
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE – SHIPPING DELEGATIONS

**Presented to the States on 23rd July 2021
by the Minister for Economic Development, Tourism, Sport and Culture**

STATES GREFFE

REPORT

On 23rd July 2021, the Minister for Economic Development, Tourism, Sport and Culture made a Ministerial Decision delegating certain of his functions under Articles 28, 30 and 30A of the [States of Jersey Law 2005](#) (see Decision reference MD-E-2021-0029., available at www.gov.je).

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

Legislation	Function	Delegate
Air and Sea Ports (Incorporation) (Jersey) Law 2015		
Article 6(2)(a)	Management of the Minister's functions in the Agreement as referred to therein. This delegation does not extend to giving directions under article 6(2)(b) unless separately and explicitly delegated.	Group Director Economy Registrar of Shipping / Harbour Master
Harbours (Administration) (Jersey) Law 1961		
Article 2(6)(a)	Management of the Minister's functions in the Agreement as referred to therein. This delegation does not extend to giving directions under article 2(6)(b) unless separately and explicitly delegated.	Group Director Economy Head of Local Economy Registrar of Shipping / Harbour Master
Harbours (Inshore Safety) (Jersey) Regulations 2012		
Regulation 3	To designate areas and issue directions in accordance with the procedures in the Regulation. Any designation made in an area of territorial waters outside harbour limits must be limited for the duration of a specific sporting or recreational event and shall be notified to the Minister at the time it is made. <i>n.b. This is not strictly a delegation of functions but rather an entrustment that is cited separately below. It is nevertheless included here for completeness.</i>	Harbour Authority
Harbours (Jersey) Regulations 1962		
Regulation 1(2)(a) and (b)	To issue a direction restricting, reserving or prohibiting access to any part of a harbour.	Group Director – Economy Head of Local Economy

	This delegation does not extend to actions concerning territorial waters.	Harbour Master / Registrar of Shipping
Regulation 1(3)	To publish a direction issued under Regulation 1(2)	Group Director – Economy Head of Local Economy Harbour Master / Registrar of Shipping
Part 3 (Duties of Master and Owner)	Action to be taken under Regulation 7(2) following failure of a master to carry out directions of the Harbour Master requiring movement of a vessel.	Group Director – Economy Head of Local Economy Registrar of Shipping
Part 4 (Provisions governing ships bringing petroleum spirit into a harbour) and Part 5 (Provisions governing the conveyance, loading and unloading of explosives)	To authorise an officer to discharge the functions of inspection to ascertain whether the requirements of Part 5 (Regulation 35) of the Regulations are being carried out. Any professional fees required, or provision of facilities, to be within annual budget or agreed contingency budget.	Group Director – Economy Head of Local Economy Harbour Master / Registrar of Shipping
Part 8 (General) – Regulation 47	Functions with respect to persons answerable for any damage, and persons liable to make good any such damage, including power to detain a vessel and obtain security for the amount of damage done. Valuation of cost to make good damage to be based on independent professional report.	Group Director – Economy Head of Local Economy Harbour Master /Registrar of Shipping
Shipping (Jersey) Law 2002		
Article 104 (2), (3) & (4)	To prevent or reduce oil pollution – Issue directions concerning ship movement, cargo handling, salvage, destruction or other control. Wherever reasonably practicable, to be exercised having received appropriate advice from UK SOSREP, the Jersey Harbour Master or other relevant professional persons.	Group Director – Economy Head of Local Economy Registrar of Shipping/ Harbour Master

Article 108 (1) & (2)	Service of directions	Group Director – Economy Head of Local Economy Harbour Master/ Registrar of Shipping
Article 108 (2)	To act on behalf of the Minister or his delegate in serving a direction. <i>This is not strictly a delegation of function but is included here for completeness</i>	Harbour Master (or any person duly appointed under Articles 154,188 or 189 of the Law or under Article 2 or 2A of the Harbours Administration) (Jersey) Law 1961)
Article 111 (3)	Action by Minister on being informed a non-Jersey ship has been detained by Harbour Master: Ensuring notification of UK Secretary of State or relevant diplomatic representative.	Group Director – Economy Head of Local Economy Harbour Master / Registrar of Shipping
Article 153 (2)	Concerning Harbour Authority taking possession, removing or destroying a wreck: (a) Consultation by Harbour Authority with Minister and (b) having regard to views of the Minister. Consultation is to be with the delegate. Wherever reasonably possible, however, the delegate should express a view having received appropriate advice from UK SOSREP, Jersey Harbour Master or other relevant professional persons.	Group Director – Economy Head of Local Economy Registrar of Shipping / Harbour Master (only to act following consultation with the Minister, one of the above delegates, or the Chief Marine Surveyor)
Article 154	Appointment of inspectors and surveyors. The individuals and organisations so appointed are to be subject to external audit of standards by the Registrar, the Chief Marine Surveyor or the UK MCA acting on the Island's behalf.	Group Director – Economy Head of Local Economy Registrar of Shipping/ Harbourmaster Assistant Registrar of shipping (as an Acting Harbour Master) Chief Marine Surveyor
Article 186(1) and (2)	To take and co-ordinate measures to prevent, reduce, and minimise the effects of marine pollution; to prepare, review and implement a plan	Group Director – Economy Head of Local Economy Harbour Master/ Registrar of Shipping

