Authority under Articles 7, 8 and 12 to 30 connected to the permitting, licensing and reporting of the import, export and re-export of listed species or their derivatives, as well as the registration of local commercial breeding and trade operations. The Management Authority is also required to co-operate with recognised management authorities in the implementation and enforcement of legislation, in Jersey and in other countries or territories, relating to species conservation.</p>	<ul style="list-style-type: none"> • States Veterinary Officer • States Veterinary Assistant • Director of Environmental Policy • Director of Environment/ Deputy Chief Officer <p><i>Note: for the purposes of enforcement/ inspection, the Endangered Species (CITES) (Designation and Appointment) (Jersey) Order 2012, Article 3 already appoints additional officers to those appointed under Article 11(1) of the Law, as follows:</i></p> <ul style="list-style-type: none"> • Director of Environmental Policy • An Inspector within the meaning of the Diseases of Animals (Jersey) Law 1956
<p><i>Subordinate:</i></p> <ul style="list-style-type: none"> • Endangered Species (CITES) (Designation and Appointment) (Jersey) Order 2012 	<p>SCIENTIFIC AUTHORITY Article 2</p> <p>Pursuant to Article 9(1) of the Law, the Minister for the Environment is designated as the Scientific Authority.</p> <p>The Law prescribes a number of powers and functions of the Scientific Authority in Article 10 in relation to advising the</p>	<ul style="list-style-type: none"> • Director of Environmental Policy • Director of Environment/ Deputy Chief Officer

Legislation:	Detail:	Delegated to:
	Management Authority of decisions in respect of the issuing of permits for import, export or re-export of listed specimens or derivatives.	
<p>European Union Legislation (Implementation) (Jersey) Law 2014</p> <p><i>Subordinate:</i></p>		
<ul style="list-style-type: none"> • EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016 	<p>Regulations to ensure the health of aquaculture animals and aquaculture products in order to prevent the spread of disease.</p> <p>Regulation, enforcement and inspections are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer • States Veterinary Assistant
<ul style="list-style-type: none"> • European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 2002 	<p>Regulations to ensure the correct form and application of prescribed cattle ear tags (Regulation 2):</p> <ul style="list-style-type: none"> • The registration of cattle and recording of movements (Regulation 7). • Provide replacement passports (Regulation 10). • Powers of entry. To inspect cattle, examine and remove records, check unused eartags (Regulation 13). Serve a notice restricting movement from the holding (Regulation 14). • Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants. 	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer
<ul style="list-style-type: none"> • EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 2015 	<p>Regulations to provide for the enforcement of Regulation (EC) No. 999/2001 of the European Parliament and of the Council, laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (“the EU TSE Regulation”).</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer

Legislation:	Detail:	Delegated to:
<ul style="list-style-type: none"> European Communities Legislation (Bluetongue) (Jersey) Regulations 2008 	<p>Regulations for the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer
<ul style="list-style-type: none"> Community Provisions (Bovine Embryos) (Jersey) Regulations 2010 	<p>Regulations for the trade in bovine embryos with Member States and to control the importation of bovine embryos from third countries; to approve embryo collection teams, including laboratories, embryo production teams, and storage facilities for trade.</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer
<ul style="list-style-type: none"> Pet Travel Scheme (Jersey) Regulations 2011 	<p>Regulations for the movement of pet animals arriving from outside the British Islands entering Jersey from a member State or a third country.</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer States Veterinary Assistant

Legislation:	Detail:	Delegated to:
<ul style="list-style-type: none"> Community Provisions (Welfare of Animals during Transport) (Jersey) Regulations 2013 	<p>Regulations that ensure the application and implementation of 2 European Council Regulations that deal with the welfare of animals when they are being transported.</p> <p>Those Regulations are –</p> <p>Council Regulation (EC) No 1/2005 and Council Regulation (EC) No 1255/97 which harmonise applicable animal welfare controls, as well as preventing the occurrence and spread of infectious animal diseases.</p> <p>These Regulations put in place more stringent requirements than previously, so as to prevent pain and suffering in order to safeguard the welfare and health of animals during and after transport.</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer States Veterinary Assistant
<ul style="list-style-type: none"> EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016 	<p>These Regulations implement Council Directive 90/425 concerning veterinary and zootechnical checks applicable in intra-Community trade in live animals and certain animal products with a view to the completion of the internal market.</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer
<ul style="list-style-type: none"> EU Legislation (Veterinary and Zootechnical Checks – Imports from Third Countries) (Jersey) Regulations 2016 	<p>These Regulations implement Council Directive 91/496, laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries.</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> Chief Officer, Department of the Environment Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy States Veterinary Officer

