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# STATES OF JERSEY



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – MINISTER FOR THE ENVIRONMENT – REVISED DELEGATIONS JULY 2018**

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**Presented to the States on 26th July 2018  
by the Minister for the Environment**

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**STATES GREFFE**

## REPORT

On 20th July 2018, the Minister for the Environment made a Ministerial Decision delegating certain of his functions under Articles 28, 30 and 30A of the [States of Jersey Law 2005](#) (MD-PE-2018-0058, 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.
- (1A) A Minister shall not delegate to an Assistant Minister any function the delegation of which is wholly prohibited by an enactment.
- (1B) Where a Minister delegates to an Assistant Minister a power to make an enactment, paragraphs (4) and (5) of Article 26 shall apply to the making of an enactment by the Assistant Minister, in exercise of the delegated power, as they would apply to the making of the enactment by the Minister.
- (2) A Minister shall not delegate to an officer –
  - (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 wholly, or to an officer, 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).”

**“30 Ministerial delegations to be presented to States**

- (1) A Minister who delegates functions under Article 28 shall present to the States a report specifying the functions delegated and to whom.
- (2) A Minister shall not be required to present a report under paragraph (1) where the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.

**30A List of delegations to be published**

- (1) The Chief Minister shall cause to be established, maintained and published a consolidated list of –
- (a) the functions for the time being discharged by the Chief Minister and by each Minister;
- (b) the functions for the time being delegated by the Chief Minister and each Minister under Article 28, and to whom.
- (2) The list shall also specify which Minister is discharging, for the time being, the functions of another Minister under Article 27(1) or (2).
- (3) The information described in paragraph (1)(b) or (2) is not required to be incorporated in the list where the period for which the delegation has effect or for which one Minister’s functions are being discharged by another is so immediate and of such brief duration that it is not practicable to amend and publish the list to incorporate the information before the end of the period.
- (4) It shall be sufficient if the list is published on a website.”

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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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<b>Scheme of Delegations for the Minister for the Environment – July 2018</b>
<b>1. Background</b>
<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>
<b>2. Delegations to the Assistant Minister</b>
<p>In accordance with Article 28 of the States of Jersey Law 2005, the Minister delegates:</p> <p>1. All powers and functions conferred upon or vested in the Minister in relation to Plant and Animal Health functions, excluding the power to make an enactment, to his Assistant Minister, Deputy G.C.U Guida of St. Lawrence.</p>

2. The determination of appeals made under Part 7 of the Planning and Building (Jersey) Law 2002 to his Assistant Minister, Deputy G.C.U Guida of St. Lawrence, when he is unavailable, unable to determine an appeal, or when it could be perceived he is conflicted.
3. All powers and functions conferred upon or vested in the Minister, including the power to make an enactment, and all other areas where the Minister would otherwise have to act and be advised, to his Assistant Minister, Deputy G.C.U Guida of St. Lawrence, when he is unavailable or out of the Island.

### 3. Delegations to Officers

In accordance with Article 28(1) of the States of Jersey Law 2005, the Minister delegates the following powers and functions conferred upon or vested in the Minister to officers, subject to the conditions as stated.

Legislation:	Detail:	Delegated to:
<b>Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974</b>	<p>A Law to control sales and leases of agricultural land.</p> <p><i>Delegated powers:</i></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 the terms of reference are referred to the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Assistant Director Rural Economy and Head of Plant Health</li> <li>• Acting Director Rural Economy and Head of Plant Health</li> <li>• Land Controls and Planning Officer</li> <li>• Projects and Compliance Officer (for monitoring and enforcement)</li> <li>• Waste and Water Management and Regulation Officer (for monitoring and enforcement)</li> </ul>
<b>Agricultural Marketing (Jersey) Law 1953</b> <i>Subordinate:</i> <ul style="list-style-type: none"> <li>• Export of Agricultural Produce (Jersey) Order 1972</li> <li>• Potatoes (Precautions against Blight) (Jersey) Order 1961</li> <li>• Export of Flowers (Jersey) Order 1972</li> </ul>	<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"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Protection</li> <li>• Assistant Director Rural Economy and Head of Plant Health</li> <li>• Acting Director Rural Economy and Head of Plant Health</li> <li>• Agricultural and Plant Health Inspectors (for the purposes of administration, inspection and enforcement)</li> </ul>