	<p>setting out arrangements for responding to incidents that cause or may cause marine pollution with a view to preventing such pollution or reducing or minimising its effects.</p> <p>For the avoidance of doubt, this delegation does not extend to Article 186(3) and (4).</p>	
Shipping (Distress Signals and Prevention of Collisions) (Jersey) Order 2004		
Article 1(2)(e) & text of associated UK Regulation 5	Grant exemptions to the collision regulations as far as they relate to lights, shapes and sound signals	<p>Group Director – Economy Head of Local Economy</p> <p>Registrar of Shipping/ Harbour Master</p> <p>Assistant Registrar of shipping (as an Acting Harbour Master)</p> <p>Chief Marine Surveyor</p>
Shipping (Fishing Vessels Safety Provisions) (Jersey) Order 2004		
Articles 129 and 133	<p>On receipt of a suitable survey report, issue or cancel fishing vessel certificates.</p> <p>This to be based on a report submitted by or on behalf of the Harbour Master.</p>	<p>Group Director – Economy Head of Local Economy</p> <p>Registrar of Shipping/ Harbour Master</p> <p>Assistant Registrar of Shipping / as Acting Harbour Master</p> <p>Chief Marine Surveyor</p>
Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004		
	<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</p>	<p>Group Director – Economy Head of Local Economy</p> <p>Registrar of Shipping / Harbour Master</p> <p>Assistant Registrar of Shipping / as Acting Harbour Master</p> <p>Chief Marine Surveyor</p>

	<p>training, must be limited to a maximum of 3 months and dependent on there being onboard safety and emergency briefings. Such exemptions to be based on a report issued on behalf of the Harbour Master.</p> <p>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.</p>	
Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013		
Regulation 3(3)	<p>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 surveyors or inspectors 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.</p>	<p>Group Director – Economy Head of Local Economy (Class of ships or an individual ship)</p> <p>Registrar of Shipping / Harbour Master (individual ships only. Prior consultation with Minister or above delegates required for Class of ships)</p> <p>Assistant Registrar of Shipping (individual ships only)</p> <p>Chief Marine Surveyor (individual ships only)</p>
Regulation 3(4)	<p>To accept equivalent equipment, machinery, or provisions. The delegate shall only accept such equivalents on having taken advice from surveyors or inspectors appropriately appointed under the Shipping Law and to advise</p>	<p>Group Director – Economy Head of Local Economy</p> <p>Registrar of Shipping/Harbour Master</p>

	on the Jersey Code as that code is referred to in Regulation 1(2) of the Regulations.	Assistant Registrar of Shipping/ Acting Harbour Master Chief Marine Surveyor
Regulation 4(2)	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 surveyors or inspectors 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.	Group Director – Economy Head of Local Economy Registrar of Shipping/ Harbour Master Assistant Registrar of Shipping/ Acting Harbourmaster Chief Marine Surveyor
Shipping (Survey and Certification) (Jersey) Order 2013		
Articles 1(2)(a) and 2(3) (n.b. with reference to U.K. Survey and Certification regulations)	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 the delegate may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.	Group Director – Economy Head of Local Economy Registrar of Shipping / Harbour Master Assistant Registrar of Shipping/ Acting Harbour Master Chief Marine Surveyor
Article 1(2)(a) (n.b. with reference to U.K. Survey and Certification regulations)	To issue a Passenger Certificate in accordance with the associated U.K. Regulation	Group Director – Economy Head of Local Economy Registrar of Shipping / Harbour Master Assistant Registrar of Shipping (on behalf of Registrar)
Article 1(2)(a) (n.b. with reference to U.K. Survey and Certification regulations)	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).	Group Director – Economy Head of Local Economy Registrar of Shipping / Harbour Master Assistant Registrar of Shipping (on behalf of Registrar)

		Chief Marine Surveyor
Article 4(10) with reference to U.K. Domestic Voyage regulations	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. This to be based on a report issued on behalf of the Harbour Master.	Group Director – Economy Head of Local Economy Registrar of Shipping / Harbour Master Assistant Registrar of Shipping/ Acting Harbour Master Chief Marine Surveyor
Shipping (Tonnage) (Jersey) Regulations 2004		
	To appoint appropriately qualified, authorized measurers and surveyors, as defined in Regulation 1. For the avoidance of doubt, the Registrar shall only appoint measurers and surveyors for the purpose of their function under the Tonnage Regulations. This limitation does not, however, preclude the appointment of a suitable person already appointed in accordance with Article 154 of the Shipping (Jersey) Law 2002.	Group Director – Economy Head of Local Economy Registrar of Shipping / Harbour Master Assistant Registrar of Shipping (on behalf of Registrar)
Shipping (Training, Certification and Manning) (Jersey) Order 2004		
Article 5	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. The Officer shall only do so where he/she is satisfied that there are equivalent arrangements in place appropriate to the ship type and area of operations.	Group Director – Economy Head of Local Economy Registrar of Shipping/ Harbour Master Assistant Registrar of Shipping (on behalf of Registrar) Chief Marine Surveyor