Legislation:	Detail:	Delegated to:
<p>Fertilisers and Feeding Stuffs (Jersey) Law 1950</p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> • Fertilizers and Feeding Stuffs (Jersey) Order 1972 	<p>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.</p> <p>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • States Veterinary Officer
<p>Food and Environment Protection Act 1985 (Jersey) Order 1987</p>	<p>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.</p> <p>Detailed protocols establish the procedures and fees for each class of deposit, together with lists of compulsory consultees.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer
<p>Pesticides (Jersey) Law 1991</p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> • Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991 • Pesticides (General Provisions) (Jersey) Order 1991 	<p>A Law to regulate the use of pesticides.</p> <p>Delegated powers under Article 4, which outlines the enforcement provisions.</p>	<ul style="list-style-type: none"> • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Assistant Director of Environmental Management and Rural Economy and Head of Plant Health • Director of Environmental Protection <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Plant Pathologist and Laboratory Manager • Agricultural and Plant Health Inspectors • Head of Water Resource Management and Regulation

Legislation:	Detail:	Delegated to:
		<ul style="list-style-type: none"> • Water Resource Management and Regulation Officers • Waste and Water Management and Regulation Officer • Water Management and Licensing Officer
<p>Planning and Building (Jersey) Law 2002</p>	<p>Delegated powers:</p> <ul style="list-style-type: none"> • Permission to carry out activities on SSI land, where it is designated for its ecological/geological interest only (Article 55), e.g. permission for the T.A. to carry out exercises, utilities maintenance, etc. • 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 annually for firing purposes. • Provisional listing (for 3 months only) of ecological/geological SSIs under Article 53 in the case of extreme threat to an area of SSI quality. 	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Principal Ecologist • Senior Natural Environment Officer
<p>Plant Health (Jersey) Law 2003</p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> • Stem and Bulb Eelworm (Jersey) Order 1971 • Blight Disease (Jersey) Order 1982 • Plant Health (Jersey) Order 2005 	<p>Delegated powers:</p> <ul style="list-style-type: none"> • Issuing of plant passports – Article 18 of the Plant Health Order. • 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). • Delegated powers for inspection and enforcement functions under Articles 24 to 31 of the Plant Health Order. • Issuing of licences – Article 34 of the Plant Health Order. 	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Assistant Director of Environmental Management and Rural Economy and Head of Plant Health • Director of Environmental Protection • Plant Pathologist and Laboratory Manager

Legislation:	Detail:	Delegated to:
		<p><i>For the purposes of inspection/enforcement:</i></p> <ul style="list-style-type: none"> • Agricultural and Plant Health Inspectors
<p>Protection of Agricultural Land (Jersey) Law 1964</p>	<p>A Law to protect the ‘spoilation’ of agricultural land from contamination, neglect, the removal of surface soil, or any misuse.</p> <p>Delegated powers:</p> <ul style="list-style-type: none"> • Under Article 4(2), consents and permissions can be issued for prohibited activities to be carried out on agricultural land. • For the purposes of inspection and enforcement, delegated powers of entry (Article 3) and the powers to obtain information (Article 5). 	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Horticultural Adviser • Statutory Services Officer • Principal Ecologist • Land and Horticultural Development Manager • Land Controls and Planning Officer. <p><i>For the purposes of inspection/enforcement/obtaining information:</i></p> <ul style="list-style-type: none"> • Agricultural and Plant Health Inspectors • Projects and Compliance Officer
<p>Sea Fisheries (Jersey) Law 1994</p>	<p>A Law –</p> <ul style="list-style-type: none"> • to approve applications for exemptions for scientific purposes or transplanting of fish (Articles 5–6); • to approve conditions to be included in licences (Article 12); • to decide what information is required to be provided by licence/permit holders (Article 12); • where a licence is suspended or revoked, to decide whether to authorise repayment of the licence fee (Article 13). 	<ul style="list-style-type: none"> • Chief Executive Officer • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy

Legislation:	Detail:	Delegated to:
<p><i>Subordinate:</i></p> <ul style="list-style-type: none"> Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998 	<p>Regulations –</p> <ul style="list-style-type: none"> To decide on applications for exemption from restrictions on ormers where the applicant wishes to conduct scientific work or transplanting (Regulation 4). 	<ul style="list-style-type: none"> Chief Executive Officer Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy Assistant Director of Marine Resources
	<ul style="list-style-type: none"> To decide on applications for exemption from need for pot tags where the applicant wishes to conduct scientific work (Regulation 8). 	<ul style="list-style-type: none"> Chief Executive Officer Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy Assistant Director of Marine Resources
	<ul style="list-style-type: none"> To issue and revoke permits to masters, owners and charterers of fishing boats exempting them from the need for pot tags, and to set conditions and time limits for such permits (Regulation 8). 	<ul style="list-style-type: none"> Director of Environmental Management and Rural Economy Assistant Director of Marine Resources Senior Marine and Fisheries Officer
	<ul style="list-style-type: none"> To approve types of pot tag and lost pot tag (Regulation 8). 	<ul style="list-style-type: none"> Assistant Director of Marine Resources Senior Marine and Fisheries Officer
	<ul style="list-style-type: none"> To set directions for the issue of pot tags and lost pot tags, and to determine the year or years for which pot tags and lost pot tags are valid (Regulation 8). 	<ul style="list-style-type: none"> Chief Executive Officer Director of Environment/ Deputy Chief Officer Director of Environmental Management and Rural Economy
	<ul style="list-style-type: none"> To issue pot tags (Regulation 8). 	<ul style="list-style-type: none"> Director of Environmental

Legislation:	Detail:	Delegated to:
		Management and Rural Economy <ul style="list-style-type: none"> • Assistant Director of Marine Resources • Senior Marine and Fisheries Officer
	<ul style="list-style-type: none"> • To issue lost pot tags (Regulation 8). 	<ul style="list-style-type: none"> • Assistant Director of Marine Resources • Fisheries Officers
<ul style="list-style-type: none"> • Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003 	Regulations to authorise the issue of licences and permits (Part 2).	<ul style="list-style-type: none"> • Chief Executive Officer • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Assistant Director of Marine Resources • Senior Marine and Fisheries Officer
<ul style="list-style-type: none"> • Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003 	Regulations – <ul style="list-style-type: none"> • to authorise certain scientific or transplanting activities (Regulation 2); • to authorise the issuing of permits, setting of conditions, fishing periods, and the provision of statistics (Regulation 3). 	<ul style="list-style-type: none"> • Chief Executive Officer • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy • Assistant Director of Marine Resources
<ul style="list-style-type: none"> • Sea Fisheries (Fisheries) (Jersey) Regulations 2010 	Regulations to authorise the renewal of licences to farm fish or shellfish that are unchanged from the original licence.	<ul style="list-style-type: none"> • Chief Executive Officer • Director of Environment/ Deputy Chief Officer • Director of Environmental Management and Rural Economy

Legislation:	Detail:	Delegated to:
Slaughter of Animals (Jersey) Law 1962	<p>The SVO issues slaughterers' licences under delegated powers (Article 4).</p> <p>The slaughterhouse is supervised by the Superintendent (Article 2).</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • States Veterinary Officer
Waste Management (Jersey) Law 2005	<p>A Law to –</p> <ol style="list-style-type: none"> 1. control the transboundary shipment of wastes to, from, and through Jersey; 2. control the movements of hazardous and healthcare wastes in Jersey; 3. allow for the licensing of waste management facilities and the registration of certain carriers in Jersey. <p>Delegated powers:</p> <p>All administration of –</p> <ul style="list-style-type: none"> • Part 1 – INTRODUCTORY PROVISIONS (Articles 1–9) • Part 2 – ADMINISTRATION (Articles 10–22) • Part 3 – WASTE MANAGEMENT WITHIN THE ISLAND • Licensing of Operations (Articles 23–37) • Registration of Waste Carriers (Articles 38–48) • Internal Movements (Articles 49–52) • Other Provisions (Articles 53–56). • Part 4 – TRANSBOUNDARY MOVEMENTS OF WASTE • Introductory Provisions (Articles 57–63) • Export of Waste (Articles 64–67) • Import of Waste (Articles 68–69) • Waste in Transit (Articles 70–71) • Illegal Traffic (Articles 72–75) 	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Waste Regulation <p><i>For the purpose of enforcement (Part 5):</i></p> <ul style="list-style-type: none"> • Head of Water Resource Management and Regulation • Water Resource Management and Regulation Officers • Waste and Water Management and Regulation Officer • Water Management and Licensing Officer • Environmental Protection Technician • Agricultural and Plant Health Inspectors