Legislation:	Detail:	Delegated to:
<p><b>Animal Health (Jersey) Law 2016</b></p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> <li>• Diseases of Animals (Waste Foods) (Jersey) Order 1958</li> <li>• Diseases of Animals (Pigs, Goats and Sheep Registration, Identification and Movement) (Jersey) Order 2007</li> <li>• Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008</li> <li>• Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011</li> <li>• Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011</li> <li>• Diseases of Animals (Bees) (Jersey) Order 2013</li> <li>• Animal Health (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2017</li> <li>• Animal Health (Surveillance) (Jersey) Order 2017</li> </ul>	<p>The Appointed States Veterinary Officer (under Part 2, Article 5 of the Law) has delegated powers under all Orders and is empowered to perform all duties relating to veterinary matters.</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"> <li>• Director – Natural Environment</li> <li>• States Veterinary Officer</li> <li>• States Veterinary Assistant</li> </ul>
<p><i>Notifiable Disease Orders:</i></p> <ul style="list-style-type: none"> <li>• Animal Health (African Horse Sickness) (Jersey) Order 2017</li> <li>• Animal Health (Bird Diseases) (Jersey) Order 2017</li> <li>• Diseases of Animals (Bluetongue) (Jersey) Order 2006</li> </ul>		

Legislation:	Detail:	Delegated to:
<ul style="list-style-type: none"> <li>• Animal Health (Foot and Mouth Disease) (Jersey) Order 2017</li> <li>• Animal Health (Miscellaneous Exotic Diseases) (Jersey) Order 2017</li> <li>• Animal Health (Rabies) (Jersey) Order 2016</li> <li>• Animal Health (Swine) (Jersey) Order 2017</li> <li>• Animal Health (Tuberculosis) (Jersey) Order 2017</li> </ul>		
<p><b>Animals (Trapping) (Jersey) Law 1961</b></p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> <li>• Spring Traps (Approval) (Jersey) Order 1996</li> <li>• Small Ground Vermin Traps (Jersey) Order 1961</li> </ul>	<p>A Law to define approved traps and to regulate and enforce their appropriate use.</p>	<ul style="list-style-type: none"> <li>• Director – Natural Environment</li> <li>• Principal Ecologist</li> <li>• States Veterinary Officer</li> <li>• Director – Environmental Policy</li> </ul>
<p><b>Animal Welfare (Jersey) Law 2004</b></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 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>	<ul style="list-style-type: none"> <li>• Director – Natural Environment</li> <li>• States Veterinary Officer</li> <li>• States Veterinary Assistant</li> <li>• Principal Ecologist</li> </ul>

Legislation:	Detail:	Delegated to:
	<p>Article 22(4A) of the Law restricts 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 personally, by the inspector's employer, or by a person of whom the inspector is an office holder.</p>	
<p><b>Conservation of Wildlife (Jersey) Law 2000</b></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"> <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> <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 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</p>	<ul style="list-style-type: none"> <li>• Director – Natural Environment</li> <li>• Principal Ecologist</li> <li>• Natural Environment Officer (for the purposes of enforcement)</li> <li>• Natural Environment Rangers (for the purposes of enforcement)</li> <li>• Research Ecologist (for the purposes of enforcement)</li> <li>• Sea Fisheries Officers (for the purposes of enforcement)</li> </ul>

Legislation:	Detail:	Delegated to:
	<p><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> <p>Delegated powers under Article 18 for enforcement activities.</p>	
<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> <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"> <li>• Director – Natural Environment</li> <li>• States Veterinary Officer</li> <li>• States Veterinary Assistant</li> </ul>
<p><b>Endangered Species (CITES) (Jersey) Law 2012</b></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>MANAGEMENT AUTHORITY Article 6(1)</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"> <li>• Director – Natural Environment</li> <li>• States Veterinary Officer</li> <li>• States Veterinary Assistant</li> <li>• Assistant Director Rural Economy and Head of Plant Health</li> <li>• Acting Director Rural Economy and Head of Plant Health</li> </ul> <p><i>Note: For the purposes of enforcement/inspection, the Endangered Species (CITES) (Designation and Appointment) (Jersey) Order 2012, Article 3 <u>already</u> appoints additional officers to those appointed under Article 11(1) of the Law, as follows:</i></p> <ul style="list-style-type: none"> <li>• Director – Natural Environment</li> <li>• Assistant Director Rural Economy and Head of Plant Health</li> <li>• Acting Director Rural Economy and Head of Plant Health</li> <li>• An Inspector within the meaning of the Animal Health (Jersey) Law 2016</li> </ul>



