



Jersey

AIR AND SEA PORTS (INCORPORATION) (JERSEY) LAW 201-

Report

Explanatory Note

Part 1 of this draft Law is concerned with interpretation of words, expressions and concepts which would be used within the Law. *Article 1* would deal with general interpretation. *Article 2* would give the key definition of “port operations”, including both airport and harbour operations, which would be the business of companies licensed under and in accordance with Part 3 of the draft Law, and in particular of the company which would be established on commencement of Part 2 of the draft Law, namely Ports of Jersey Ltd (“POJL”).

Article 3 would provide for the establishment of POJL as a company limited by shares and capable of being a transferee company (as that term would be defined in Part 5 of the draft Law) and with the principal object set out in *Article 4(1)*. A transferee company would be one to which assets owned by the public of Jersey may be transferred, and for this reason would be subject to a number of constraints as set out in *Article 31*. In particular, POJL would have to have each of its shares held by the States or by one or more nominees on behalf of the States (*Article 31(2)(a)*) and the Minister for Treasury and Resources would exercise the powers of the States as shareholder (*Article 3(5)*) but only the States could exercise powers to dispose of shares or share rights etc. in POJL, or powers to issue shares to any person other than the States, to vote on a resolution to wind up POJL, or other powers as the States may prescribe (*Article 3(6)*).

It is envisaged by Part 5 that in future there may be more than one transferee company, but only POJL would be established by this draft Law. In relation to what would thus be a unique entity, *Article 4* would further make provision as to the scope and manner of exercise of powers by POJL, in particular making its operation subject to emergency Orders or directions by a competent authority under the Emergency Powers and Planning (Jersey) Law 1990, and to matters of safety and security administered by the Director of Civil Aviation (in relation to aerodromes) and by the harbour authority or Harbour Master as the case may be (in relation to harbours). *Article 4* would also reinforce the requirement for POJL to comply with the terms of any licence granted to it under Part 3 of the draft Law.

Article 5 would state the primary object of POJL, by virtue of which it would have an overarching purpose of providing safe, secure and efficient port operations. In carrying on commercial port operations POJL would also have to act in the manner best calculated to secure sustainable economic growth for Jersey in the medium to long term. Commercial port operations are those subject to the licensing regime explained below, and do not include public service obligations.

Article 6 would describe the additional public service obligations which would be conferred on POJL, over and above its commercial role. These would ensure continuing provision of coastguard operations, maintenance of aids to navigation, and other matters which would not normally be incidents of the commercial operation of a harbour or airport or which have previously been responsibilities of government.

A licensing regime would apply to commercial port operations as follows. Any person (including but not limited to POJL) carrying out port operations in Jersey would, by reason of Part 3 of the draft Law, be required to be licensed to do so in accordance with that Part. *Article 7* would contain the prohibition against carrying out port operations without such a licence, but that prohibition would not apply to the States of Jersey, to allow for emergencies or for certain non-commercial activities otherwise falling within the definition of “port operations” to be carried out, under the direction of the Minister: *Article 7(2)* and *(3)*.

The prohibition could be enforced as a statutory duty by any person aggrieved by a failure to comply with it (*Article 9*), and as a civil wrong by the Minister or the Jersey Competition Regulatory Authority (“JCRA”) (*Article 10*), and a failure to comply with the prohibition would also be a criminal offence (*Article 11*) punishable on conviction by imprisonment not exceeding 12 months and a fine. The Minister could suspend the requirement for a licence in certain circumstances and on terms and conditions, under and in accordance with *Article 13*.

The requirement for a licence under Part 3 would not derogate from other legal licensing requirements (*Article 12*). A licence would be granted by the JCRA (*Article 7(4)*), and could, but need not be, exclusive. Under *Article 8*, a licensee would have to comply with any conditions, either to be contained in the licence or upon the terms of which the licence may be granted. *Article 14* would confer power on the JCRA to prescribe the form and particulars of an application for a licence, and to grant or refuse a licence as it sees fit, and also to refuse a licence in certain circumstances such as where the applicant fails to pay a licence fee (which may be determined by the JCRA under *Article 16*). The JCRA would also be able to grant a licence to carry out port operations either generally or as specified, and on conditions. *Article 15* would specify a range of conditions which may be contained in a licence as the JCRA might see fit, though the list would be neither exhaustive nor exclusive. Under *Article 17* the JCRA would be able to modify conditions imposed, whether of its own motion or on application. A direction to comply with licence conditions where a licensee was in breach could be given by the JCRA under *Article 18* in accordance with the requirements for notification to the licensee which would also be specified in that Article. *Article 19* would permit a person affected by a failure to comply with such a direction to enforce it by means of civil proceedings.

It would also be possible for licence conditions to be enforced by the imposition of financial penalties by the JCRA, under *Article 20*, though this sanction would only be available where the contravention of the condition is trivial or the licensee is taking steps to comply. Financial penalties received by the JCRA under this provision would be payable to the Treasurer of the States. As an ultimate sanction the JCRA would be able to revoke a licence (*Article 21*).

The JCRA would be obliged, by *Article 22*, to keep a register of licences, revocations of licences, and directions, which would be open to public inspection. The JCRA would also have to give notice of the exercise of a “regulatory function” (as defined in that Article and including grant, refusal or revocation of licences and imposition of financial penalties), under and in accordance with *Article 23*. A right of appeal against the exercise of such a function would be created by *Article 24*. and by *Article 25* the Royal Court would have power to stay the exercise of a regulatory function.

Part 4 of the draft Law would make further provision as to the respective roles of the JCRA and the Minister in ensuring the safe, secure, effective and efficient provision of port operations under this Law, and *Article 26* would accordingly set out their primary duties in performing their functions for these purposes. *Article 27* would ensure that the Minister could give directions to the JCRA (following consultation with that body) as to the exercise of any of its functions. The JCRA would be given additional non-licensing functions (such as research, or providing information or assistance to the Minister) by *Article 28*. The JCRA would also be obliged, under *Article 29*, to provide an annual report to the Minister.

Part 6 of the draft Law would set up a parallel - though slightly different - licensing regime in respect of lifeline services (as specified in Regulations which would be made under *Article 42*) connecting Jersey with the rest of the world through its air and sea ports and harbours. Article 42 would additionally permit the Minister to direct that certain sea transport services should be treated as lifeline services under Part 6 (instead of falling within the permit regime under the Harbours (Administration) (Jersey) Law 1961). This would bring lifeline services within the licensing requirements established by this Law: *Article 43* prohibits the supply of lifeline services except by persons licensed to do so (again, this prohibition would not apply to the States of Jersey). *Article 44* would apply relevant provisions governing licensing in Parts 3 and 4 in relation to lifeline services, with the necessary modifications.

It should be noted that, by reason of the amendments to be made to the Harbours (Administration) (Jersey) Law 1961 and the Harbours (Jersey) Regulations 1962 set out in Schedule 2, it would remain possible for the Minister to direct that a particular service should be subject to the permit regime under those Regulations, and where such a service (which could include lifeline services) is so designated, the licensing regimes under Parts 3 and 6 are disappplied. A particular service could thus move from one regulatory regime to another.

Article 45 further enables special licence conditions to be imposed on a supplier of lifeline services so as to ensure the continuity of such services where that supplier is the only one supplying such services and to prevent the sudden termination of supply.

The transfer of assets to POJL or other transferee companies would be governed, as already indicated above, by Part 5 of the draft Law. Key concepts for the purposes of this Part would be interpreted in accordance with *Article 30*. Assets, rights and liabilities could only be transferred to a “transferee company” i.e. a company fully conforming to the description in *Article 31*. *Article 32* would regulate the States’ holding of securities in any transferee company. *Article 33* would provide that a transfer of assets, rights and liabilities described in greater detail in Schedule 1 shall take place on the transfer date (as defined in *Article 30*). This includes rights and liabilities under contracts of employment, to enable the transfer of employees (again, as defined for this purpose in *Article 30*).

Prior to the transfer date, Regulations could amend Schedule 1 or provide that certain assets etc. should not be transferred or should be transferred only to a specified transferee company, or only upon specified terms and conditions. Alternatively and

without derogation to these powers, under *Article 33(3)* further transfers may be carried out by way of transfer Regulations. *Articles 34 and 35* would make provision for, respectively, the status of this Law or of transfer Regulations as evidence of a transfer, and the tax treatment of a transfer. By virtue of *Article 36* the continuity of anything done before the transfer would be preserved. *Article 37* would permit the creation of rights for the transferor in both transferred and retained property, and the transfer of rights which are less than the whole interest of the transferor.

Matters affecting the transfer of employees would be dealt with further by *Articles 38 to 41*, which concern (respectively) continuity of employment of transferred employees, termination of contracts of employees objecting to a transfer, continuity of collective agreements and of retirement schemes.

Part 7 of the draft Law would contain miscellaneous provisions of general application. *Article 46* would confer a power of compulsory acquisition of land on the States, where necessary for facilitating the purposes of the Law. Under *Articles 47 and 48*, certain parts of roads on land to be transferred under the Law would be extinguished, and licensees under the Law would be permitted to do works below, on or above roads.

Article 49 would contain a general prohibition on disclosure of information obtained in the course of the exercise of a function under the Law, subject to specified exemptions for certain types of disclosure. *Article 50* would limit the civil liability of the States, the Minister and Chief Minister and their officers, employees or agents in discharging their functions under the Law. *Article 51* would make provision with regard to corporate liability for offences, while *Article 52* would deal with service of directions and notices under the Law. *Article 53* would confer the necessary powers to make secondary legislation. *Article 55* would provide for the citation and commencement of the Law.

Article 54 would bring into force Schedule 2, making consequential amendments to other legislation, for the most part being legislation dealing with harbours, shipping, pilotage, lighthouses and other matters relating to maritime port operations.

The principal amendments in these respects - to the Harbours (Administration) (Jersey) Law 1961, and to Regulations made under it - would create new roles for a harbour authority and for the Harbour Master who would be employed by that authority. A new Schedule is also introduced into that Law, defining the limits of harbours for the purpose of the management of moorings within those harbours. Amendments to the Shipping (Jersey) Law 2002 would revise the role of the Harbour Master in consequence of the changes to that role mentioned above, conferring instead many of the existing safety functions under that Law on either the Minister or the Receiver of wreck. Corresponding amendments would also be made to the Pilotage (Jersey) Law 2009.

The Harbour and Light Dues (Jersey) Law 1947 would be repealed and provision creating new powers to make charges for ship, passenger and freight dues and use of other harbour facilities would instead be inserted into the Harbours Administration (Jersey) Law 1961.

In relation to aviation and air transport, amendments would be made to the Aerodromes (Administration) (Jersey) Law 1952, and the Aerodromes (Jersey) Regulations 1965, to reflect the creation of the analogous role of an airport authority; and the Airport Dues (Jersey) Law 1956 would be repealed.

Finally, amendments would be made to the Emergency Powers and Planning (Jersey) Law 1990, to provide for powers to be conferred on a competent authority for the purposes of that Law in respect of port operations.



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Jersey

AIR AND SEA PORTS (INCORPORATION) (JERSEY) LAW 201-

A LAW to establish Ports of Jersey Ltd., and to make provision about it; to make new provision relating to port operations and the management of passenger and freight services into and out of Jersey; to enable staff, assets and liabilities to be transferred to one or more companies; to enable the Jersey Competition Regulatory Authority to license any such companies, and to license the operation of lifeline services; to make further related and consequential provision about the operation and management of Jersey's airport and sea ports and harbours, and about air and maritime safety and security; and for connected purposes

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

PART 1

PRELIMINARY

1 Interpretation: general

(1) In this Law –

“administration” –

- (a) in relation to an aerodrome, means the exercise of any of the powers of policing, administration and management conferred on the Airport Director by the Aerodromes (Administration) (Jersey) Law 1952 and by Regulations under that Law;
- (b) in relation to a harbour or territorial waters, means any matters for which the harbour authority or, as the case may be, the Harbour Master is responsible under or by virtue of the Harbours (Administration) (Jersey) Law 1961;

“aerodrome” has the meaning given by Article 1(1) of the Civil Aviation (Jersey) Law 2008;

“company” means a company incorporated under the Companies (Jersey) Law 1991;

“competent authority” means a Minister designated as such for the purposes of Part 1 of the Emergency Powers and Planning (Jersey) Law 1990;

“Court” means the Royal Court;

“DCA” means the person appointed under Article 3 of the Civil Aviation (Jersey) Law 2008 to hold the office of Director of Civil Aviation established under Article 2 of that Law;

“facilities” includes harbours, land, immovable property, and movable structures and equipment;

“freight” includes the transportation of fuel;

“harbour authority” means a body appointed as such under Article 2 of the Harbours (Administration) (Jersey) Law 1961;

“Harbour Master” means the person who is appointed and employed as such under Article 2 of the Harbours (Administration) (Jersey) Law 1961;

“harbour”, unless the context otherwise requires, has the meaning given by Article 1 of the Harbours (Administration) (Jersey) Law 1961;

“JCRA” means the Jersey Competition Regulatory Authority established by Article 2 of the Competition Regulatory Authority (Jersey) Law 2001;

“licensee”, except where otherwise indicated, means –

- (a) in relation to port operations, a person to whom a licence to carry out such operations is granted by the JCRA under Part 3;
- (b) in relation to lifeline services, a person to whom a license to carry out such services is granted by the JCRA under Part 3 as applying by virtue of Part 6;

“lifeline services” means such activities, services and operations as may be specified in accordance with Article 42;

“Minister”, except where otherwise indicated, means the Minister for Economic Development;

“POJL” means the company established under Article 3;

“port operations” has the meaning given by Article 2;

“port operator” means a person licensed under Part 3 of this Law to carry out port operations;

“public service obligations” has the meaning given by Article 6;

“regulatory function” has the meaning given by Article 23(1);

“States” means the States of Jersey;

“territorial waters” has the meaning given by Article 1 of the Harbours (Administration) (Jersey) Law 1961;

“transfer date”, “transfer Regulations” and “transferee company” have the meanings given to those terms by Article 30.

- (2) A reference in this Law, or in a Schedule to this Law, to an enactment of the United Kingdom is a reference to that enactment as amended from time to time.

2 Port operations

- (1) In this Law, “port operations” –
- (a) means –
- (i) the provision of facilities and services for and in relation to commercial passenger travel and freight transport into and out of Jersey, by air or by sea,
 - (ii) the provision of facilities and services for and in relation to non-commercial travel and leisure pursuits around, into and out of Jersey, by air or by sea, and specifically (in the case of harbour operations) within Jersey territorial waters, and
 - (iii) the management, maintenance and operation of such facilities and services;
- and
- (b) except where otherwise indicated or required by the context, should be read as referring to both airport operations and harbour operations.
- (2) “Airport operations” means any operations falling within the description in paragraph (1) and carried out in or in relation to an aerodrome or to travel and transport by air.
- (3) “Harbour operations” means any operations falling within the description in paragraph (1) and carried out in or in relation to a harbour or to travel and transport by sea.
- (4) Without derogation from the generality of paragraph (1), the States may by Regulations and from time to time specify further ancillary or related operations and activities (whether individually, or by reference to the nature or a class of operation or activity) as falling, or not falling, within the definitions “port operations”, “airport operations” or “harbour operations”.
- (5) The power conferred by paragraph (4) to specify further operations and activities shall include power consequentially to amend this Part and Article 7.

PART 2

PORTS OF JERSEY LTD.

3 Establishment of Ports of Jersey Ltd.

- (1) There shall be a company known as Ports of Jersey Ltd. (“POJL”).

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- (2) POJL shall be a company limited by shares and capable of being a transferee company in the sense given to that term by Part 5 of this Law.
 - (3) The Minister for Treasury and Resources shall, following consultation with the Minister –
 - (a) appoint the first Chairman of the Board of directors of POJL; and
 - (b) determine the terms and conditions of service which are applicable to the first Chairman of the Board on appointment.
 - (4) In relation to any appointment subsequent to the appointment of the first Chairman under paragraph (3), POJL shall not appoint a person as Chairman of the Board without the approval of the Minister.
 - (5) Subject to paragraph (6), the Minister for Treasury and Resources shall exercise, in relation to POJL, the powers of the States in their capacity of holder of securities in a company, but in doing so the Minister for Treasury and Resources shall act –
 - (a) in the interests of the States in that capacity; and
 - (b) in such a way as to encourage sustainable growth in the economy of Jersey in the medium to long term.
 - (6) Only the States (and not a Minister) may exercise –
 - (a) powers to dispose of shares or share rights in POJL and to create or dispose of security interests over, or otherwise charge, such shares or share rights;
 - (b) power to authorize the issue of shares or share rights in POJL to any person other than the States;
 - (c) power to vote on a resolution to wind up POJL; and
 - (d) such other powers as the States may prescribe by Regulations.