Legislation:	Detail:	Delegated to:
	<ul style="list-style-type: none"> • Other Provisions (Articles 76–81) • Part 5 – ENFORCEMENT (Articles 82–93) • Part 6 – OTHER PROVISIONS (Articles 94–113) • Any further responsibilities under Schedules 1–11. 	
<p>Water Pollution (Jersey) Law 2000</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> <p>Delegated powers –</p> <ul style="list-style-type: none"> • the issuing of discharge permits and the publishing of notices and consultation before considering applications relating to Discharge Permits (Article 10); • special regard to the issuing of discharge permits will be given relating to high risk substances (Article 19(1)); • consideration of Discharge Permits (Article 21); • conditions attached to Discharge permits (Article 22); • procedure for varying or revoking Discharge Permits (Article 23); • procedure for suspension of Discharge Permits (Article 24); • consideration of transfer of Discharge permits (Article 25); • procedure for notification of decisions relating to Discharge Permits (Article 27; with the exception of paragraph (1)(c)). 	<ul style="list-style-type: none"> • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Water Resource Management and Regulation <p><i>For the purpose of enforcement (Article 29):</i></p> <ul style="list-style-type: none"> • Water Resource Management and Regulation Officers • Waste and Water Management and Regulation Officer • Head of Waste Regulation • Water Management and Licensing Officer • Environmental Protection Technician • Agricultural and Plant Health Inspectors • Marine and Coastal Manager • Assistant Director of Marine Resources • Marine Scientist

Legislation:	Detail:	Delegated to:
	<p>Delegated powers for the purposes of enforcement (under Article 29) and –</p> <ul style="list-style-type: none"> • access to documents relevant to Law (Article 34); • requirement to produce information relating to potentially polluting matter (Article 35); • requirement for precautions to be taken to prevent pollution (Article 36); • requirement for polluters to eliminate and remediate pollution (Article 37); • the procedure to be adopted in respect of Articles 36 and 37 (Article 38); • ability of the Department to take remedial action in respect of Articles 36 and 37 (Article 39(1)); • transitional provisions in respect of Discharge Permits (Schedule 5). 	
<p>Water (Jersey) Law 1972</p>	<p>Jersey Water must provide ‘wholesome water’ (Article 9).</p> <p>Enforcement of standards are performed by Officers.</p>	<ul style="list-style-type: none"> • Chief Officer, Department of the Environment • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Water Resource Management and Regulation <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Water Resource Management and Regulation Officers • Waste and Water Resource Management and Regulation Officer • Water Management and Licensing Officer

Legislation:	Detail:	Delegated to:
Water Resources (Jersey) Law 2007	<p>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.</p>	<ul style="list-style-type: none"> • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection • Head of Water Resource Management and Regulation • Water Management and Licensing Officer <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Water Resource Management and Regulation Officers • Waste and Water Management and Regulation Officer • Environmental Protection Technician • Agricultural and Plant Health Inspectors
Weeds (Jersey) Law 1961	<p>A Law to provide for the prevention of the spreading of injurious weeds.</p> <p>Delegated powers for enforcement activities to prevent the spreading of injurious weeds (Article 2) performed by the Inspectorate.</p>	<ul style="list-style-type: none"> • Director of Environment/ Deputy Chief Officer • Director of Environmental Protection <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> • Agricultural and Plant Health Inspectors