Legislation:	Detail:	Delegated to:
<p><i>Subordinate:</i></p> <ul style="list-style-type: none"> <li>Endangered Species (CITES) (Designation and Appointment) (Jersey) Order 2012</li> </ul>	<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 Management Authority of decisions in respect of the issuing of permits for import, export or re-export of listed specimens or derivatives.</p>	<ul style="list-style-type: none"> <li>Director – Natural Environment</li> <li>Assistant Director Rural Economy and Head of Plant Health</li> <li>Acting Director Rural Economy and Head of Plant Health</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>
<p><b>European Union Legislation (Implementation) (Jersey) Law 2014</b></p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> <li>EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016</li> </ul>	<p>A Law to enable the States or the Minister for External Relations to give effect in Jersey to legislation of the European Union and to make supplementary provision in relation to that legislation, to make amendments and other provision in connection with the Treaty of Lisbon, and for related purposes.</p> <p style="text-align: center;">AND</p> <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>	<p><i>Subordinate legislation:</i></p> <ul style="list-style-type: none"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>
<ul style="list-style-type: none"> <li>European Communities Legislation (Implementation) (Cattle Identification) (Jersey) Regulations 2002</li> </ul>	<p>Regulations to ensure the correct form and application of prescribed cattle ear tags (Regulation 2):</p> <ul style="list-style-type: none"> <li>The registration of cattle and recording of movements (Regulation 7).</li> <li>Provide replacement passports (Regulation 10).</li> <li>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).</li> </ul>	<ul style="list-style-type: none"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>

Legislation:	Detail:	Delegated to:
	<ul style="list-style-type: none"> <li>Inspections and enforcement are carried out by the States Veterinary Officer or his/her assistants.</li> </ul>	
<ul style="list-style-type: none"> <li>EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 2015</li> </ul>	<p>These Regulations 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"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>
<ul style="list-style-type: none"> <li>European Communities Legislation (Bluetongue) (Jersey) Regulations 2008</li> </ul>	<p>Regulations to regulate the controls, 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"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>
<ul style="list-style-type: none"> <li>Community Provisions (Bovine Embryos) (Jersey) Regulations 2010</li> </ul>	<p>Regulations for trade in bovine embryos with Member States and control of 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"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> </ul>
<ul style="list-style-type: none"> <li>Pet Travel Scheme (Jersey) Regulations 2011</li> </ul>	<p>Regulations for movement of pet animals arriving from outside the British Islands entering Jersey from a member State or 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"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>

Legislation:	Detail:	Delegated to:
<ul style="list-style-type: none"> <li>Community Provisions (Welfare of Animals during Transport) (Jersey) Regulations 2013</li> </ul>	<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 – Council Regulation (EC) No 1/2005 and (EC) No 1255/97, which harmonise applicable animal welfare controls, as well as preventing 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"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>
<ul style="list-style-type: none"> <li>EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016</li> </ul>	<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"> <li>Director – Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>
<ul style="list-style-type: none"> <li>EU Legislation (Veterinary and Zootechnical Checks – Imports from Third Countries) (Jersey) Regulations 2016</li> </ul>	<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"> <li>Director – Natural Environment</li> <li>States Veterinary Officer</li> <li>States Veterinary Assistant</li> </ul>