4 Powers and functions of POJL: scope and manner of exercise

- (1) Subject to paragraphs (2) and (3), POJL shall exercise each of its powers and carry out each of its functions (whether those powers and functions are conferred by this Law, by Regulations made under it or by any other enactment, or arise otherwise by operation of law) –
 - (a) with regard to its primary object; and
 - (b) in compliance with conditions imposed by or in connection with any licence granted under Part 3 of this Law.
- (2) If and to the extent that any Order or direction made by a competent authority in relation to port operations is in contravention of or conflicts with one or more of its objects, or with a condition mentioned in paragraph (1), POJL shall comply with that Order or direction.
- (3) POJL shall at all times exercise its powers so as not to conflict with –
 - (a) the administration by the DCA of an aerodrome or of airport operations in the interests of aviation safety and security; or
 - (b) the administration by a harbour authority or the Harbour Master of a harbour or of harbour operations in the interests of maritime safety and security.

- (4) In this Article, reference to exercise of powers by POJL includes reference to exercise of those powers by or by means of a subsidiary, agent, employee or sub-contractor of POJL.

5 Primary object of POJL

- (1) The primary object of POJL shall be to provide, or ensure the provision of, safe, secure and efficient port operations for Jersey, whether by itself or by any other person acting as its subsidiary, agent, employee or sub-contractor.
- (2) Without derogation from the primary object stated in paragraph (1), in carrying out commercial port operations POJL shall act in the manner best calculated to secure sustainable growth in the economy of Jersey in the medium to long term.
- (3) In paragraph (2), “commercial port operations” means any port operations licensed under Part 3 of this Law, but does not include harbour operations which form part of POJL’s public service obligations as expressed in Article 6.

6 Public service obligations of POJL

- (1) POJL shall be responsible for discharging, in accordance with this Article, the following functions (referred to collectively in this Law as “public service obligations”) –
- (a) co-ordinating, or providing resources for co-ordinating, maritime search and rescue within the Jersey Search and Rescue Region;
 - (b) maintenance of aids to navigation in territorial waters;
 - (c) acting as custodian of Jersey harbours;
 - (d) enforcement of shipping legislation in territorial waters;
 - (e) responsibility for port State control;
 - (f) management of the Channel Islands Control [Zone/Area].
- (2) The functions listed in sub-paragraphs (a), (b), (d) and (e) of paragraph (1) shall be discharged by POJL –
- (a) in accordance with any agreement for the purpose between the Minister and POJL; or
 - (b) in the absence of any such agreement, as directed by the Minister.
- (3) The function listed in sub-paragraph (c) of paragraph (1) shall be discharged by POJL in accordance with any agreement for the purpose with the Minister for Treasury and Resources and, in relation to a particular harbour, in consultation with the Connétable of the Parish in which the harbour in question is situated.
- (4) The function listed in sub-paragraph (f) of paragraph (1) shall be discharged by POJL –
- (a) in accordance with the terms of any agreement for the purpose between the Minister for External Relations and POJL; or

- (b) in the absence of any such agreement, as directed by the Minister for External Relations.
- (5) The Minister may (following consultation with POJL, and with any other Minister concerned in respect of a particular function) by Order amend this Article to add, remove or modify a particular function and the manner of discharge of that function.
- (6) For the purpose of discharging its public service obligations, it is immaterial whether or not POJL is appointed as a harbour authority under the Harbours Administration (Jersey) Law 1961.
- (7) In this Article –
 - “Channel Islands Control [Area/Zone]” has the meaning given by Article 1 of the Civil Aviation (Jersey) Law 2008;
 - “port State control” means the procedures set out in the Annex to Resolution A.1052(27) adopted by the Assembly of the International Maritime Organization on 30th November 2011, as from time to time modified in their application in relation to Jersey by agreement with the Minister.

PART 3

LICENSING OF PORT OPERATORS

Chapter 1

Requirement for licence

7 Licences needed to carry on port operations

- (1) Subject to paragraphs (2), (3) and (7), no person may carry out port operations in Jersey unless that person is a licensee under a licence which is in force at the time when the person is carrying on such operations.
- (2) For the avoidance of doubt, the prohibition in paragraph (1) does not apply to the States of Jersey.
- (3) The prohibition in paragraph (1) does not apply in relation to any operation or activity –
 - (a) which falls within the definition “port operations” but is carried out in pursuance of an Order or directions made by a competent authority;
 - (b) which falls within the definition “harbour operations” but is the provision of a facility or a service in a harbour or territorial waters designated by –
 - (i) the Harbour Master, prior to the coming into force of Schedule 2, or
 - (ii) the relevant harbour authority, after the coming into force of that Schedule,

as directed by the Minister under Regulation 4 of the Harbours (Jersey) Regulations 1962; or

- (c) which is specified as one of the public service obligations of POJL.
- (4) A licence under this Article may be granted by the JCRA in respect of airport operations or harbour operations or both, but in every case shall specify the particular operation or activity, or nature or class of operation or activity, in respect of which the licence is granted.
- (5) Article 14 makes further provision as to the powers of the JCRA in relation to the grant and content of licences.
- (6) Nothing in this Article or in Articles 14 or 15 shall be taken as precluding the grant of an exclusive licence where in the JCRA's opinion such a grant is appropriate.
- (7) The JCRA may grant an exemption from subsection (1) –
 - (a) subject to any direction by the Minister; and
 - (b) where relevant, having regard to any public service obligation in respect of harbour operations.
- (8) An exemption under subsection (7) –
 - (a) may be granted to a particular person or particular class of persons;
 - (b) may be granted subject to such conditions as the JCRA thinks fit;
 - (c) if granted to a particular class of persons, shall be published; and
 - (d) shall continue in force for such period as may be specified in the exemption.

8 Duty of licensee to comply with conditions

- (1) A licensee shall comply with any conditions (as to which Chapter 2 of this Part makes further provision) –
 - (a) under Article 15, in relation to port operations and contained in the licence;
 - (b) under Article 14(6)(b), upon the terms of which the licence in question is granted.
- (2) A contravention of a condition described in paragraph (1) does not of itself amount to a contravention of the requirement in Article 7(1), except that if and to the extent that a particular port operation is prohibited by a condition contained in a licence, the licensee shall not carry out that operation.

9 Enforcement of requirement by persons aggrieved

- (1) Compliance with Article 7(1) is a duty owed to any person who may be aggrieved by a failure to comply.
- (2) Where the duty mentioned in paragraph (1) is owed to a person –
 - (a) a breach of the duty which causes loss or damage to that person; or

- (b) any act which, by inducing a breach of the duty or by interfering with its performance, causes loss or damage to that person and is done wholly or partly for that purpose,
shall be actionable by that person.

10 Enforcement of requirement by Minister or JCRA

Where there is a failure to comply with Article 7(1), the Minister or the JCRA may bring civil proceedings for an injunction or such other relief as the Court may deem appropriate, to compel compliance with that provision.

11 Offences

A person who –

- (a) acts in contravention of the prohibition in Article 7(1) or of the prohibition in Article 43(1);
- (b) offers to do anything, or represents that they are able or willing to do anything, which if carried out would be a contravention of either of those prohibitions; or
- (c) acts in contravention of a prohibition contained in a licence as described in Article 8(2),

shall be guilty of an offence and liable to [imprisonment for a term not exceeding 12 months and to] a fine.

12 Other licences and permits

The provisions of this Part are in addition to, and do not derogate from, any requirement for a licence or permit imposed by or under any other enactment and in particular –

- (a) in relation to aerodromes, by or under Part 3 of the Civil Aviation (Jersey) Law 2008 and Article 128 of the Air Navigation Order 2005 of the United Kingdom Parliament, as it applies in Jersey by virtue of the Air Navigation (Jersey) Order 2008;
- (b) in relation to harbours, by or under the Harbours (Jersey) Regulations 1962 and the Harbours (Inshore Safety) (Jersey) Regulations 2012.

13 Suspension of requirement for licence

- (1) The Minister may by Order suspend in whole or in part the operation of Article 7 –
 - (a) after consultation with the JCRA as to doing so;
 - (b) if the Minister considers that it is in the public interest to do so;
 - (c) on such terms and subject to such conditions as the Minister thinks fit; and

- (d) for such period (not being a period beginning before the making of the Order) as shall be specified in the Order.
- (2) The Minister may not amend an Order made under paragraph (1) so as to extend the period of suspension for longer than a total period of 6 months beginning with the date of making of the Order.
- (3) The power conferred on the Minister by paragraph (1) shall not be exercised more than once in respect of a particular set of circumstances, except to revoke or amend an Order made under that paragraph.

Chapter 2

Licences

14 Grant of licences

- (1) An application for a licence shall be made to the JCRA in writing and in such form and containing such particulars as the JCRA may require.
- (2) The JCRA may grant a licence or refuse the grant of a licence as it thinks fit.
- (3) Without derogation from the generality of paragraph (2), the JCRA may refuse the grant of a licence where at any time during 5 years preceding the date of the application, the applicant has failed –
 - (a) to pay such fee in respect of a licence (whether the licence for which application is made, or any other licence) as may reasonably have been due under Article 16;
 - (b) to provide such information as may reasonably have been required in connection with the application for a licence under paragraph (1);
 - (c) to comply with a direction under Article 18 in respect of any licence other than the licence for which application is made; or
 - (d) to pay a financial penalty imposed on the applicant under Article 20 in relation to the contravention of a condition contained in a licence other than the licence for which application is made.
- (4) A licence must be in writing and must specify the name of the licensee and the period for which the licence will remain in force.
- (5) A licence may be granted authorizing the licensee –
 - (a) to conduct port operations generally; or
 - (b) to conduct only such port operations as may be specified in the licence.
- (6) A licence –
 - (a) may be granted unconditionally; or
 - (b) the grant of the licence, the licence itself, or both may be limited by such conditions as the JCRA may think fit, including (but not limited to) conditions of any of the kinds described in Article 15.

15 Conditions in licence

- (1) A licence may contain conditions which, in the opinion of the JCRA, are necessary or desirable, including but not limited to conditions relating to, or imposing requirements for, any one or more of the following –
 - (a) the management and conduct of port operations in respect of which the licence is granted (in this Article, “licensed operations”);
 - (b) standards of performance in the conduct of licensed operations;
 - (c) competition in the conduct of licensed operations and in relation to facilities, land, vehicles, and other structures or equipment used in the conduct of licensed operations;
 - (d) the co-location and sharing of services, facilities, vehicles and other structures or equipment, and of access thereto, in relation to or for the conduct of licensed operations;
 - (e) the creation or upholding by the licensee of specified rights in or over land or facilities used in the conduct of licensed operations;
 - (f) mechanisms for receiving and resolving complaints against the licensee by users within Jersey of services provided under the licence;
 - (g) requiring the licensee to make what, in the opinion of the JCRA, is a fair contribution to the costs of another licensee incurred –
 - (i) in the performance of an operation or activity pursuant to a public service obligation, or
 - (ii) because the other licensee is required to perform any kind of cross-subsidized operation or activity;
 - (h) the implementation of any directions or guidance given to the JCRA under Article 27, which in the opinion of the JCRA can be implemented only by, or with the assistance of, the licensee;
 - (i) the levels of prices, premiums and discounts which may be charged or (as the case may be) allowed by a licensee having a dominant position in the conduct of port operations;
 - (j) prohibiting, regulating or requiring the provision of a particular operation or activity; or
 - (k) preventing or controlling anti-competitive behaviour.
- (2) A licence may contain conditions regulating the terms and conditions to be included in any contract between the licensee and –
 - (a) any user in Jersey of services provided under the licence in connection with port operations; or
 - (b) any provider of such services to the licensee.
- (3) A licence may contain conditions requiring the licensee –
 - (a) to provide such information relating to the conduct of licensed operations by the licensee, and to do so in such form and at such times, as the JCRA may reasonably require;
 - (b) to pay to the JCRA –
 - (i) any fee falling due upon application for a licence, in accordance with Article 16(1)(a),

- (ii) any periodical payment determined under Article 16(1)(b),
 - (iii) any payment in respect of a consent or determination mentioned in this paragraph;
 - (c) not to do, or not to continue or cease to do, anything specified under the licence without the JCRA's prior written consent;
 - (d) to refer for determination by the JCRA any specified question or class of question, and to abide by or act upon such a determination;
 - (e) to comply with any direction given by the JCRA in respect of anything to which the licence relates.
- (4) For the purposes of paragraph (3) the JCRA shall have power to give, refuse or revoke a consent, determination or direction mentioned in that paragraph.

16 Licence fees

- (1) The JCRA may determine from time to time –
- (a) the amount of any fee payable on application for a licence or upon grant of a licence;
 - (b) any periodical payment due under the terms or conditions of a licence, and the period in respect of which it is payable.
- (2) For the purposes of sub-paragraph (1)(b) –
- (a) the JCRA may determine such a payment at a level which enables the JCRA to recover in whole or in part any of its costs attributable to the performance of its functions under this Law (whether such costs are actual, projected, direct or apportioned);
 - (b) the payment or fee may be fixed as a percentage of the turnover or profit of a licensee or a member of a class of licensees.
- (3) A payment or fee for which this Article makes provision shall be recoverable as a civil debt due to the JCRA.

17 Modification of conditions

- (1) The JCRA may –
- (a) of its own motion following consultation with the licensee; or
 - (b) on the application of the licensee,
- modify or decline to modify any condition contained in a licence by virtue of Article 15, as the JCRA sees fit.
- (2) The power to modify a condition conferred by paragraph (1) includes power to insert a new condition or to amend or delete a condition, but any new condition or amended condition –
- (a) must be a condition which a licence may contain by virtue of this Chapter;
 - (b) shall be taken, as from the date of the modification, to be a condition contained in the licence by virtue of that Article.

18 Direction to comply with licence conditions

- (1) Where in the opinion of the JCRA a licensee is, or acts, in contravention of a condition contained in a licence, the JCRA may give a direction to the licensee in accordance with this Article for the purpose of ensuring compliance with the condition.
- (2) If the JCRA is minded to give a direction under paragraph (1), the JCRA shall give notification to the licensee which –
 - (a) sets out the direction which the JCRA proposes to give to the licensee under paragraph (1);
 - (b) specifies the period during which the licensee has an opportunity to –
 - (i) make representations about the matters notified,
 - (ii) comply with any conditions referred to in the notification in respect of which the licensee remains in contravention, or
 - (iii) remedy the consequences of any contraventions referred to in the notification.
- (3) Subject to paragraphs (4) and (5), the period specified in the notification under paragraph (2)(b) shall be the period of 28 days beginning with the day after the day on which the notification is given.
- (4) The period specified in the notification may be shorter if –
 - (a) the JCRA has reasonable grounds for believing that the contravention in respect of which it is proposing to make a determination is a repeated contravention; and
 - (b) the JCRA has determined that, in those circumstances, a shorter period would be appropriate.
- (5) The period specified in the notification may be longer, or may be extended by a further period to be specified in writing, if the JCRA determines that in all the circumstances a longer period would be appropriate.
- (6) A notification under this Article –
 - (a) shall be in writing;
 - (b) may be given in respect of more than one contravention; and
 - (c) if it is in respect of a continuing contravention, may be given in respect of any period during which the contravention has continued.
- (7) For the purposes of paragraph (4)(a), a repeated contravention is a contravention of the same condition in respect of which the JCRA has given a notification or direction under this Article less than 12 months earlier than the notification now being given.
- (8) The JCRA shall not give a direction if it is satisfied that –
 - (a) its duties under Article 26 preclude the giving of such a direction;
 - (b) the contravention of the condition is trivial; or
 - (c) the licensee is taking effective steps to comply with the condition and to remedy any deleterious effects of the contravention.

- (9) A direction under this Article shall –
 - (a) be in writing addressed to the licensee;
 - (b) specify the licence to which it relates, the condition contravened and the manner of the contravention; and
 - (c) require the licensee to act or not to act in a manner specified.
- (10) A direction may –
 - (a) require the licensee to take such steps as may be specified in the direction; and
 - (b) be modified at any time by the JCRA giving a fresh direction in accordance with this Article.

19 Enforcement of directions: civil proceedings

- (1) The obligation to comply with a direction is a duty owed to any person who may be affected by the failure to comply with the direction.
- (2) Where the duty mentioned in paragraph (1) is owed to a person –
 - (a) a breach of the duty which causes loss or damage to that person; or
 - (b) any act which, by inducing a breach of the duty or by interfering with its performance, causes loss or damage to that person and is done wholly or partly for that purpose,shall be actionable by that person.
- (3) In any proceedings brought against any person under paragraph (2)(a), it shall be a defence for the person to prove that the person took all reasonable steps and exercised all due diligence to comply with the direction.
- (4) The JCRA may bring civil proceedings for an injunction or other appropriate relief, to compel compliance with a direction duly given under Article 18.

