



Consultation response: Amendments to Shipping (Jersey) Law 2002 and Harbours (Inshore Safety) (Jersey) Regulations 2012

Consultation Response Summary: Shipping Law and Inshore Harbours Regulations amendments

Background

1. On 1st June 2023, the Government launched a public consultation ahead of proposed law changes designed to make Jersey's inshore territorial waters safer. The consultation closed on 17th July 2023.
2. The consultation offered Islanders the chance to have their say on proposed alterations to maritime laws. These amendments include:
 - a. The definition of a 'vessel', to include smaller watercraft that are used solely for social activities on the water. These watercraft might include jet skis and smaller speedboats, so that everyone who enjoys using Jersey's waters does so with an equal level of responsibility; and
 - b. The introduction of new offences for where a person has caused death or serious injury while under the influence of alcohol or drugs, or through careless operation of a ship. The introduction of these new laws will allow for adequate prosecution of a person if careless behaviour and/or the consumption of alcohol or drugs has led to a death or serious injury.

The outline proposals were published in October 2022 within the Minister for Economic Development's 2023 Ministerial Plan. If enacted, the changes would amend the Shipping (Jersey) Law 2002 and the Harbours Inshore Safety Regulations 2012.

3. The Government believes there are social, economic and cultural advantages to making these changes, which will also remove legal anomalies which currently allow some seafarers to use Jersey's waters at a lower level of legal responsibility to others.
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Responses summary

5. The consultation received 14 responses in total, all of which came from individuals, as opposed to organisations.
6. The results were broadly supportive of the amendments, with most respondents welcoming the change in law. 85.71% agreed with the draft Shipping Law amendment (centred around the change in definition of a vessel) and 75% agreed with the draft Harbour Inshore Safety law amendment (creation of offences).
Of the 14 responses, only one respondent did not agree with the draft Shipping Law amendment (7.14%), and two did not agree with the draft Harbour Inshore Safety law amendment (16.67%). One respondent neither agreed nor disagreed with the amendments.
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Question 1: Are you responding on behalf of an organisation or as an individual?

8. Of the 14 respondents who answered this question, all were individuals. 0 respondents skipped this question.
9. 7 respondents provided comments to this question. These comments broadly provided support for the amendments.
10. Several respondents noted concern with potentially unsafe operation of jet skis and e-foils in Jersey waters, including the speed in which some users operate vessels.

Question 2: Do you agree with the principles of the Draft Shipping Amendment No 5 (centred around the change in definition of a vessel)?

11. Of the 14 responses to this question, 12 answered 'yes', representing 85.71% of the total response. 1 respondent (representing 7.14%) answered 'no', and 1 respondent (representing 7.14%) answered 'don't know'.
12. One respondent commented that whilst they agreed with the amendments, they believe the amendments should put more responsibility on the user of a vessel to be aware of swimmers, and that the definition of a 'vessel' should include e-foils.
13. One respondent expressed their contentment that jet skis would be included in the updated definition of a 'vessel', whilst another respondent noted that these amendments were welcome as it would equate to better control of Jersey's waters and users.

Question 3: Do you agree with the principles of the Draft Harbours Inshore Safety (creation of new offences)?

14. 12 respondents answered this question, whilst 2 skipped it. Of the 12 respondents, 75% (9 respondents) answered agreed with this amendment. 2 respondents (16.67%) disagreed and 1 (8.33%) answered 'don't know' to this question.
15. One respondent commented that legislation of this kind is urgently needed to avoid a serious incident occurring, whilst another welcomed the amendments to include provisions for causing death and injury whilst operating a ship, particularly whilst under the influence of drink or drugs.
16. Two respondents commented on the dangers of inexperienced seafarers operating in Jersey's waters, whilst another commented on the need to protect swimmers from vessels.

Question 4: Request for further comment from respondents

17. 8 respondents left further comment on the consultation. 6 respondents skipped this section of the consultation.
18. Two respondents stated that training, certification and experience would ensure a safer marine environment.
19. One respondent commented on the need for more policing on vessel registrations, commenting that some residents purchase vessels which they then don't register.
20. One respondent commented that the definition of a 'vessel' should cover e-foils and sailing dinghies, equating the danger to swimmers as similar to the danger cars can present to pedestrians.
21. One respondent suggested that the amendments to the Draft Harbours Inshore Safety laws should include blood tests for alcohol or drugs.
22. One respondent stated that they welcomed the amendments, noting that they are long overdue.

Conclusion

23. Government is grateful to respondents for their comments on the proposal to amend the Shipping Law and Inshore Harbour Regulations. These will be considered as the necessary legislation is finalised to permit the introduction of this policy.
24. Government looks forward to lodging this legislation before the end of 2023.