Legislation:	Detail:	Delegated to:
<p><b>Food and Environment Protection Act 1985 (Jersey) Order 1987</b></p>	<p>An Order to authorise 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; or 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"> <li>• Director – Natural Environment</li> <li>• Assistant Director – Marine Resources</li> <li>• Marine and Coastal Manager</li> <li>• Senior Marine and Fisheries Officer</li> <li>• Fisheries Officers</li> </ul>
<p><b>Food Safety (Jersey) Law 1966</b></p> <p><i>Subordinate</i></p> <ul style="list-style-type: none"> <li>• Food Hygiene (General Provisions) (Jersey) Order 1967</li> </ul>	<p>A Law to ensure the cleanliness and purity of foodstuffs.</p>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Health</li> </ul> <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> <li>• Environmental Health Management, Officers and Senior Environmental Health Technical Officers and Environmental Health Technical Officers</li> <li>• Water Resource Management and Regulation Officers</li> <li>• Waste and Water Management and Regulation Officer</li> <li>• Head of Waste Regulation</li> <li>• Water Management and Licensing Officer</li> <li>• Environmental Protection Technician</li> <li>• Agricultural and Plant Health Inspectors</li> <li>• Assistant Director – Marine Resources</li> <li>• Marine and Coastal Manager</li> <li>• Senior Marine and Fisheries Officer</li> <li>• Fisheries Officers</li> </ul>

Legislation:	Detail:	Delegated to:
		<ul style="list-style-type: none"> <li>• Marine Scientist</li> <li>• States Veterinary Officer</li> <li>• States Veterinary Assistant</li> </ul>
<p><b>High Hedges (Jersey) Law 2008</b></p>	<p><u>Article 6:</u> Determining whether a complainant has taken steps to resolve the situation, whether the complaint is frivolous or vexatious, or whether the complaint is justified.</p> <p><u>Article 7:</u> Issuing of a Remedial Notice provided that the owner of the hedge has not made a representation, other than the compulsory questionnaire, in connection with the complaint.</p> <p><u>Article 9:</u> Withdrawal of a Remedial Notice and issuing of an amended Notice if appropriate.</p>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Development Control</li> <li>• Director – Policy, Projects and the Historic Environment</li> <li>• Principal Planners</li> <li>• Senior Planners and Assistant Senior Planners</li> </ul>
<p><b>CONDITIONS</b></p> <p>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, other than the compulsory questionnaire, have not been received from the owner of the hedge that is the subject of the application.</p> <p>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.</p>		
<p><b>Pesticides (Jersey) Law 1991</b> <i>Subordinate:</i></p> <ul style="list-style-type: none"> <li>• Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991</li> <li>• Pesticides (General Provisions) (Jersey) Order 1991</li> </ul>	<p>A Law to provide for the regulation of pesticides.</p> <p>Delegated powers under Article 4, which outlines the enforcement provisions.</p>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Assistant Director Rural Economy and Head of Plant Health</li> <li>• Acting Director Rural Economy and Head of Plant Health</li> <li>• Director – Environmental Protection</li> </ul>

Legislation:	Detail:	Delegated to:
		<p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> <li>• Plant Pathologist and Laboratory Manager</li> <li>• Agricultural and Plant Health Inspectors</li> <li>• Head of Water Resource Management and Regulation</li> <li>• Water Resource Management and Regulation Officers</li> <li>• Waste and Water Management and Regulation Officer</li> <li>• Water Management and Licensing Officer</li> <li>• Environmental Protection Investigation Officer</li> <li>• Environmental Health Management and Officers, and Senior Environmental Health Technical Officers and Environmental Health Technical Officers</li> </ul>
<p><b>Planning and Building (Jersey) Law 2002</b></p> <p>A Law to provide the means to establish a plan for the sustainable development of land and control development in accordance with that plan, to prescribe the functional requirements of buildings and provide the means to enforce those requirements, to provide the means to protect, enhance, conserve and use wisely the natural beauties, natural resources and biodiversity of Jersey and to preserve and improve Jersey's general amenities, to confer powers to acquire land for the purposes of the Law, and to make other provisions in similar respects.</p>	<p><i>Delegated powers:</i></p> <p>Article 55: Permission to carry out activities on S.S.I. land, where it is designated for its ecological/geological interest only, e.g. permission for the T.A. to carry out exercises, utilities maintenance, etc.</p> <p>Permission to allow use of public land by Clubs and Associations, e.g. by the Jersey Rifle Club, who close Les Landes S.S.I. 6 times annually for firing purposes.</p> <p>Article 53: Provisional listing (for 3 months only) of ecological/geological S.S.I.s under Article 53 in the case of extreme threat to an area of S.S.I. quality.</p>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Natural Environment</li> <li>• Principal Ecologist</li> <li>• Senior Natural Environment Officer</li> </ul>