20 Enforcement of conditions: financial penalties

- (1) Subject to paragraph (2), where a licensee is, or acts in, contravention of a condition contained in a licence, the JCRA may impose a financial penalty (in addition to, and without derogating from, any direction given in exercise of its powers under Article 18).
- (2) The JCRA shall not make an Order under this Article where –
 - (a) the contravention is trivial; or
 - (b) the licensee is taking reasonable steps to comply with the condition or to remedy any deleterious effects caused by the contravention.
- (3) The total of any financial penalties imposed on any individual licensee under this Article shall not exceed 10% of turnover of the licensee for any period (to a maximum of 3 years) during which the licensee was in contravention of the condition.

- (4) A financial penalty under this Article is recoverable as a civil debt due to the JCRA.
- (5) The JCRA shall pay to the Treasurer of the States any money received by it in payment of a financial penalty.

21 Enforcement of conditions and directions: revocation of licence

- (1) Where a person fails to comply with a direction duly given under Article 18, the JCRA may revoke the licence in respect of which the direction was given, or any other licence held by that person, and the licence shall cease to have effect upon revocation.
- (2) A transaction between a person and a former licensee shall not be invalid merely because of a failure to comply with a direction as mentioned in paragraph (1) nor because of revocation of a licence consequent upon such failure.

22 Register

- (1) The JCRA shall keep a register in which it shall enter details of the following –
 - (a) every licence granted under Article 14 and the licensee to whom it is granted;
 - (b) every direction given under Article 18;
 - (c) every revocation of a licence under Article 21.
- (2) The register shall be open to inspection by the public during such reasonable hours as the JCRA shall determine.
- (3) The JCRA shall supply copies or extracts from the register to a member of the public upon payment of such reasonable fee as the JCRA may determine.

23 Notice of exercise of regulatory function

- (1) For the purposes of this Article and Article 24, “regulatory function” means any of the following functions of the JCRA –
 - (a) the grant or refusal of a licence under Article 14;
 - (b) the exercise of a power conferred by Article 15(4) to give, refuse or revoke consent, determinations or directions, as the case may be;
 - (c) the modification of, or refusal to modify, a condition, under Article 17;
 - (d) the exercise of the power to give directions to a licensee, under Article 18;
 - (e) the imposition of a financial penalty under Article 20;
 - (f) the revocation of a licence under Article 21.
- (2) Before exercising a regulatory function mentioned in any of sub-paragraphs (1)(a) to (c) or (f), the JCRA shall give notice (“initial notice”) –

-
- (a) stating the regulatory function which it proposes to exercise and the action proposed;
 - (b) stating the reason for the proposed exercise;
 - (c) stating the date (being no earlier than 29 days after the date of service or publication of the initial notice in accordance with this Article);
 - (d) specifying the place where any document giving effect to the proposed exercise may (if it is not or has not been supplied to the licensee) be inspected; and
 - (e) specifying a period (which may not end less than 7 days from the date of service or publication of the initial notice) within which written representations in respect of the proposed exercise may be made by the licensee to the JCRA.
- (3) For the purposes of sub-paragraph (2)(d), “document” includes –
- (a) a copy of any licence, approval, consent, determination, direction or other instrument; and
 - (b) a copy of any conditions proposed to be modified, and (in draft form) of the conditions as so modified.
- (4) Where any representations are made within the period specified in the initial notice, the JCRA shall consider them and shall give notice (“final notice”) –
- (a) referring to the matters contained in the initial notice;
 - (b) summarizing the representations received, and setting out or summarizing the JCRA’s response thereto, and the reasons for that response;
 - (c) specifying the place where (if it is not contained in the initial notice) the full text of the JCRA’s response may be inspected; and
 - (d) stating whether the JCRA intends to exercise the regulatory function in question or not, and if it does so intend, stating the action proposed and the date on which the action is to be taken.
- (5) Initial or final notice under this Article shall be given by the JCRA in the following manner –
- (a) by notice served on any person named in a licence or, if an application has been made to the JCRA by any other person, on the applicant; and
 - (b) by taking all reasonable steps to publish notice of the proposed exercise of a regulatory function in such a way as to bring it to the attention of the public at large.
- (6) The JCRA may give fresh initial notice in any case where –
- (a) after considering any representations or objections, the JCRA decides not to take the action proposed in the initial notice but to take some other action; and
 - (b) the JCRA is satisfied that any person or the public at large should be given an opportunity to make representations in respect of the taking of that other action.

- (7) Where it is requested to do so the JCRA shall make any document or text mentioned in this Article available for inspection by the public at large at reasonable hours or supply copies of such document or text at reasonable cost.
- (8) A requirement in this Article to publish, make available for inspection, or bring a notice, document or any other matter to the attention of the public at large shall be taken to be satisfied by the publication in the Jersey Gazette of the notice, document or matter in question.
- (9) Where, in response to an application made to it for the purpose, the JCRA fails to give initial notice within 56 days (or such longer period as may be agreed) from the date of receipt of the application, the JCRA shall be taken to have given initial notice refusing the application and to have published such notice on the day immediately after the expiration of that period.

24 Appeal against exercise of regulatory function

- (1) An appeal may be made to the Court in accordance with this Article against the exercise of a regulatory function.
- (2) Paragraph (1) does not limit or exclude any other avenue of review of the exercise of a regulatory function.
- (3) An appeal may be made –
 - (a) by the applicant, where the exercise consists of refusal (including deemed refusal under Article 23(9)) of an application;
 - (b) by the licensee, in so far as the exercise consists of the enforcement of any condition contained in the licence;
 - (c) by any person, where the exercise consists of the grant of a licence;
 - (d) by any person, where the exercise consists of giving, or declining to give, a direction under Article 18;
 - (e) by any person, where the exercise consists of the imposition of a financial penalty under Article 20.
- (4) Notice of an appeal shall be lodged with the Court no later than 28 days after publication of initial notice under Article 23 (or within such further period as the Court may in the interests of justice allow).
- (5) In determining an appeal under this Article, the Court is not restricted to considering questions of law or the facts contained in any application or representations before the JCRA, and the Court may –
 - (a) confirm the proposed exercise of a regulatory function;
 - (b) refer the matter of the exercise back to the JCRA for its further determination or other action; or
 - (c) exercise a regulatory function in the same way and to the same extent as the JCRA has power to do
- (6) The Court may make such orders as it considers appropriate, including ancillary orders and orders as to costs, except that the Court shall not award costs –

- (a) against the JCRA, unless it is satisfied that the JCRA acted wholly unreasonably in the exercise which is the subject of the appeal;
- (b) against the appellant, unless it is satisfied that the appellant had no reasonable grounds for bringing the appeal.

25 Power of court to stay exercise of regulatory function

- (1) Where –
 - (a) a person lodges notice of appeal in accordance with Article 24 against the exercise of a regulatory function; and
 - (b) on the date of lodging, the exercise of that regulatory function has not taken effect,the person may seek an order of the Court that the exercise be postponed.
- (2) The Court shall consider the question of postponement as a matter of urgency.
- (3) The Court may make an order requiring the exercise to be postponed where it considers that –
 - (a) there are prima facie reasonable grounds for the appeal; and
 - (b) the balance of convenience lies in favour of postponement.
- (4) The Court may in its discretion specify a period of postponement whether by reference to a date on which the Court determines the full appeal, or in any other manner.
- (5) Where the Court declines to order a period of postponement, the exercise of the regulatory function shall have effect on either –
 - (a) the 7th day following the date on which the Court so declines; or
 - (b) the date on which the exercise was to take effect according to the initial or final notice in the case,whichever is the later.

PART 4

ROLES OF THE MINISTER AND THE JCRA

26 Duties of both Minister and JCRA

- (1) In relation to port operations, the Minister and the JCRA shall each have a primary duty to perform their respective functions under this Law –
 - (a) so as best to protect and further the interests of users of port operations, in the short and long term, and to do so where appropriate by promoting competition in the provision of port operations; and
 - (b) so as best to ensure –
 - (i) that provision is made to satisfy all reasonable demands, both current and prospective, for port operations,

- (ii) that port operations are provided efficiently and effectively, and
 - (iii) that a company (in particular including POJL), to the extent that it is or is to be licensed under this Law, has sufficient financial resources to discharge its liabilities under securities issued by the company to the State.
- (2) In relation to lifeline services, the Minister and the JCRA shall each have a primary duty to perform their respective functions under this Law so as best to ensure that such services are provided –
 - (a) efficiently, effectively and without interruption; and
 - (b) so far as consistent with sub-paragraph (a), with due regard to –
 - (i) any relevant policies of the States of Jersey,
 - (ii) the interests of persons using or likely to use such services, and
 - (iii) the special needs of persons who are disabled.
- (3) So far as consistent with paragraphs (1) and (2), the Minister and the JCRA shall each have duties to perform their respective functions under this Law –
 - (a) so as best to encourage sustainable growth in the economy of Jersey in the medium to long term;
 - (b) so as to impose a minimum of restriction on persons engaging in commercial activities;
 - (c) with due regard to any relevant policies of the States of Jersey;
 - (d) with due regard to preserving and maximizing the benefits of Jersey's resources; and
 - (e) with due regard to the special needs of persons who are disabled.

27 Directions and guidance by Minister to JCRA

- (1) The Minister, having first consulted the JCRA, may give written directions or guidance to the JCRA as to the exercise of any of its functions under this Law.
- (2) For the purpose of paragraph (1), giving directions or guidance includes varying or revoking directions or guidance already given under this Article.
- (3) As soon as reasonably practicable after a direction or guidance is given under this Article –
 - (a) the Minister shall notify the States of the direction or guidance, and of any comments received by the Minister from the JCRA in relation to the direction or guidance;
 - (b) the Minister shall take reasonable steps to bring the purport of that notification to the attention of the public, by publishing it in the Jersey Gazette and in any other way as the Minister may see fit.
- (4) In exercising its functions under this Law, the JCRA shall –
 - (a) comply with any relevant directions; and

- (b) have due regard to any guidance given and for the time being in force under this Article.

28 Non-licensing functions of JCRA

- (1) The JCRA may, in respect of the provision of port operations and such other matters as the States may prescribe by Regulations –
 - (a) conduct research;
 - (b) act as facilitator and co-operate with other regulators or port operators;
 - (c) provide advice, assistance and services;
 - (d) establish or approve schemes, standards, and arrangements.
- (2) The JCRA may charge such a fee as it considers reasonable for anything it does under paragraph (1).
- (3) The JCRA shall, if requested by the Minister to do so, provide information, help and advice to the Minister in relation to port operations or any matter concerning port operations.
- (4) The JCRA may prepare and publish, in such form and manner as it considers appropriate, a report in relation to any matter relevant to the functions of the JCRA under this Law.

29 Annual report of JCRA

- (1) The JCRA shall prepare an annual report and provide the report to the Minister as soon as reasonably practicable (and in any case no later than 4 months) after the end of the financial year to which the report relates.
- (2) The JCRA may do so either in addition to any other report which it is required to prepare under another enactment, or as part of such other report.
- (3) The report shall contain such matters as the Minister may require.
- (4) Following receipt of the report, the Minister shall lay the report before the States as soon as reasonably practicable.
- (5) The JCRA shall use its best endeavours to exclude from the report any matter relating to a person mentioned, or identifiable from information contained in, the report if the JCRA considers that the publication of such matter would or might seriously and prejudicially affect the person's privacy, reputation or commercial interests, unless –
 - (a) the person has consented, prior to the provision of the report, to publication of the matter in the report; or
 - (b) the JCRA considers that the importance of the public interest in the matter outweighs the effect of publication on the person.

PART 5

TRANSFER OF PORT ASSETS, STAFF ETC.

30 Interpretation of Part 5

(1) In this Part –

“assets” means any interest in or rights over property whether immovable or movable and of any description, including (but not limited to) deeds, mortgages, and securities;

“employee” means a person who –

- (a) is employed by the States within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005; and
- (b) immediately before the transfer date, is so employed in carrying out a role listed in Part 4 of Schedule 1;

“liabilities” means any liabilities, debts or obligations, whether present or future, vested or contingent, and (for the avoidance of doubt) includes obligations owed to an employee;

“rights” means any rights, powers, privileges or immunities, whether present or future, vested or contingent;

“share rights” means rights to subscribe for or to acquire shares [or any other rights in connection with shares];

“stamp duty” has the meaning given by Article 1 of the Stamp Duties and Fees (Jersey) Law 1998;

“transfer”, except where otherwise indicated, means a transfer under this Part;

“transfer date” means the date on which a transfer has effect, and –

- (a) in the case of a transfer under Article 33(1), shall be a date no later than [1st January 2015];
- (b) in the case of a transfer effected by transfer Regulations, shall be the date specified in those Regulations;

“transfer property” means the assets, rights, and liabilities transferred under and in accordance with Article 33(1);

“transfer Regulations” means Regulations made under Article 33(3); and

“transferee company” has the meaning given in Article 31(1).

(2) For the purposes of this Part –

- (a) it makes no difference whether assets, liabilities or rights are situated in Jersey, the United Kingdom or in any other country or territory, or arise or subsist under the law of Jersey, of any part of the United Kingdom, or of any other country or territory;
- (b) reference to an asset or right includes an asset or right of the Public of the Island of Jersey to the use or enjoyment of which the Minister is entitled;
- (c) a liability includes a liability to which the Public is subject.

31 Transferee companies

- (1) No assets, rights, or liabilities may be transferred under this Part except to a company which complies with the requirements specified in paragraph (2) (a “transferee company”).
- (2) The requirements mentioned in paragraph (1) are that a company must be, at the relevant transfer date –
 - (a) a company limited by shares, incorporated under the Companies (Jersey) Law 1991 and having each of its shares held by the States or by one or more nominees on behalf of the States; or
 - (b) a subsidiary of such a company.
- (3) The Minister for Treasury and Resources may from time to time appoint nominees for the purposes of sub-paragraph (2)(a), but may not be such a nominee.
- (4) A nominee shall hold and deal with securities in the company on such terms and in such manner as the States may direct.
- (5) Subject to paragraph (6), the Minister for Treasury and Resources may exercise the powers of the States in their capacity as holder of securities in a company, but in doing so the Minister for Treasury and Resources shall act in the interests of the States in that capacity.
- (6) Only the States (and not a Minister) may exercise –
 - (a) powers to dispose of shares or share rights in the company and to create or dispose of security interests over, or otherwise charge, such shares or share rights;
 - (b) powers to authorize the issue of shares or share rights in the company to any person other than the States;
 - (c) power to vote on a resolution to wind up the company;
 - (d) such other powers as the States may prescribe by Regulations.
- (7) Nothing in this Article shall be taken as imposing a greater liability on the States than any liability the States have by virtue of being a holder of securities in the company.

32 States’ holding in transferee company

- (1) This Article applies where assets, rights or liabilities are to be transferred to a transferee company.
- (2) Where this Article applies –
 - (a) if the proposed transferee is a company, the company shall issue to the States; or
 - (b) if the proposed transferee is a subsidiary, the subsidiary shall issue to its parent company,any securities such as the States may by Regulations require to be issued.
- (3) The States may by such Regulations prescribe classes of such securities and any terms and conditions (in addition to those prescribed under paragraph (4)(a)) to which such securities may be subject.

- (4) Such of those securities as are shares shall –
 - (a) be of such nominal value and be issued as fully, partly or not paid up, as may be prescribed by Regulations;
 - (b) be treated for the purposes of the Companies (Jersey) Law 1991 as if any amount paid on them were constituted by the payment to the issuing company of a corresponding value in cash.

33 Transfer of assets etc.

- (1) On the transfer date, the transfer property described with greater particularity in Parts 2 and 3 of Schedule 1 (that Schedule having effect for the purposes of this Article) shall be transferred to a transferee company –
 - (a) in accordance with the provisions of Articles 36 to 41;
 - (b) subject to such further conditions as to rights of access, drainage and the like as are recited in Schedule 1 or in Regulations; and
 - (c) as to the whole, in perpetuity.
- (2) On the transfer date, transfer property comprising contracts in respect of employees shall be transferred to a transferee company in accordance with the provisions of Articles 36 and 38 to 41.
- (3) Prior to the transfer date, the States may by Regulations –
 - (a) amend Schedule 1;
 - (b) direct that specified assets, rights or liabilities shall not be transferred, or be taken to be transferred, under this Article, either at all or only upon specified conditions;
 - (c) direct that specified assets or types of assets may be transferred only to a specified transferee company, or may be so transferred only upon specified conditions.
- (4) For the purposes of this Law and in addition to and without derogation from the powers in paragraphs (1) and (2), the States may make Regulations (“transfer Regulations”) to effect the transfer to a transferee company of such assets, rights and liabilities as may be specified by the transfer Regulations.
- (5) Different assets, rights, liabilities or employees (including classes of assets, rights, liabilities or employees) may be transferred to different transferee companies by a transfer under this Article, whether the same is made in pursuance of paragraph (1) or by way of transfer Regulations.
- (6) Except to the extent provided by paragraph (8), assets transferred under this Article shall vest in the transferee company without the need for any further or additional conveyance, transfer, assignment, notice, assurance or other action.
- (7) In the case of any transfer under this Article, transferred rights and liabilities shall forthwith become (unless otherwise provided in Regulations) rights and liabilities of the transferee company.
- (8) On the transfer date or as soon as reasonably practicable following the transfer date, this Law and any Regulations under this Article relating to

the transfer of immovable property situated in Jersey shall be registered in the Public Registry of Contracts, and where transferred assets or rights consist of or relate to such immovable property –

- (a) such registration shall have the same effect as a contract passed before the Court; and
- (b) the title to any interest in that property shall vest in the transferee company on, and subsist in the transferee company from, the date of such registration.

34 Evidence of transfer

The production of a copy of this Law or of transfer Regulations signed by the Greffier of the States shall, for all purposes, be conclusive evidence of the transfer to, and vesting in, the transferee of any designated assets, rights or liabilities.

35 Tax etc. treatment of transfer

- (1) Stamp duty shall not be chargeable for or in respect of a transfer made –
 - (a) by this Law;
 - (b) by transfer Regulations under Article 33(3); or
 - (c) if otherwise, where prescribed by Regulations for the purposes of this paragraph.
- (2) Stamp duty shall not be chargeable for or in respect of anything prescribed by Regulations as a thing done in consequence of such a transfer.
- (3) The States may make provision by Regulations with respect to the values to be assigned to designated assets, rights and liabilities and the treatment of any transfer under this Part or under Article 33(3) of such assets, rights and liabilities, including and in particular for the purposes of –
 - (a) estimates under Articles 24A, 26 or 27 of the Public Finances (Jersey) Law 2005;
 - (b) the determination of premiums for the purposes of Article 39 of the Companies (Jersey) Law 1991;
 - (c) distributions for the purposes of Article 114 of that Law; or
 - (d) any other matter under that Law.
- (4) The operation of this Article or of Article 33 and Schedule 1 shall not be regarded –
 - (a) as a breach of contract or confidence or otherwise as a civil wrong, nor in particular as an event of default under or breach of any contractual provision prohibiting or purporting to prohibit, restrict or regulate the assignment or transfer of assets, rights or liabilities;
 - (b) as giving rise to any remedy by way of damages or otherwise in favour of a party to any contract or other instrument;

- (c) as causing or permitting the termination of any contractual or other obligation or relationship solely because of a change in the legal or beneficial ownership of an asset, right or liability.

36 Continuity

- (1) A transfer under this Part does not affect the validity of anything done, before the transfer takes effect, by or in relation to the transferor.
- (2) Anything which –
 - (a) is done by or in relation to the transferor for the purposes of, or otherwise in connection with, assets, rights or liabilities transferred under this Part; and
 - (b) is in effect or subsists immediately before the transfer date,shall be treated as done by the transferee company.
- (3) There may be continued by or in relation to the transferee company any act or thing (including legal proceedings) which –
 - (a) relates to assets, rights or liabilities transferred under this Part; and
 - (b) is in effect or subsists immediately before the transfer date.
- (4) A reference to the transferor in any enactment, instrument made under any enactment, or document of any kind which is in effect or subsists immediately before the transfer date, shall (to the extent that it relates to designated assets, rights or liabilities) be taken, on and after the transfer date, to include a reference to the transferee company.
- (5) In particular and without derogation to the generality of paragraph (4), no attornment to the transferee by a lessee from the transferor is required.

37 Creation and apportionment of assets, rights etc.

- (1) A transfer under this Part –
 - (a) may create for the transferor interests in, or rights over, property transferred from or retained by the transferor; and
 - (b) may effect the transfer of property that would not otherwise be capable of being transferred or assigned.
- (2) In particular, a transfer may take effect (as and to the extent specified in Schedule 1 or in Regulations made under this Part) regardless of any contravention of, or interference with, a right or interest that would otherwise exist by reason of any provision (whether in an enactment or otherwise) subsisting in relation to the terms on which the transferor is entitled to the right or interest in question.
- (3) As and to the extent specified in Schedule 1 or in transfer Regulations, a transfer may consist of a transfer of an interest which is less than the entire interest of the public of Jersey subsisting in such property immediately before the transfer.

38 Transfer of employees

- (1) Where any right or liability transferred is a right or liability under a contract of employment, the contract –
 - (a) shall not be terminated by the transfer, unless express provision is made to that effect, or unless Article 39 applies;
 - (b) shall have effect from the transfer date as if between the employee and the transferee company.
- (2) Any act done before the transfer date by or in relation to the transferor in respect of the contract of employment or the employee is to be treated from that date as having been done by or in relation to the transferee company.
- (3) In particular, a period of employment with the transferor is to be treated as a period of employment with the transferee company, and the transfer is not to be treated as interrupting the continuity of that period.

39 Termination of contract of employment

- (1) This Article applies where –
 - (a) an employee objects to a transfer; and
 - (b) prior to the transfer date, he or she gives notice to the transferor in writing of that fact; and
 - (c) immediately before the transfer date, the notice has not been withdrawn.
- (2) Where this Article applies –
 - (a) the rights and liabilities of the employee's contract of employment are not transferred by a transfer;
 - (b) the employee is not to be treated, for any purpose, as having been either employed by the transferee company or dismissed by the transferor;
 - (c) the employee's contract of employment shall terminate on whichever is the later of –
 - (i) the transfer date, or
 - (ii) the expiry of any period of notice which applied to the employee's contract of employment immediately before the transfer date.

40 Collective agreements

Any collective agreement which is –

- (a) made by the States Employment Board or otherwise by or on behalf of the States with a representative body recognized by the Board; and
- (b) in force in relation to an employee immediately before the transfer date,

shall continue to have effect in respect of that employee as if made by or on behalf of the transferee company with that representative body.

41 Retirement schemes

- (1) This Article applies where a person was a member of a retirement scheme immediately before becoming an employee of a transferee company by virtue of a transfer.
- (2) Where this Article applies, on the transfer date –
 - (a) notwithstanding any contrary provision in any enactment or under any other contract or arrangement, the transferee company shall become the person's employer for the purposes of that scheme; and
 - (b) the terms of the person's membership of the scheme, and the person's rights and liabilities under that scheme, shall be (otherwise than as provided by sub-paragraph (a)) unaffected by the transfer.

PART 6

LICENSING OF LIFELINE SERVICES

42 Lifeline services

- (1) The States may make Regulations for the purpose of specifying that certain activities, services and operations in or from a harbour or territorial waters are lifeline services in relation to Jersey.
- (2) Following consultation with –
 - (a) the relevant harbour authority;
 - (b) the supplier, or (as the case may be) the intended supplier, of the service in question; and
 - (c) such other parties as the Minister may see fit to consult,the Minister may by Order direct that, from a date specified in the Order, a designated service shall be treated as if it were a lifeline service specified as such in Regulations made under paragraph (1).
- (3) In this Part, “designated service” means an activity, service or operation in or from a harbour or territorial waters designated by –
 - (a) the Harbour Master, prior to the coming into force of Schedule 2; or
 - (b) the relevant harbour authority, after the coming into force of that Schedule,as directed by the Minister under Article 4 of the Harbours (Jersey) Regulations 1962.
- (4) Where Regulations under paragraph (1) or Orders under paragraph (2) are made –

- (a) the provisions of Parts 3 and 4 of this Law shall apply, with the modifications set out in Article 44, in relation to lifeline services as they do in relation to port operations; and
 - (b) upon grant of a licence under Article 14(2), Article 4A of the Harbours Administration (Jersey) Law 1961 and the provisions of Regulations made under that Article shall cease to apply,
- in respect of the service in question.

43 Licences needed to carry on the provision of lifeline services

- (1) Subject to paragraphs (2) and (3), no person may carry out the supply of lifeline services in, to and from Jersey unless that person is a licensee under a licence which is in force at the time when the person is carrying on the supply of such services.
- (2) For the avoidance of doubt, the prohibition in paragraph (1) does not apply to the States of Jersey.
- (3) The prohibition in paragraph (1) does not apply in relation to any activity, service or operation which is specified as a lifeline service but is carried on or supplied in pursuance of an Order or directions made by a competent authority.
- (4) A licence granted by the JCRA in respect of a lifeline service shall in every case specify the particular activity, service or operation in respect of which the licence is granted.
- (5) Articles 14 and 45 make further provision as to the powers of the JCRA in relation to the grant and content of licences.
- (6) Nothing in this Article or in Articles 14 or 15 shall be taken as precluding the grant of an exclusive licence where in the JCRA's opinion such a grant is appropriate.

44 Modification of Parts 3 and 4 in their application to lifeline services

In their application to lifeline services under Article 42(4), Parts 3 and 4 of this Law shall have effect as if –

- (a) in Articles 8, 14, and 15 for each reference to port operations there were substituted a reference to lifeline services, and for each reference to an operation there were substituted a reference to a service;
- (b) in Articles 8, 9, and 10, as though the reference in each place to Article 7(1) were a reference to Article 43(1); and
- (c) in Article 26, as though paragraph (1)(b) were omitted.

45 Lifeline services: supplier of last resort

- (1) Upon being directed to do so by the Minister under Article 27, and in accordance with any Regulations made under paragraph (2), the JCRA may impose, in a licence granted by the JCRA in respect of a lifeline

service, conditions relating to the continuous supply of that service by the licensee as the sole supplier.

- (2) The States may make Regulations for the purpose of ensuring the continuous supply of lifeline services, and such Regulations may make provision for all matters (including the creation of offences, and penalties in relation to offences) as may be necessary or expedient for that general purpose, and may in particular but without derogation from that general purpose –
 - (a) specify the circumstances in which conditions such as are mentioned in paragraph (1) shall –
 - (i) be imposed, and
 - (ii) be enforceable;
 - (b) prescribe the matters to be contained in conditions imposed under paragraph (1);
 - (c) following consultation with the Minister for Treasury and Resources, establish a scheme for compensating, to a specified extent, any licensee subject to conditions imposed under paragraph (1) and for guaranteeing specified liabilities of such a licensee;
 - (d) provide for penalties for breach of such conditions; and
 - (e) provide for arbitration and for appeals in relation to matters arising under the Regulations or otherwise in relation to such conditions.

PART 7

PROVISIONS OF GENERAL APPLICATION

46 Acquisition of land for purposes of Law

- (1) The States may acquire land by compulsory purchase if it appears to the Minister that any land should be acquired on behalf of the public of Jersey for the purpose of facilitating the provision, conduct or management of port operations or lifeline services.
- (2) Where paragraph (1) applies, the Minister shall be the acquiring authority for the purposes of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 (the “Compulsory Purchase Law”).
- (3) The power conferred by paragraph (1) includes power –
 - (a) to acquire any interest in land or other right in, on or over land by the creation of a new interest, servitude or right;
 - (b) to extinguish or modify an interest, servitude or other right in, on or over land.
- (4) Where compensation is payable to any person in respect of a compulsory purchase of land under this Article, any increase in value of the land which, in the opinion of the Board of Arbitrators, is attributable to the expenditure of public money shall be set off against the value of the land used to assess the compensation.

- (5) Paragraph (4) shall apply in addition to and not in derogation from the Rules in Article 10 of the Compulsory Purchase Law, and in that paragraph “Board of Arbitrators” means the Board established under Article 8 of that Law.
- (6) The States shall have, in addition to the power conferred by Article 21 of the Compulsory Purchase Law to sell any land acquired by compulsory purchase, the power to transfer any interest in land so acquired under this Article to a licensee for a purpose mentioned in paragraph (1).

47 Extinguishment of certain highways

- (1) The roads (including parts of roads) identified with greater particularity in [Part 2 of Schedule 1] shall on the transfer date be extinguished as though an Order to the same effect had been made in respect of each such road by the Royal Court under Article 3 of the Extinguishment of Roads (Jersey) Law 1972.
- (2) Where a road is extinguished by virtue of paragraph (1), the land which by reason of that extinguishment ceases to be a road shall be at the disposal of the transferee company.
- (3) The provisions of Schedule 2 to the Extinguishment of Roads (Jersey) Law 1972 shall apply where –
 - (a) a road is extinguished under paragraph (1); and
 - (b) immediately before it is so extinguished, there is below, on or above the road any apparatus belonging to or used by any statutory undertakers for the purpose of their undertaking,as though for the words “the applicant authority” in each place in which they occur in that Schedule there were substituted the words “the transferee company”.
- (4) In this Article and in Article 48, “road” means a bridge, road, viaduct or subway repairable at the expense of the States or any parish, and includes the carriageway, footpath or verge and any other like parts of any such bridge, road, viaduct or subway.

48 Roads and apparatus on roads

- (1) A licensed port operator may break up or open any road –
 - (a) to the extent that its licence specifies, and subject to any conditions in the licence; and
 - (b) for the purpose only of carrying out works to install, maintain, remove or operate any apparatus (being or forming part of an aid to navigation or communication equipment) below, on, or above the road.
- (2) This Article shall not affect the application of the Highways (Jersey) Law 1956, the Public Utilities Road Works (Jersey) Law 1963 or the Island Planning (Jersey) Law 1964 or relieve a person of the duty to comply with those Laws or with any relevant requirement of the Island Plan.

49 Prohibition on disclosure

- (1) A person shall not disclose any information –
 - (a) with respect to a person (during the person's lifetime) or a business (so long as the business continues);
 - (b) relating to the private affairs of the person or business; and
 - (c) obtained in the course of exercise of a function under this Law.
- (2) The prohibition in paragraph (1) shall not apply where the disclosure is made –
 - (a) with the consent of the person or business concerned;
 - (b) for the purpose of facilitating the discharge by the Minister of functions under this Law;
 - (c) to enable a port operator to comply with the terms of its licence;
 - (d) in connection with the investigation of any criminal offence or for the purposes of criminal proceedings or generally in the interests of preventing or detecting crime in Jersey or elsewhere;
 - (e) in connection with the discharge of an international obligation;
 - (f) to assist an authority of another country or territory to carry out a function which appears to the JCRA to correspond with one of the latter's functions under this Law;
 - (g) for the purposes of civil proceedings arising under this Law;
 - (h) to comply with a direction of the Court;
 - (i) to enable or assist the Minister or the Jersey Financial Services Commission established under the Financial Services Commission (Jersey) Law 1998 to exercise powers conferred by or under any enactment and relating to companies or financial services of any kind;
 - (j) to enable or assist an inspector appointed under the Companies (Jersey) Law 1991 to carry out any functions of an inspector as such under that Law or any other enactment;
 - (k) to enable or assist the Viscount to carry out any functions under the Bankruptcy (Désastre) (Jersey) Law 1990;
 - (l) to facilitate the carrying out by any person of functions under the Health and Safety at Work (Jersey) Law 1989;
 - (m) for such other purposes as the States may prescribe by Regulations, and such Regulations may amend or modify the application of sub-paragraphs (a) to (l).

50 Limitation of civil liability

- (1) This Article applies to the following persons and bodies –
 - (a) the States;
 - (b) the Minister and the Chief Minister;
 - (c) any person who –

- (i) is, or is acting as, an officer, employee, or agent in an administration of the States for which either of those Ministers is assigned responsibility, or
 - (ii) is performing any duty or exercising any power on behalf of either of those Ministers.
- (2) A person to whom this Article applies shall not be liable in damages for any act done in good faith in the discharge or purported discharge of any function under this Law or under an enactment made under this Law.
- (3) For the purposes of this Article and the avoidance of doubt, “damages” includes any compensation in respect of a change in the value of a licence or the value of any right arising under this Law, resulting from the modification of a condition in a licence, the revocation of a licence or otherwise directly or indirectly from the exercise of a function under Part 3.

51 Responsibility of directors and officers

- (1) Where an offence under this Law committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
 - (a) a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in such capacity,the person shall also be guilty of the offence and liable in the same manner as the body corporate to the penalty provided for that offence.
- [(2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.]