Legislation:	Detail:	Delegated to:
	<p>Article 71: Immediate action to ensure safety of a building.</p> <p>This includes powers of entry to carry out any such works.</p>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director of Building Control</li> </ul>
	<p>Article 116(3): The giving of notice in writing of the determination of an appeal.</p>	<ul style="list-style-type: none"> <li>• Judicial Greffier</li> </ul>
	<p>Article 116(4): The making reasonable arrangements for access to the Inspector’s report and notice given by the Minister.</p>	<ul style="list-style-type: none"> <li>• Judicial Greffier</li> </ul>
<p><b>Plant Health (Jersey) Law 2003</b></p> <p><i>Subordinate:</i></p> <ul style="list-style-type: none"> <li>• Stem and Bulb Eelworm (Jersey) Order 1971</li> <li>• Blight Disease (Jersey) Order 1982</li> <li>• Plant Health (Jersey) Order 2005</li> </ul>	<p>A Law to control the spread of pests and diseases of plants and trees.</p> <p><i>Delegated powers:</i></p> <ul style="list-style-type: none"> <li>• Issuing 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 for inspection and enforcement functions under Articles 24–31 of the Plant Health Order.</li> <li>• Issuing of licences – Article 34 of the Plant Health Order.</li> </ul>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Natural Environment</li> <li>• Assistant Director Rural Economy and Head of Plant Health</li> <li>• Acting Director Rural Economy and Head of Plant Health</li> <li>• Director – Environmental Protection</li> <li>• Plant Pathologist and Laboratory Manager</li> <li>• Agricultural and Plant Health Inspectors (for the purposes of inspection/enforcement)</li> </ul>
<p><b>Protection of Agricultural Land (Jersey) Law 1964</b></p>	<p>A Law to protect agricultural land.</p> <p><i>Delegated powers:</i></p> <ul style="list-style-type: none"> <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 (Article 3) and the powers to obtain information (Article 5).</li> </ul>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Natural Environment</li> <li>• Assistant Director Rural Economy and Head of Plant Health</li> <li>• Statutory Services Officer</li> <li>• Principal Ecologist</li> <li>• Land and Horticultural Development Manager</li> <li>• Land Controls and Planning Officer.</li> </ul>

Legislation:	Detail:	Delegated to:
		<p><i>For the purposes of inspection/enforcement/obtaining information:</i></p> <ul style="list-style-type: none"> <li>• Agricultural and Plant Health Inspectors</li> <li>• Projects and Compliance Officer</li> </ul>
<p><b>Sea Fisheries (Jersey) Law 1994</b></p>	<p>A Law to make provision for the regulation of sea fishing and the conservation of sea fish; to make provision for the regulation of mariculture, for the licensing of fishing boats, for controls on the possession and sale of sea fish, for the appointment and duties of fisheries officers and for connected matters.</p> <p><i>Delegated powers:</i></p> <ul style="list-style-type: none"> <li>• to approve applications for exemptions for scientific purposes or transplanting of fish (Articles 5–6);</li> <li>• to approve conditions to be included in licences (Article 12);</li> <li>• to decide what information is required to be provided by licence/permit holders (Article 12);</li> <li>• where a licence is suspended or revoked, to decide whether to authorise repayment of the licence fee (Article 13).</li> </ul>	<ul style="list-style-type: none"> <li>• Director – Natural Environment</li> <li>• Assistant Director – Marine Resources</li> <li>• Marine and Coastal Manager</li> <li>• Senior Marine and Fisheries Officer</li> <li>• Fisheries Officers</li> <li>• Marine Scientist</li> </ul>
<p><i>Subordinate:</i></p> <ul style="list-style-type: none"> <li>• Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998</li> </ul>	<p><i>Under Regulation 4:</i></p> <ul style="list-style-type: none"> <li>• To decide on applications for exemption from restrictions on ormers where the applicant wishes to conduct scientific work or transplanting.</li> </ul> <p><i>Under Regulation 8:</i></p> <ul style="list-style-type: none"> <li>• To decide on applications for exemption from need for pot tags where the applicant wishes to conduct scientific work.</li> </ul>	<ul style="list-style-type: none"> <li>• Director – Natural Environment</li> <li>• Assistant Director Marine Resources</li> <li>• Marine and Coastal Manager</li> <li>• Senior Marine and Fisheries Officer</li> <li>• Fisheries Officers</li> <li>• Marine Scientist</li> </ul>