52 Service of directions, notices etc.

- (1) A direction authorized by or under this Law to be given to the JCRA shall not be regarded as given until it is in fact received by the JCRA.
- (2) Such a direction may be given by electronic transmission or any other means by which the JCRA may obtain or recreate the direction in legible form.
- (3) A notice or direction authorized or required under this Law or an enactment made under this Law to be given or served on any person other than the JCRA shall be given or served –
 - (a) by post to the person at the person’s proper address;
 - (b) by leaving it addressed to the person at that address;
 - (c) by otherwise delivering it to the person, including by electronic transmission or any other means by which the person may obtain or recreate it in legible form.

- (4) For the purposes of paragraph (3) and of Article 7 of the Interpretation (Jersey) Law 1954, the proper address of any person shall be the person's last known address, except that –
 - (a) in the case of a company, the proper address shall be that of the registered or principal office of the company in Jersey; and
 - (b) in the case of a partnership, company incorporated outside Jersey, or unincorporated association, the proper address shall be that of –
 - (i) a principal person in relation to that body,
 - (ii) any officer or person who purports to act in such a capacity or who has control or management of the business of that body, or
 - (iii) the body's principal office in Jersey.

53 Orders and Regulations

- (1) The Minister may by Order make provision for the purpose of carrying this Law into effect, and (without derogation from that general power) in particular for or in respect of any matter that may be prescribed under this Law by Order of that Minister.
- (2) The States may by Regulations make provision for the purpose of carrying this Law into effect, and (without derogation from that general power) in particular for or in respect of any matter that may be prescribed under this Law by Regulations.
- (3) An Order or Regulations made under this Law may –
 - (a) make different provision in relation to different cases or circumstances;
 - (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances whatsoever;
 - (c) contain such further transitional, consequential, incidental or supplementary provisions as appear to the Minister or the States, as the case may be, to be necessary or expedient.
- (4) Regulations made under this Law may create an offence punishable by [a fine not exceeding level 4 on the standard scale].

54 Consequential provisions

- (1) Schedule 2 shall have effect to make such consequential amendment to an enactment mentioned in that Schedule as is specified in each entry in respect of that enactment.
- (2) The States may by Regulations amend or modify any enactment in consequence of the provisions of this Law, regardless of whether that enactment –
 - (a) came into force before or after this Law; or
 - (b) has already been amended or modified under paragraph (1).

55 Citation and commencement

This Law may be cited as the Air and Sea Ports (Incorporation) (Jersey) Law 201- and shall come into force on [1st January 2015].

SCHEDULE 1

(Article 33(1))

PART 1**TERMS AND CONDITIONS OF TRANSFER OF IMMOVABLE PROPERTY****1 Interpretation**

(1) In this Schedule –

“BP” in bold and together with a number means a boundary point of that number shown on a Co-Ordinate Point Plan;

“Co-Ordinate Point Plan” in respect of any piece of transfer property in Part 2 of this Schedule means a plan –

- (a) annexed to this Schedule;
- (b) showing boundary points delineating the boundary of that piece; and
- (c) marked with the letter “M” together with the number mentioned in the description of that piece;

“Jersey Digital Map” means the digital map held in the Jersey Mapping System of the Planning and Environment Department;

“maintain” in relation to a drain or sewer has the meaning given by Article 1(1) of the Drainage (Jersey) Law 2005;

“offset” has the same meaning as “relief” in Jersey customary law;

“parties” means –

- (a) the Public; and
- (b) POJL;

“plan” without more and in respect of any piece of transfer property in Part 2 of this Schedule means a plan –

- (a) annexed to this Schedule;
- (b) identifying the piece in question by a hatched or shaded area; and
- (c) marked with the letters “AIP” together with the number mentioned in the description of that piece;

“PR” means, together with a number, the Public Registry Book and Folio Number of a property contract recorded in the Public Registry;

“Public Registry” means the office of the Judicial Greffe for the enrolment of public records relating to hereditary property contracts;

“Public” means the Public of the Island of Jersey;

“sewer” and “sewage disposal works” have the meanings given to those expressions respectively by Article 1(1) of the Drainage (Jersey) Law 2005;

“UPRN” together with a number means the Unique Property Reference Number allocated to a property in the Jersey Mapping System of the Planning and Environment Department.

2 General terms of transfer: alienation

- (1) No part of the transfer property described in Part 2 of this Schedule shall be alienated or hypothecated by POJL at any time or in any manner whatever without –
 - (a) the prior written consent of the Public; and
 - (b) in the case of a proposed alienation, compliance with paragraph (2).
- (2) Where POJL proposes to alienate the transfer property, or any part of it, it shall first offer in writing to the Public to dispose of the property in question to the Public and the Public may accept or decline such offer on such terms as the Public may in its absolute discretion determine.
- (3) The restriction imposed by paragraph (1) shall not prevent POJL from entering into a lease or licence of any part of the transfer property to any third party for a term not exceeding [x] years.

3 Assets transferred to POJL: general terms of transfer, rights and reservations

- (1) The immovable assets described in Part 2 of this Schedule which form part of the transfer property and all rights and liabilities of the States or of the Public in respect of those assets shall be transferred to POJL in the state in which they are, and with all their apparent or hidden defects (*vices cachés*) if any, on [the transfer date], and with such benefits as are conferred under Article 45 of the Loi (1880) sur la propriété foncière on a transfer.
- (2) The other assets of the States or of the Public in the form of movable property described in Part 3 of this Schedule shall be transferred to POJL subject to and together with all such rights and liabilities, as they were exclusively under the control or administration of the States of Jersey or the Public immediately before the transfer date.
- (3) Unless specifically provided otherwise, all contracts, leases, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or on behalf of, or to, the States or the Public in respect of any transfer property or liability, shall be of full force and effect in favour of, or (as the case may be) against, POJL.
- (4) Where immediately before [the transfer date] there is in force an agreement which confers or imposes on the States or the Public rights or liabilities which were exclusively in respect of the States or the Public and which are transferred to POJL by virtue of this Law, that agreement shall have effect on and after that date as if –
 - (a) POJL had been a party to the agreement; and

- (b) for a reference (in whatever terms and whether express or implied) to the States or the Public there were substituted, in relation to anything falling to be done on or after that date, a reference to POJL.
- (5) Any action or proceeding or any cause of action or proceedings, pending or existing on the transfer date by or against the States or the Public in respect of any transfer property, rights or liabilities transferred by this Law shall not be prejudicially affected by reason of a transfer under this Law, and may be continued, prosecuted and enforced by, or (as the case may be) against, POJL.
- (6) For the avoidance of doubt the property, rights and liabilities transferred by this Law shall include –
 - (a) intellectual property rights, whether registered or not; and
 - (b) any documents or other records relevant to the property transferred under this Law.

4 Immovable assets transferred to POJL: rights and liabilities

- (1) The rights and liabilities in immovable assets are as described in sub paragraphs (2) to (16).
- (2) Except as otherwise stated in Part 2 of this Schedule, the walls, fences, banks, hedges, gates, gate pillars, walls of buildings and concrete kerbs or brick edging at ground level forming the boundaries of any property are transferred without offset to POJL.
- (3) Any sewers and sewerage disposal works described in Part 2 of this Schedule the routes of which are shown on plans in Part 2 of this Schedule entitled “Public Sewers administered and maintained by T&TS” shall not be transferred to POJL and shall be deemed to be public sewers or public sewerage disposal works, as defined in the Drainage (Jersey) Law 2005, as if the facility had been declared to be a public sewer or public sewerage disposal works in accordance with Article 12 of that Law.
- (4) Except as otherwise stated in Part 2 of this Schedule, the Public shall have –
 - (a) the right to keep, maintain, clean, unblock, renew, repair and replace any drainage pipes, inspection covers or other drainage apparatus as at present established through, in and under any Property in order to drain waste water, sewage and surface water emanating from any property belonging to the Public in the vicinity of any of the properties;
 - (b) a right of access at all times and whenever necessary, with or without workmen, tools, machinery and vehicles on to the transfer property in order to carry out any of the works described in sub paragraph (a); and
 - (c) the right to keep any property belonging to the Public connected as at the transfer date to any foul drainage system or surface water drainage system which forms part of any transfer property, together with the right to drain –

-
- (i) waste water and sewage emanating from any property belonging to the Public through such foul drainage system forming any part of the transfer property, and
 - (ii) surface water emanating from any property belonging to the Public through such surface water drainage system forming any part of the transfer property.
 - (5) Except as otherwise stated in Part 2 of this Schedule, POJL shall have –
 - (a) the right to keep, maintain, clean, unblock, renew, repair and replace any drainage pipes, inspection covers or other drainage apparatus as at present established through, in and under any property belonging to the Public in the vicinity of any transfer property in order to drain waste water, sewage and surface water emanating from any transfer property;
 - (b) a right of access at all times and whenever necessary with or without workmen, tools, machinery and vehicles on to any property retained by the Public in order to carry out any of the works described in paragraph (a); and
 - (c) the right to keep any property belonging to POJL connected as at the transfer date to any foul drainage system or surface water drainage system belonging to the Public, together with the right to drain –
 - (i) waste water and sewage emanating from any property belonging to POJL through such foul drainage system belonging to the Public, and
 - (ii) surface water emanating from any property belonging to POJL through such surface water drainage system belonging to the Public.
 - (6) Except as otherwise stated in Part 2 of this Schedule, the Public shall have –
 - (a) the right to keep, maintain, clean, unblock, repair, replace and relocate any pipes, cables, conduits or any other apparatus as at present established through, in and under any transfer property in order to supply mains services of electricity, water, gas, telephone and any other service it deems necessary to any property it owns in the vicinity of a transfer property; and
 - (b) a right of access at all times and whenever necessary, with or without workmen, tools, machinery and vehicles on to any transfer property in order to carry out any of the works described in paragraph (a).
 - (7) Except as otherwise stated in Part 2 of this Schedule, POJL shall have –
 - (a) the right to keep, maintain, clean, unblock, repair, replace and relocate any pipes, cables, conduits or any other apparatus as at present established through, in and under any property owned by the Public in the vicinity of any transfer property in order to supply mains services of electricity, water, gas, telephone and any other service it deems necessary to any transfer property; and

-
- (b) a right of access at all times and whenever necessary, with or without workmen, tools, machinery and vehicles, on to any property owned by the Public in order to carry out any of the works described in paragraph (a).
- (8) Except as otherwise stated in Part 2 of this Schedule, the parties shall have reciprocal rights to keep, repair, replace, paint or clean any parts of any building, structure, or boundary enclosure, including any wall, gables, hedges, fences, banks, foundations, balconies, roof parts, downpipes, guttering, fascia boards, soffits, windows, windowsills, doors, gates, air vents or other openings as they were established before the coming into force of this Law, notwithstanding that they might overhang or encroach onto or be less than 3 Jersey feet from any transfer property or any property owned by the Public.
- (9) Except as otherwise stated in Part 2 of this Schedule, the parties shall have such reciprocal rights to join on to, into or against any gable, wall or boundary enclosure belonging to the other party for any wall, gable, boundary enclosure, building or other structure as existed before the coming into force of this Law.
- (10) Except as otherwise stated in Part 2 of this Schedule, the parties shall have the right to keep any tree or bush that is growing close to the boundary on any property belonging to the other party and shall have a right of access at all reasonable times to the property of the other party in order to prune, cut, pollard, trim and maintain the overhanging parts of any such tree or bush.
- (11) Except as otherwise stated in Part 2 of this Schedule, each party shall have a reciprocal right of access onto any property of the other party in order –
- (a) to build, rebuild, replace, raise the height of, repair or maintain any wall, construction or appurtenance built or established or which might in the future be built or established on the party's own property and which cannot conveniently be carried out on or from its own property; or
- (b) to carry out any work described in Part 2 of this Schedule.
- (12) The right of access granted to a party under paragraph (11)(a) –
- (a) shall be subject to and limited by any construction, structure or other thing which may from time to time be built or established on the property of the other party;
- (b) shall only be exercised on the accessible parts from time to time of the property of the other party;
- (c) shall not limit in any way the right of either party from time to time to construct or establish any construction, structure or other thing on its property;
- (d) shall be exercised only after the party has given at least 2 weeks' prior written notice to the other party (except in emergency where no notice is required);
- (e) shall be exercised only when or where necessary;

- (f) shall be exercised, with or without workmen, materials, ladders, scaffolding, equipment or machinery, in the most expeditious manner possible and causing the least possible inconvenience or prejudice to the other party.
- (13) The party exercising a right of access granted under paragraph (11) shall as soon as possible after the completion of the works restore any affected areas of the property of the other party to the equivalent state and condition it was in immediately before the works.
- (14) The party exercising a right of access shall indemnify and keep indemnified the other party against all liabilities, losses, proceedings, costs or claims whatsoever with regard to its liability imposed by law for any death or bodily injury arising from any accident and for all damage to property arising from or attributable to the exercising of such right of access.
- (15) Before exercising a right of access –
 - (a) the party exercising that right shall put in place appropriate public liability insurance in an amount agreed with the other party and shall provide the other party with a copy of the insurance policy (or reasonable evidence of the terms of such policy); and
 - (b) in the event that the parties are not able to agree the level of indemnity insurance the question shall be referred to the arbitration of a suitably qualified arbitrator nominated by agreement between both parties or failing such agreement on the application of either party to the President for the time being of the Royal Institution of Chartered Surveyors with the decision of such arbitration including any award as to costs to be final and binding on the parties.
- (16) A party whose property is subject to any right under Part 2 of this Schedule gives no guarantee or affirmation whatsoever as to the condition, security or suitability of any part of its property for the exercise of the right or the purpose for which the right is exercised.

PART 2

THE TRANSFER PROPERTY

1 Jersey Airport, St. Peter and St. Brelade

- (1) The property called “Jersey Airport” (the “Airport”) and situate partly in the Grande Vingtaine and Vingtaine de Douet in the Parish of St. Peter and the remainder in the Vingtaine des Quennevais in the Parish of St. Brelade comprising the land with ancillary buildings structures and all other appurtenances and shown on the Plan marked **AIP001** with the boundaries described in sub-paragraph (3) –
 - (a) as to clauses (a) to (g) by Boundary Points numbered **BP01** to **BP155** inclusive such as they are set out on the Co-Ordinate Point Plans dated **December 2013** and the Co-Ordinate Point Listings hereinafter appearing and marked **M663/01, M663/01a, M663/02, M663/03, M663/04, M663/05, M663/06, M663/07, M663/08 and M663/09** respectively; and

- (b) as to clauses (h) and (i) by Boundary Points numbered **BP01** to **BP13** inclusive such as they are set out on the Co-Ordinate Point Plan dated December 2013 and the Co-Ordinate Point Listing hereinafter appearing and both marked **M663/10**.
- (2) The Public is entitled to the Airport –
- (a) partly by the following 223 contracts of acquisition –

Date	Reference
11th August 1934	(PR 422/10)
11th August 1934	(PR 422/11)
11th August 1934	(PR 422/13)
11th August 1934	(PR 422/13)
11th August 1934	(PR 422/12)
11th August 1934	(PR 422/14)
11th August 1934	(PR 422/15)
11th August 1934	(PR 422/16)
11th August 1934	(PR 422/17)
11th August 1934	(PR 422/18)
11th August 1934	(PR 422/19)
11th August 1934	(PR 422/20)
11th August 1934	(PR 422/20)
11th August 1934	(PR 422/21)
11th August 1934	(PR 422/22)
11th August 1934	(PR 422/22)
11th August 1934	(PR 422/23)
11th August 1934	(PR 422/24)
11th August 1934	(PR 422/25)
11th August 1934	(PR 422/26)
11th August 1934	(PR 422/27)
11th August 1934	(PR 422/28)
11th August 1934	(PR 422/28)
11th August 1934	(PR 422/29)
11th August 1934	(PR 422/30)
11th August 1934	(PR 422/31)
11th August 1934	(PR 422/32)
11th August 1934	(PR 422/33)
11th August 1934	(PR 422/33)
13th August 1934	(PR 422/64)
13th August 1934	(PR 422/65)
22nd September 1934	(PR 422/213)

Date	Reference
22nd September 1934	(PR 422/214)
22nd September 1934	(PR 422/215)
22nd September 1934	(PR 422/217)
22nd September 1934	(PR 422/219)
22nd September 1934	(PR 422/220)
26th September 1934	(PR 422/238)
6th October 1934	(PR 422/286)
6th October 1934	(PR 422/287)
6th October 1934	(PR 422/288)
6th October 1934	(PR 422/289)
6th October 1934	(PR 422/291)
6th October 1934	(PR 422/291)
6th October 1934	(PR 422/293)
6th October 1934	(PR 422/294)
6th October 1934	(PR 422/296)
6th October 1934	(PR 422/297)
6th October 1934	(PR 422/299)
9th October 1934	(PR 423/1)
9th October 1934	(PR 423/3)
13th October 1934	(PR 423/10)
13th October 1934	(PR 423/11)
3rd November 1934	(PR 423/117)
23rd February 1935	(PR 424/245)
23rd February 1935	(PR 424/246)
23rd February 1935	(PR 424/246)
9th March 1935	(PR 424/279)
9th March 1935	(PR 424/280)
9th March 1935	(PR 424/280)
6th April 1935	(PR 425/67)
27th April 1935	(PR 425/115)
27th April 1935	(PR 425/116)
27th April 1935	(PR 425/117)
27th April 1935	(PR 425/118)
27th April 1935	(PR 425/119)
27th April 1935	(PR 425/120)
27th April 1935	(PR 425/121)
27th July 1935	(PR 426/165)

Date	Reference
27th July 1935	(PR 426/166)
27th July 1935	(PR 426/166)
21st September 1935	(PR 427/59)
16th January 1937	(PR 430 ^B /144)
30th January 1937	(PR 430 ^B /169)
13th February 1937	(PR 430 ^B /186)
3rd April 1937	(PR 430 ^B /278)
1st May 1937	(PR 431 ^B /61)
1st May 1937	(PR 431 ^B /63)
9th December 1939	(PR 436 ^B /35)
9th December 1939	(PR 436 ^B /35)
23rd December 1939	(PR 436 ^B /50)
23rd December 1939	(PR 436 ^B /51)
23rd December 1939	(PR 436 ^B /52)
23rd December 1939	(PR 436 ^B /53)
20th January 1940	(PR 436 ^B /81)
30th March 1940	(PR 436 ^B /172)
12th January 1946	(PR 442 ^B /166)
24th July 1948	(PR 448 ^C /283)
24th July 1948	(PR 448 ^C /285)
24th July 1948	(PR 449 ^C /1)
7th August 1948	(PR 449 ^B /7)
21st August 1948	(PR 449 ^C /44)
21st August 1948	(PR 449 ^C /45)
21st August 1948	(PR 449 ^C /46)
21st August 1948	(PR 449 ^C /47)
21st August 1948	(PR 449 ^C /48)
21st August 1948	(PR 449 ^C /50)
4th September 1948	(PR 449 ^A /48)
4th September 1948	(PR 449 ^A /50)
4th September 1948	(PR 449 ^A /51)
4th September 1948	(PR 449 ^A /53)
4th September 1948	(PR 449 ^A /54)
13th November 1948	(PR 449 ^C /172)
18th December 1948	(PR 449 ^B /235)
18th December 1948	(PR 449 ^B /236)
19th February 1949	(PR 450 ^A /52)

Date	Reference
19th February 1949	(PR 450 ^A /52)
23rd April 1949	(PR 450 ^C /142)
4th May 1949	(PR 450 ^B /158)
21st May 1949	(PR 450 ^C /185)
21st May 1949	(PR 450 ^C /185)
21st May 1949	(PR 450 ^C /186)
4th June 1949	(PR 450 ^A /203)
4th June 1949	(PR 450 ^A /204)
4th June 1949	(PR 450 ^A /205)
4th June 1949	(PR 450 ^A /208)
4th June 1949	(PR 450 ^A /209)
4th June 1949	(PR 450 ^A /210)
4th June 1949	(PR 450 ^A /212)
4th June 1949	(PR 450 ^A /213)
18th June 1949	(PR 450 ^A /225)
18th June 1949	(PR 450 ^A /226)
18th June 1949	(PR 450 ^A /228)
18th June 1949	(PR 450 ^A /231)
18th June 1949	(PR 450 ^A /231)
10th September 1949	(PR 451 ^C /63)
24th September 1949	(PR 451 ^C /77)
24th September 1949	(PR 451 ^C /78)
1st October 1949	(PR 451 ^B /76)
8th October 1949	(PR 451 ^B /85)
8th October 1949	(PR 451 ^B /86)
22nd October 1949	(PR 451 ^C /116)
22nd October 1949	(PR 451 ^C /117)
5th November 1949	(PR 451 ^A /131)
10th December 1949	(PR 451 ^C /216)
17th December 1949	(PR 451 ^A /234)
28th January 1950	(PR 451 ^B /280)
28th January 1950	(PR 451 ^B /282)
29th April 1950	(PR 452 ^B /120)
13th May 1950	(PR 452 ^A /147)
10th June 1950	(PR 452 ^B /185)
24th June 1950	(PR 452 ^A /206)
2nd September 1950	(PR 453 ^A /3)

Date	Reference
2nd September 1950	(PR 453 ^A /4)
16th September 1950	(PR 453 ^A /20)
16th September 1950	(PR 453 ^A /21)
30th September 1950	(PR 453 ^A /36)
17th March 1951	(PR 453 ^C /263)
29th September 1951	(PR 454 ^A /245)
27th March 1954	(PR 459 ^B /229)
27th March 1954	(PR 459 ^B /230)
5th March 1955	(PR 461 ^A /160)
19th March 1955	(PR 461 ^A /176)
7th April 1956	(PR 464 ^C /23)
25th May 1957	(PR 465 ^A /278)
6th July 1957	(PR 466 ^C /160)
6th July 1957	(PR 466 ^C /162)
17th August 1957	(PR 466 ^A /130)
12th October 1957	(PR 466 ^A /198)
8th February 1958	(PR 467 ^B /101)
8th February 1958	(PR 467 ^B /102)
15th February 1958	(PR 467 ^A /143)
15th February 1958	(PR 467 ^A /144)
1st March 1958	(PR 467 ^C /278)
1st March 1958	(PR 467 ^C /277)
1st March 1958	(PR 467 ^C /280)
15th March 1958	(PR 468 ^C /33)
15th March 1958	(PR 468 ^C /35)
15th March 1958	(PR 468 ^C /36)
22nd March 1958	(PR 467 ^B /197)
29th March 1958	(PR 468 ^C /64)
29th March 1958	(PR 468 ^C /65)
16th May 1959	(PR 470 ^B /235)
23rd May 1959	(PR 470 ^B /258)
23rd May 1959	(PR 470 ^B /259)
30th May 1959	(PR 471 ^C /120)
27th June 1959	(PR 471 ^A /64)
5th September 1959	(PR 472 ^C /109)
24th October 1959	(PR 472 ^A /1)
19th November 1965	(PR 507/484)

Date	Reference
22nd April 1966	(PR 513/333)
7th October 1966	(PR 521/91)
7th April 1967	(PR 528/339)
6th October 1967	(PR 535/398)
17th November 1967	(PR 537/331)
9th February 1968	(PR 541/99)
31st May 1968	(PR 546/113)
14th June 1968	(PR 546/269)
6th September 1968	(PR 549/83)
15th November 1968	(PR 551/214)
3rd January 1969	(PR 553/44)
15th May 1970	(PR 568/191)
10th December 1971	(PR 591/227)
28th January 1972	(PR 593/183)
25th August 1972	(PR 601/215)
22nd March 1974	(PR 623/413)
6th December 1974	(PR 632/88)
14th February 1975	(PR 634/335)
18th April 1975	(PR 637/25)
6th June 1975	(PR 638/596)
13th August 1976	(PR 657/336)
21st January 1977	(PR 664/341)
4th March 1977	(PR 666/38)
3rd February 1978	(PR 682/319)
23rd June 1978	(PR 689/549)
27th October 1978	(PR 695/487)
6th July 1979	(PR 704/684)
1st May 1981	(PR 728/254)
9th October 1981	(PR 734/196)
29th January 1982	(PR 738/622)
23rd March 1984	(PR 776/591)
4th October 1991	(PR 907/1)
27th November 1992	(PR 930/296)
4th March 1994	(PR 960/1)
27th May 1994	(PR 965/495)
29th September 1995	(PR 996/412)
27th November 1996	(PR 1022/444)

Date	Reference
26th September 1997	(PR 1039/182)
19th June 1998	(PR 1055/49)
19th May 2000	(PR 1099/84)
27th July 2001	(PR 1122/102)
21st September 2001	(PR 1124/796)
10th October 2003	(PR 1160/947)

- (b) as to the remainder by peaceable undisturbed title and possession of in excess of 40 years (“*possession quadragenaire*”) “*nec vi, nec clam, nec precario*”; and
 - (c) in relation to all such public highways and parts of highways as are within the Airport, by virtue of the provisions of Article 47 of this Law.
- (3) The boundaries of the Airport –
- (a) towards the Grande Route called “Le Mont à la Brune” are constituted by the lines drawn between and joining the co-ordinate points numbered **BP01** to **BP14** inclusive and an imaginary line extended from **BP01** in a Westerly direction towards the Parish by-road “Le Mont Fondan” until reaching the western extent of the Airport;
 - (b) towards the remainder of the parish by-road called “La Rue Carrée” (where relevant and necessary) are constituted by the lines drawn between and joining the co-ordinate points numbered **BP14** to **BP14z** inclusive;
 - (c) towards the Grande Route called “La Rue Carrée” are constituted by the lines drawn between and joining the co-ordinate points numbered **BP15** to **BP26** inclusive;
 - (d) towards (i) part of a cycle track owned by the Public co-extensive with the Grande Route “L’Avenue de la Commune” and (ii) the remainder of “L’Avenue de la Commune” (as the case may be) are constituted by the lines drawn between and joining the co-ordinate points numbered **BP26** to **BP86** inclusive;
 - (e) towards (i) part of a cycle track owned by the Public co-extensive with the Grande Route “L’Avenue de la Reine Elizabeth II” and (ii) the remainder of “L’Avenue de la Reine Elizabeth II” (as the case may be) are constituted by the lines drawn and joining between the co-ordinate points numbered **BP86** to **BP136** inclusive;
 - (f) towards the Grande Route “La Rue des Landes” are constituted by the lines drawn between and joining the co-ordinate points numbered **BP136** to **BP147** inclusive;
 - (g) towards the Grande Route “La Route de Beaumont” are constituted by the lines drawn between and joining the co-ordinate points numbered **BP148** to **BP155** inclusive;

- (h) towards the Grande Route “Le Mont du Jubilé” are constituted by the lines drawn between and joining the co-ordinate points numbered **BP01** to **BP09** inclusive and **BP12** to **BP13** and an imaginary line extended from **BP01** in a westerly direction until reaching the western extent of the Airport; and
 - (i) towards the “Millennium Cross” (belonging to the Parish of St. Peter and situate to the South or thereabouts of “Le Mont du Jubilé”) are constituted by the lines drawn between and joining the co-ordinate points numbered **BP09** to **BP12** inclusive.
- (4) The Airport is transferred with the benefit and burden of the following rights –
 - (a) the section of road situate to the South-East or thereabouts of the line drawn between and joining **BP42** and **BP43** forms part of the Grande Route “L’Avenue de la Commune”;
 - (b) the sections of road situate to the South or thereabouts of a line drawn between and joining (i) **BP51** and **BP52**; (ii) **BP59** and **BP60** and (iii) **BP67** and **BP68** form part of the Grande Route “L’Avenue de la Commune”;
 - (c) the section of road situate to the South or thereabouts of a line drawn between **BP125** and **BP126** forms part of the Grande Route “L’Avenue de la Reine Elizabeth II”;
 - (d) the wooden post and rail fencing found between **BP35** and **BP42** and **BP43** and **BP50** shall be removed by no later than 5 years from the transfer date;
 - (e) POJL shall have a right of way and passage in the event of an emergency only from the Emergency Gate found established near **BP122** and **BP123** across the cycle track owned by the Public and this in order to come and go from the Airport to the Grande Route “L’Avenue de la Reine Elizabeth II”;
 - (f) the Public administers and maintains as public sewers both the foul and surface water sewers laid on in through or beneath the Airport and being –
 - (i) a public foul trunk sewer that enters the Airport through the development called “La Retraite” near the Northern boundary and to the South of the property called “Tree Tops” from where it heads in a Southerly direction or thereabouts to a point just North of Runway 027 East with a branch foul sewer (described at (ii) below) joining the trunk sewer at this point and continuing in a Southerly direction beneath the Eastern end of the Runway to a point approximately midway between the Runway and the Alpha Taxiway before continuing South-West (to a point a little to the North of the Alpha Taxiway) and then South (passing beneath the car park forming part of the premises called “The Jersey Aero Cub”) where it again turns to the South-West before exiting the Airport beneath “L’Avenue de la Reine Elizabeth II” (and at each of the changes of direction above mentioned access chambers have been constructed to

- the surface of the soil all of which form part of the public foul trunk sewer),
- (ii) the aforementioned branch foul sewer to the main trunk sewer as described above which extends in a North-Westerly direction from the said trunk sewer (from a point to the North of the Runway 027 East) running parallel with but to the South-West of the premises called “Sous l’Eglise” (now demolished) and the Field numbered 868 on the Jersey Digital Map before entering into the parish public highway “La Route de l’Hermite” (access chambers having been constructed to the surface of the soil which form part of the branch foul sewer),
 - (iii) two surface water trunk sewers (lying to the East of the trunk foul sewers detailed above) which enter the Airport (from separate directions) beneath its Northern boundary the first sewer entering from the North beneath a private access situate between the properties “Tree Tops” and “Green Banks” and the second sewer entering beneath the southern edge of the Field numbered 650 on the Jersey Digital Map and the said property “Green Banks” before connecting to the first sewer above mentioned the combined surface water trunk sewer then extends to the South beneath the Eastern limit of Runway 027 to a point a little to the north of the Alpha Taxiway and then extended towards the South-West crossing beneath both the Alpha Taxiway and the said car park forming part of the “Jersey Aero Club” before exiting the Airport beneath “L’Avenue de la Reine Elizabeth II” and thereafter discharging into the large water impounding area (on the South side of the said main road) in the Fields numbered 787 and 788 on the Jersey Digital Map (access chambers having been constructed to the surface of the soil each of which form part of the branch surface water sewer),
 - (iv) two foul pumped sewers which enter (and lie beneath) the Field numbered 45 on the Jersey Digital Map at its South-West corner and extend in a North-West to South-East direction before diverting around the Northern side of a building being a Sports Pavilion and Changing Room and thence extending to connect with the public foul sewer near the South-Eastern corner of the said Field 45 and found beneath a cycle track belonging to the Public,
 - (v) a foul sewer which enters (and lies beneath) the said Field 45 at its South-Eastern corner and extends in an approximate North-Easterly direction until a point where it is to be found beneath the said cycle track;
- (g) for the avoidance of doubt the Public does not maintain or administer any branch connections from the aforementioned public sewers to any part of the Airport or any road drainage system in the roads forming part of the Airport;
 - (h) the Public (which expression includes, for the avoidance of doubt in this context, all and any individual members of the general

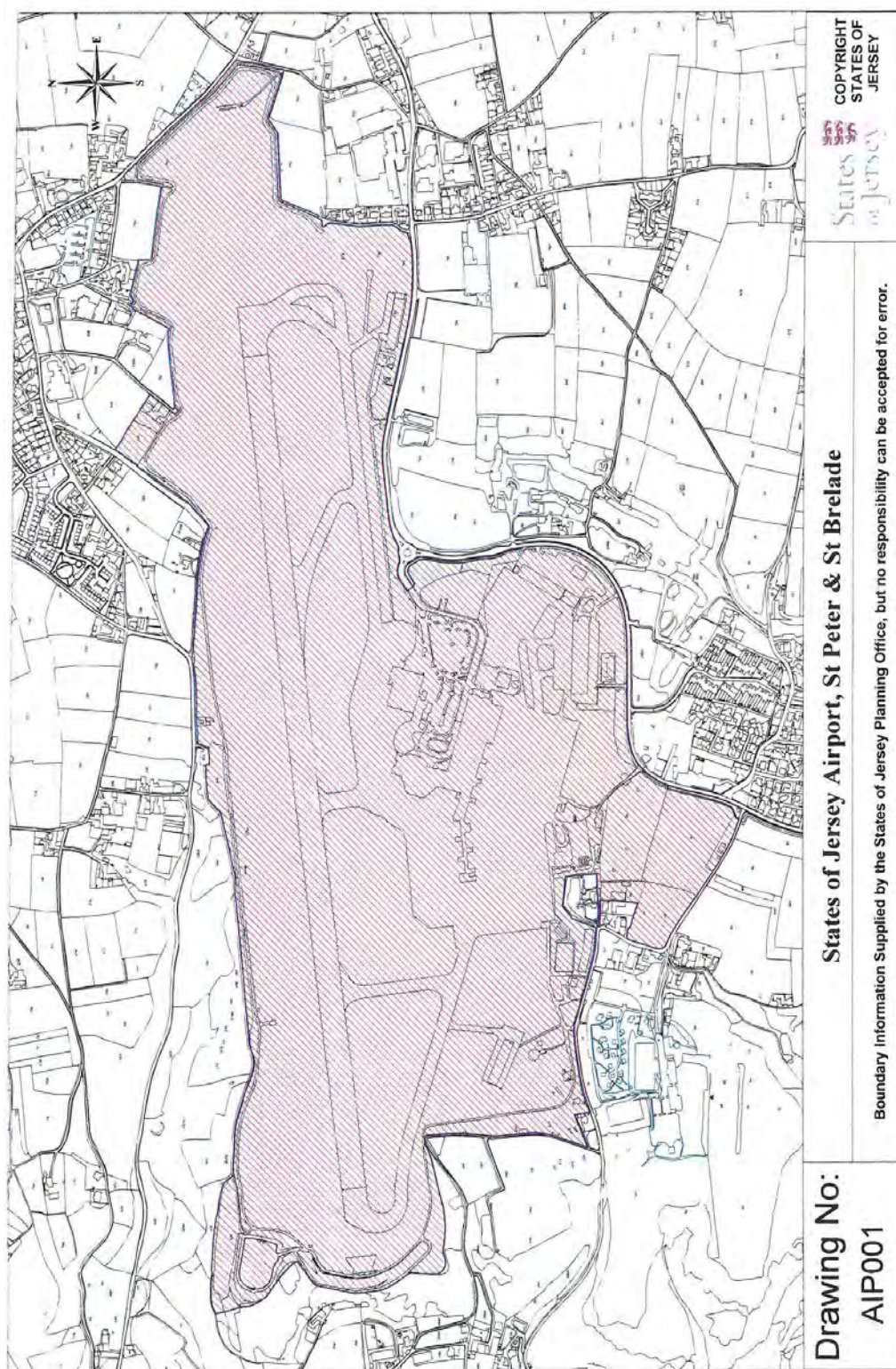
public) shall have a right of way at all times and for all purposes both on foot and by pedal cycle along the cycle track and footpath situate along the eastern side or thereabouts of the Airport and this to come and go from the southern part of the Grande Route “La Rue des Landes” to the northern part of “La Rue des Landes” and this without any obligation on the part of the Public to contribute in any manner whatever to the costs of maintenance repair resurfacing and replacement thereof; POJL shall always keep maintain repair and replace the cycle track and footpath in a good and proper condition so that the Public may exercise their rights of way without let or hindrance;