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

Legislation:	Detail:	Delegated to:
<p><b>Slaughter of Animals (Jersey) Law 1962</b></p>	<p>A Law with regard to the slaughter of animals and the administration of slaughterhouses and knacker's yards.</p> <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"> <li>• Director – Natural Environment</li> <li>• States Veterinary Officer</li> </ul>
<p><b>Statutory Nuisances (Jersey) Law 1999</b></p>	<p>A Law to provide for statutory nuisances; for procedures for dealing with them; and for connected purposes.</p> <p><i>Note:</i> The delegation of functions does not extend to the following matters that are reserved to the Minister:</p> <p>Article 7(4) – a decision to abate a nuisance or do whatever may be necessary in the execution of the notice, where this may have significant resource consequences or other implications of a sensitive or contentious nature.</p> <p>Article 7(5) – to decide whether or not to seek the recovery as a civil debt of any expenses reasonably incurred under Article 7(4).</p> <p>Article 7(6) – to determine whether or not the circumstances described in this paragraph apply (i.e. 'an adequate remedy') and to initiate proceedings in the Court for the purpose of securing the abatement, prohibition or restriction of a nuisance.</p>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Health</li> </ul> <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> <li>• Environmental Health Management and Officers, and Senior Environmental Health Technical Officers and Environmental Health Technical Officers</li> <li>• Water Resource Management and Regulation Officers</li> <li>• Waste and Water Management and Regulation Officer</li> <li>• Director – Natural Environment</li> <li>• Head of Waste Regulation</li> <li>• Water Management and Licensing Officer</li> <li>• Environmental Protection Technician</li> <li>• Agricultural and Plant Health Inspectors</li> <li>• Environmental Protection Investigation Officer</li> <li>• Marine and Coastal Manager</li> <li>• Assistant Director, Marine Resources</li> </ul>

Legislation:	Detail:	Delegated to:
		<ul style="list-style-type: none"> <li>• Marine Scientist</li> <li>• Senior Marine and Fisheries Officer</li> <li>• Fisheries Officers</li> <li>• States Veterinary Officer</li> <li>• States Veterinary Assistant</li> </ul>
<p><b>Waste Management (Jersey) Law 2005</b></p>	<p>A Law to –</p> <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> <p><i>Delegated powers:</i></p> <p>All administration of –</p> <ul style="list-style-type: none"> <li>• PART 1 – INTRODUCTORY PROVISIONS (Articles 1–9)</li> <li>• PART 2 – ADMINISTRATION (Articles 10–22)</li> <li>• PART 3 – WASTE MANAGEMENT WITHIN THE ISLAND <ul style="list-style-type: none"> <li>• Licensing of Operations (Articles 23–37)</li> <li>• Registration of Waste Carriers (Articles 38–48)</li> <li>• Internal Movements (Articles 49–52)</li> <li>• Other Provisions (Articles 53–56).</li> </ul> </li> <li>• PART 4 – TRANSBOUNDARY MOVEMENTS OF WASTE <ul style="list-style-type: none"> <li>• Introductory Provisions (Articles 57–63)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Protection</li> <li>• Head of Waste Regulation</li> </ul> <p><i>For the purposes of enforcement (Part 5):</i></p> <ul style="list-style-type: none"> <li>• Head of Water Resource Management and Regulation</li> <li>• Water Resource Management and Regulation Officers</li> <li>• Waste and Water Management and Regulation Officer</li> <li>• Water Management and Licensing Officer</li> <li>• Environmental Protection Technician</li> <li>• Agricultural and Plant Health Inspectors</li> <li>• Environmental Protection Investigation Officer</li> <li>• Environmental Health Management and Officers, and Senior Environmental Health Technical Officers and Environmental Health Technical Officers</li> </ul>

Legislation:	Detail:	Delegated to:
	<ul style="list-style-type: none"> <li>• Export of Waste (Articles 64–67)</li> <li>• Import of Waste (Articles 68–69)</li> <li>• Waste in Transit (Articles 70–71)</li> <li>• Illegal Traffic (Articles 72–75)</li> <li>• Other Provisions (Articles 76–81)</li> <li>• PART 5 – ENFORCEMENT (Articles 82–93)</li> <li>• PART 6 – OTHER PROVISIONS (Articles 94–113)</li> </ul> <p>Any further responsibilities under Schedules 1–11.</p>	
<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 classification of waters; the setting of quality objectives for classified waters; administrative, regulatory, preventive and remedial measures; and related purposes.</p> <p><i>Delegated powers:</i></p> <ul style="list-style-type: none"> <li>• the issuing 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 issuing 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> </ul>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Protection</li> <li>• Head of Water Resource Management and Regulation</li> </ul> <p><i>For the purposes of enforcement (Article 29):</i></p> <ul style="list-style-type: none"> <li>• Water Resource Management and Regulation Officers</li> <li>• Waste and Water Management and Regulation Officer</li> <li>• Head of Waste Regulation</li> <li>• Water Management and Licensing Officer</li> <li>• Environmental Protection Technician</li> <li>• Agricultural and Plant Health Inspectors</li> <li>• Environmental Protection Investigation Officer</li> </ul>

Legislation:	Detail:	Delegated to:
	<ul style="list-style-type: none"> <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 Permits (Article 25);</li> <li>• procedure for notification of decisions relating to Discharge Permits (Article 27; with the exception of subparagraph (1)(c)).</li> <li>• powers for the purposes of enforcement (under Article 29) and –</li> <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 and 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>	<ul style="list-style-type: none"> <li>• Marine and Coastal Manager</li> <li>• Assistant Director – Marine Resources</li> <li>• Marine Scientist</li> <li>• Senior Marine and Fisheries Officer</li> <li>• Fisheries Officers</li>   <li>• Environmental Health Management and Officers, and Senior Environmental Health Technical Officers and Environmental Health Technical Officers</li> </ul>

Legislation:	Detail:	Delegated to:
<b>Water (Jersey) Law 1972</b>	<p>A Law to give certain powers to, and impose certain obligations on, the Jersey New Waterworks Company Limited, to make provisions in relation to the conservation and prevention of pollution of water and to provide for ancillary matters.</p> <p><i>Delegated powers:</i> Enforcement of obligations and standards.</p>	<ul style="list-style-type: none"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Health</li> </ul> <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> <li>• Environmental Health Management and Officers, and Senior Environmental Health Technical Officers</li> <li>• Water Resource Management and Regulation Officers</li> <li>• Waste and Water Resource Management and Regulation Officer</li> <li>• Water Management and Licensing Officer</li> <li>• Environmental Protection Investigation Officer</li> </ul>
<b>Water Resources (Jersey) Law 2007</b>	<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"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Protection</li> <li>• Head of Water Resource Management and Regulation</li> <li>• Water Management and Licensing Officer</li> </ul> <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> <li>• Water Resource Management and Regulation Officers</li> <li>• Waste and Water Management and Regulation Officer</li> <li>• Environmental Protection Technician</li> <li>• Agricultural and Plant Health Inspectors</li> </ul>

Legislation:	Detail:	Delegated to:
		<ul style="list-style-type: none"> <li>• Environmental Protection Investigation Officer</li> <li>• Environmental Health Management and Officers, Senior Environmental Health Technical Officers and Environmental Health Technical Officers</li> </ul>
<p><b>Weeds (Jersey) Law 1961</b></p>	<p>A Law to provide for preventing 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"> <li>• Group Director – Regulation</li> <li>• Director – Environmental Protection</li> </ul> <p><i>For the purposes of enforcement:</i></p> <ul style="list-style-type: none"> <li>• Agricultural and Plant Health Inspectors</li> <li>• Environmental Protection Investigation Officer</li> </ul>