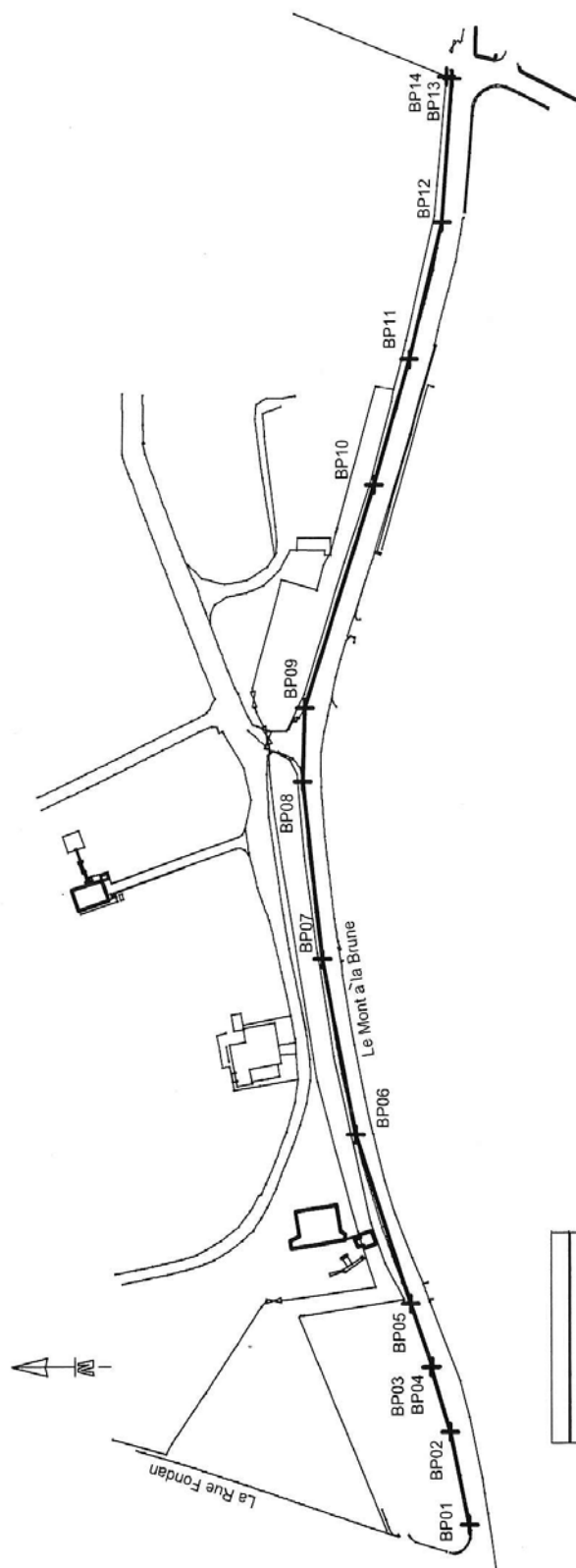
- (i) POJL shall be subject to the terms and conditions contained in the 16 contracts entered into by the Public and immediately hereafter set out –


Date	Reference
27th July 1935	(PR 426/166)
6th December 1974	(PR 632/88)
4th March 1977	(PR 666/38)
29th January 1982	(PR 738/622)
7th June 1985	(PR 796/58)
20th December 1991	(PR 911/277)
21st February 1992	(PR 913/524)
4th March 1994	(PR 960/1)
26th September 1997	(PR 1039/182)
27th July 2001	(PR 1122/129)
22nd March 2002	(PR 1134/477)
10th October 2003	(PR 1160/947)
19th December 2003	(PR 1164/274)
27th June 2008	(PR 1237/934)
13th February 2009	(PR 1246/300)
11th March 2011	(PR 1274/962)

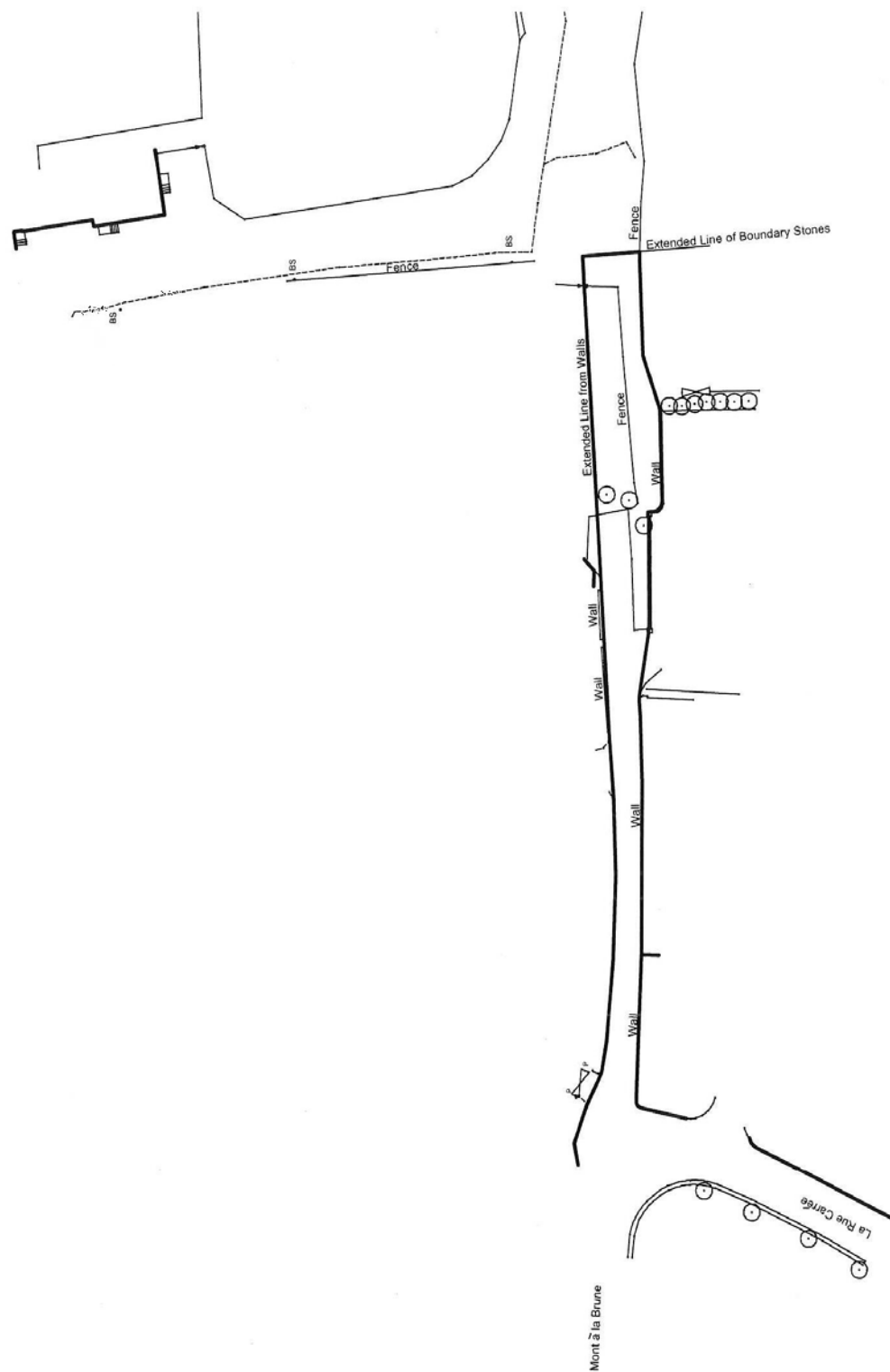
- (j) POJL shall be subject to and have the benefit of the terms and conditions contained in the following 14 contracts of lease and sub-lease and any variations thereof entered into by the Public with the following parties and passed before the Royal Court (refer thereto) –

Date	Reference	Name
14th June 1996	(PR 1012/431)	“Aviation Beauport (Hangar Services) Limited”
21st June 1996	(PR 1013/136)	“Midland Bank International Finance Corporation Limited”
21st June 1996	(PR 1013/210)	“Midland Bank International Finance Corporation Limited”
22nd November 1996	(PR 1022/339)	“Interlock Investments Limited”
19th September 1997	(PR 1038/346)	“Spellbound Holdings Limited”
31st July 1998	(PR 1057/306)	“Aviation Beauport (Hangar Services) Limited”
26th January 2001	(PR 1111/368)	“HSBC International Limited”
26th January 2001	(PR 1111/387)	“HSBC International Limited”
8th June 2001	(PR 1119/386)	“Jersey Aero Club”
4th November 2005	(PR 1192/32)	“Hallmark Cars Limited”
22nd August 2008	(PR 1240/652)	“Fuel Supplies (CI) Limited”
22nd August 2008	(PR 1240/657)	“Fuel Supplies (CI) Limited”
3rd October 2008	(PR 1242/209)	“The Jersey Electricity Company Limited”
22nd May 2009	(PR 1250/309)	“Jersey Aviators Limited”.





 STATES OF JERSEY TRANSPORT & TECHNICAL SERVICES DEPT		AIRPORT BOUNDARY PLAN LE MONT A LA BRUN	
BOUNDARY LOCATION		SCALE: NOT TO SCALE	
Date: 14/12/2013	Drawn: SCL	Dig. No. M653 / 01	



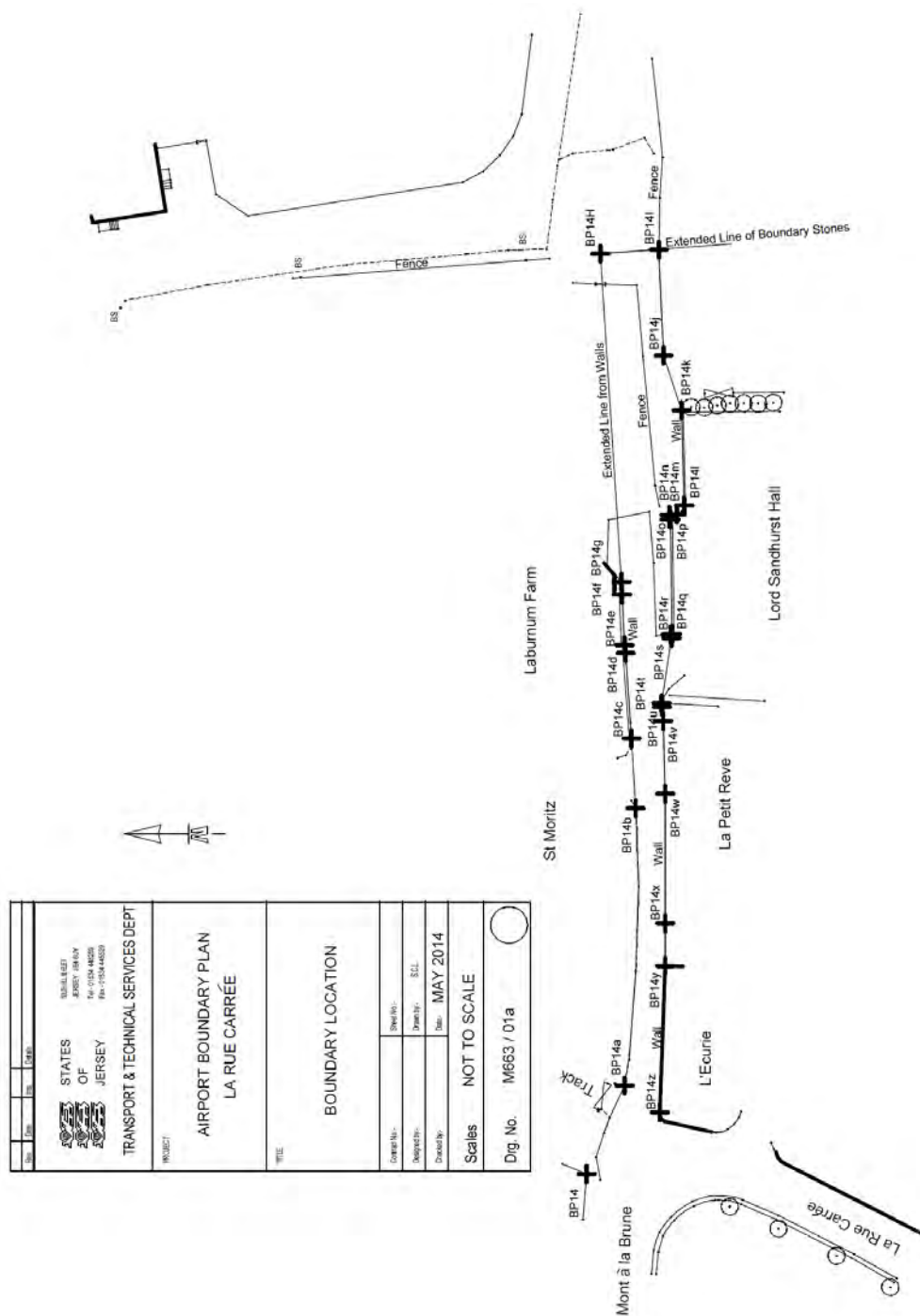
*Airport Boundary Co-ordinate Listing – Le Mont à La Brune (M663 / 01).**Co-ordinate and Descriptive Definition of the Boundary Points.*

The following co-ordinate listing and description apply to drawing number M663/01.

The boundary points have co-ordinates currently used in the Jersey Map Grid System 2004.

The following co-ordinates represent the boundary points.

Point No.	Easting	Northing	Description
1	34893.28	67543.78	Tangent Point of wall at junction with Le Mont Fondan
2	34919.35	67549.17	On face of wall and 26.63 metres Eastwards from BP01
3	34937.47	67554.66	Inside corner of wall and 18.93 metres Eastwards from BP02
4	34937.65	67554.29	Outer corner of wall, where wall meets road edge, and 0.41 metres Southward from BP03.
5	34955.20	67560.43	Eastern end of wall, where wall meets embankment, and 18.60 metres Eastwards from BP04.
6	35002.83	67576.13	Edge of road and bottom of embankment and 50.14 metres Eastwards from BP05
7	35051.91	67585.69	Edge of road and bottom of embankment and 50.01 metres Eastwards from BP06
8	35102.07	67591.58	Edge of road and bottom of embankment and 50.50 metres Eastwards from BP07, at Western side of Gate entrance.
9	35122.75	67591.11	Edge of road and bottom of embankment and 20.69 metres Eastwards from BP08, on Eastern side of Gate entrance.
10	35185.38	67572.07	Western end of wall on road edge and 65.46 metres Eastwards from BP09
11	35220.85	67562.30	Eastern end of wall on road edge and 36.79 metres Eastwards from BP10
12	35259.22	67553.23	Edge of road and bottom of bank and 39.42 metres Eastwards from BP11
13	35299.54	67550.69	Edge of road and bottom of bank, on line extended from Airport security fence and 40.40 metres Eastwards from BP12.
14	35300.13	67552.18	South-East Corner of Airport boundary fence and 1.60 metres Northwards from BP13



Airport Boundary Co-ordinate Listing – La Rue Carrée (M663 / 01a).

Co-ordinate and Descriptive Definition of the Boundary Points.

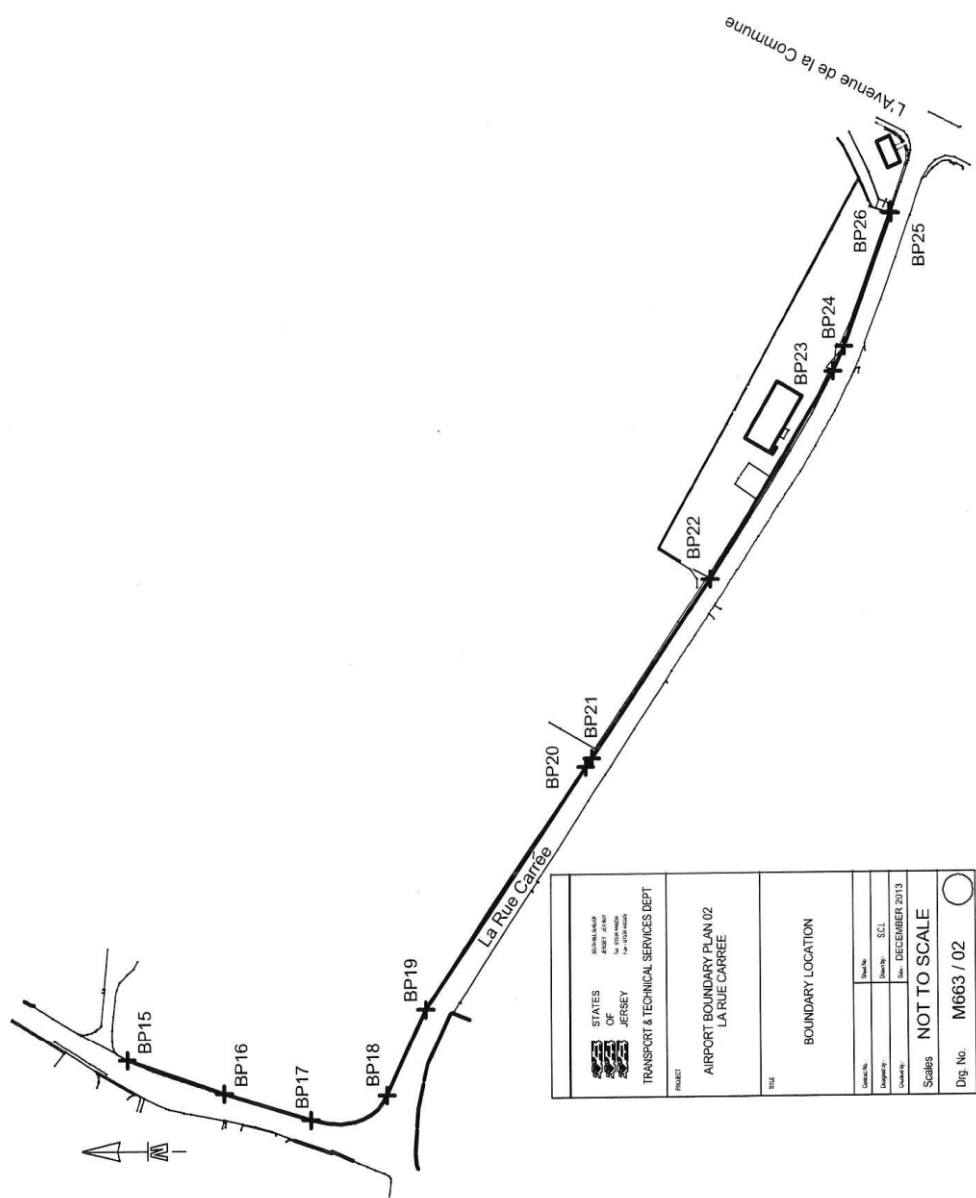
The following co-ordinate listing and description apply to drawing number M663/01a.

The boundary points have co-ordinates currently used in the Jersey Map Grid System 2004.

The following co-ordinates represent the boundary points.

Point No.	Easting	Northing	Description
14a	35309.92	67547.99	On North edge of road and embankment, and 10.65 metres South-East from BP14, and on Eastern side of entrance to track.
14b	35340.45	67546.76	On North edge of road and embankment on Western side of entrance to 'St Moritz', and 30.56 metres Eastwards from BP14a.
14c	35348.11	67547.27	On South-West corner of wall of 'Laburnum Farm' and 7.68 metres Eastwards from BP14b.
14d	35357.57	67547.90	On South-Eastern Corner of wall forming the West side of foot entrance to 'Laburnum Farm' and 9.48 metres Eastwards from BP14c.
14e	35358.47	67547.97	On South-Western corner of wall forming the East side of foot entrance to 'Laburnum Farm' and 0.90 metres Eastwards from BP14d.
14f	35364.03	67548.26	On South-East corner of wall of 'Laburnum Farm' and 5.57 metres Eastwards from BP14e.
14g	35365.44	67548.34	On corner of paving defining the vehicle entrance to 'Laburnum Farm' and 1.41 metres Eastwards from BP14f.
14h	35401.56	67550.69	Imaginary point located on a line extended from the walls of 'Laburnum Farm' and 36.19 metres from BP14g, where it intercepts a line extended Southwards from two boundary stones and 8.18 metres Southward from Southern boundary stone.
14i	35402.06	67544.21	Point located on fence line 6.51 metres Southwards from BP14h, and on line extended from Boundary Stones.
14j	35390.36	67543.71	Point on Fence line and 11.62 metres West from BP14i.
14k	35384.34	67541.72	Point on North Western corner of wall forming South edge of footpath and 6.34 metres South-West from BP14j
14l	35373.88	67541.43	Point on north face of wall at tangent point and 10.47 metres West from BP14k
14m	35372.85	67542.25	Point on Eastern face of wall at tangent point and 1.32 metres North-West from BP14l
14n	35372.78	67543.05	Point on North-Eastern corner of pillar within the wall and 0.80 metres Northwards from BP14m
14o	35372.36	67543.04	Point on North-Western corner of pillar within the wall and 0.42 metres West from BP14n.
14p	35372.36	67542.96	Point on junction of wall and pillar and 85mm South from BP14o.

14q	35359.67	67542.77	Point on junction of wall and pillar and 12.68 metres West from BP14p
14r	35359.63	67542.93	Point on North-Western corner of pillar forming Western end of wall, And 0.17 metres North from BP14q.
14s	35359.22	67542.86	Point on North-Western corner of pillar forming Western end of wall, And 0.41 metres West from BP14r.
14t	35352.04	67543.91	Point on Western end of kerb line at entrance to Lord Sandhurst Hall, And 7.26 metres West from BP14s.
14u	35351.60	67543.89	Point on North face of wall and 0.45 metres Westwards from BP14t.
14v	35350.04	67543.78	Point on North-West corner of wall of 'La Petit Reve', forming the Eastern side of the vehicle entrance and 1.56 metres West from BP14u.
14w	35342.07	67543.52	Point on North West corner of wall of 'La Petit Reve, forming the Western side of the vehicle entrance and 7.97 metres West from BP14v.
14x	35327.76	67543.55	Point on North-West corner of wall, forming the eastern side of the vehicle entrance to 'L'Ecurie' and 14.32 metres West from BP14w.
14y	35323.06	67543.53	Point on North East corner of house 'L'Ecurie', and 19.01 metres West from BP14w.
14z	35306.92	67544.09	Point on tangent point on Western end of house and 16.14 metres from BP14x.



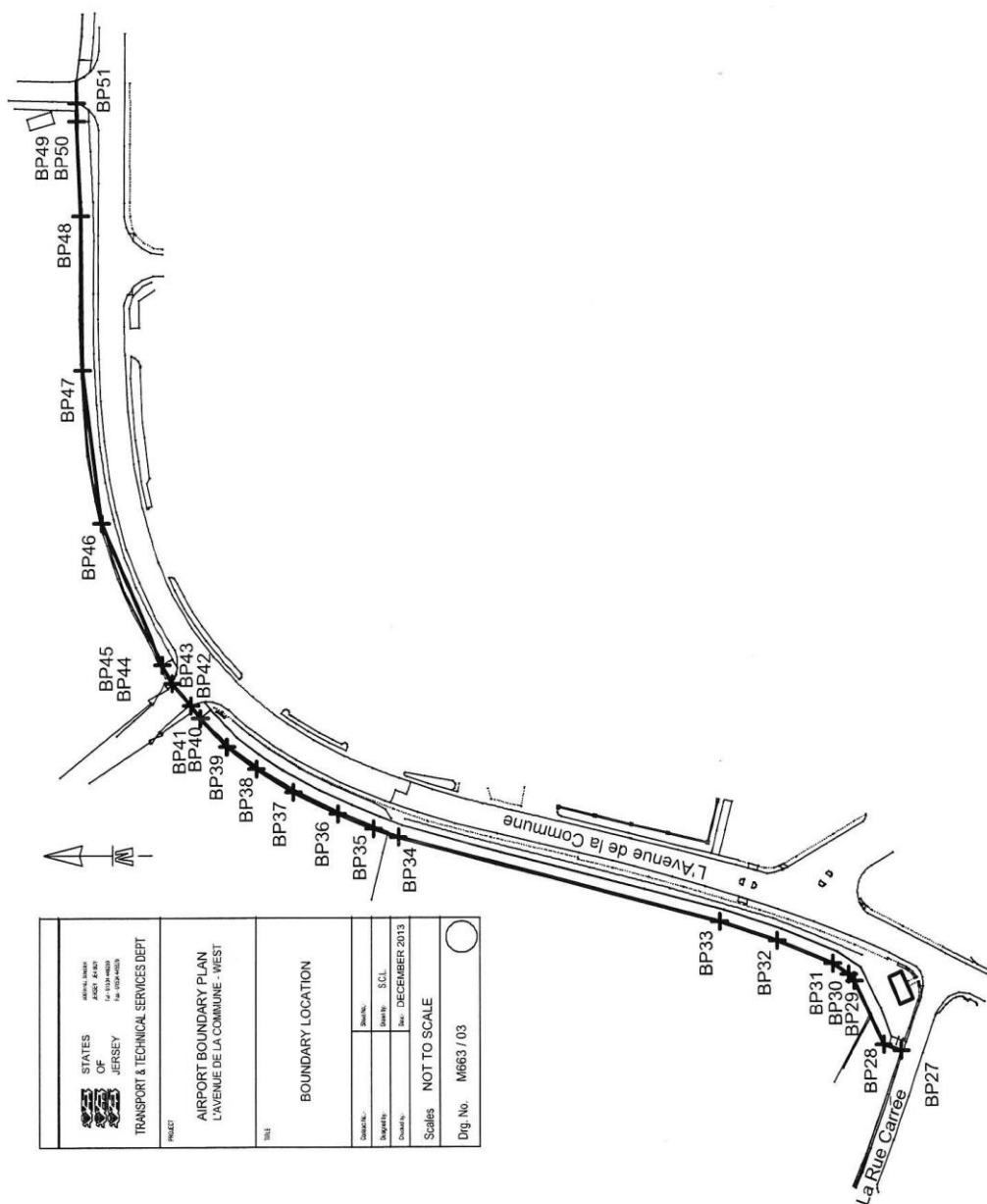
*Airport Boundary Co-ordinate Listing – La Rue Carrée (M663 / 02).**Co-ordinate and Descriptive Definition of the Boundary Points.*

The following co-ordinate listing and description apply to drawing number M663/02.

The boundary points have co-ordinates currently used in the Jersey Map Grid System 2004.

The following co-ordinates represent the boundary points.

Point No.	Easting	Northing	Description
15	35277.50	67487.51	South-West Corner of boundary wall for property known as Kinmudy Lodge
16	35268.49	67461.54	North end of wall forming boundary of field and 27.49 metres Southwards from BP15
17	35261.27	67438.41	Tangent point of West face of wall 24.29 metres Southwards from BP16
18	35267.77	67417.95	Tangent point of South face of wall 21.47 metres South-South-East from BP17
19	35290.51	67407.59	South face of wall 24.98 metres South East from BP18
20	35354.27	67364.28	South-East corner of wall, forming West side of entrance to field, and 77.08 metres from BP19.
21	35356.50	67362.63	South-West Corner of wall and East side of entrance to field and 2.78 metres from BP20
22	35403.79	67330.58	South face of wall 57.13 metres Eastwards from BP21
23	35458.89	67297.35	South-East corner of wall, forming West side of entrance to sports field car park and 64.35 metres Eastwards from BP22.
24	35465.44	67294.48	South-West corner of wall forming East side of entrance to sports field car park and 7.15 metres Eastwards from BP23
25	35500.63	67281.60	South-East corner of wall forming West side of entrance to cycle track and 37.48 metres Eastwards from BP24
26	35500.86	67282.07	North-East corner of wall forming West side of entrance to cycle track and 0.51 metres Northwards from BP25



*Airport Boundary Co-ordinate Listing – L'Avenue de la Commune (West) (M663 / 03).**Co-ordinate and Descriptive Definition of the Boundary Points.*

The following co-ordinate listing and description apply to drawing number M663/03.

The boundary points have co-ordinates currently used in the Jersey Map Grid System 2004.

The following co-ordinates represent the boundary points.

Point No.	Easting	Northing	Description
27	35500.73	67282.14	Outer edge of kerbing defining edge of cycle track and 0.150 metres Westwards from BP26
28	35502.38	67286.90	Outer face of edging defining edge of cycle track and 5.03 metres Northwards from BP27
29	35518.93	67294.70	Outer face of edging defining edge of cycle track and 18.30 metres North-Eastwards from BP28
30	35520.75	67296.06	Outer face of edging defining edge of cycle track and 2.27 metres North-Eastwards from BP29
31	35523.51	67300.19	Outer face of edging defining edge of cycle track and 2.27 metres North-Eastwards from BP30
32	35529.53	67314.66	Outer face of edging defining edge of cycle track and 4.97 metres North-North-Eastwards from BP31
33	35534.59	67329.40	Outer face of edging defining edge of cycle track and 15.67 metres North-North-Eastwards from BP32
34	35556.76	67413.73	Outer face of edging defining edge of cycle track and 15.59 metres North-North-Eastwards from BP33
35	35558.96	67420.26	Outer face of edging defining edge of cycle track and 87.20 metres North-North-Eastwards from BP34
36	35562.86	67429.60	Outer face of edging defining edge of cycle track and 6.89 metres North-North-Eastwards from BP35
37	35568.44	67441.19	Outer face of edging defining edge of cycle track and 10.11 metres North-Eastwards from BP36
38	35574.34	67450.77	Outer face of edging defining edge of cycle track and 12.86 metres North-Eastwards from BP37
39	35580.11	67458.53	Outer face of edging defining edge of cycle track and 9.67 metres North-Eastwards from BP38
40	35587.47	67465.44	Outer face of edging defining edge of cycle track and 10.09 metres North-Eastwards from BP39
41	35587.50	67465.27	Outer edge of kerbing defining edge of cycle track and 0.10 metres South-Eastwards from BP40
42	35590.82	67467.88	Outer edge of kerbing defining edge of cycle track and 4.21 metres North-Eastwards from BP41, at entrance to Social Club

43	35596.57	67472.81	Outer edge of kerbing defining edge of cycle track and 7.58 metres North-Eastwards from BP42 and across entrance to Social Club
44	35601.34	67475.44	Outer edge of kerbing defining edge of cycle track and 5.45 metres North-Eastwards from BP43
45	35601.31	67475.52	Outer face of edging defining edge of cycle track and 0.08 metres North-West from BP44
46	35638.03	67491.38	Outer face of edging defining cycle track and 40.00 metres East-North-East from BP45
47	35677.68	67496.66	Outer face of edging defining cycle track and 40.00 metres Eastwards from BP46
48	35717.68	67497.38	Outer face of edging defining cycle track and 40.00 metres Eastwards from BP47
49	35742.22	67498.71	Outer face of edging defining cycle track and 24.58 metres Eastwards from BP48
50	35742.23	67498.66	Outer edge of kerbing defining edge of cycle track and 0.06 metres Southwards from BP49
51	35746.96	67498.72	Outer edge of kerbing defining edge of cycle track and 4.72 metres Eastwards from BP50 at West side of exit from Aviation Beauport

