

*Airport Boundary Co-ordinate Listing – La Ferme des Marais.**Co-ordinate and Descriptive Definition of the Boundary Points.*

The following co-ordinate listing and description apply to drawing number M663/13.

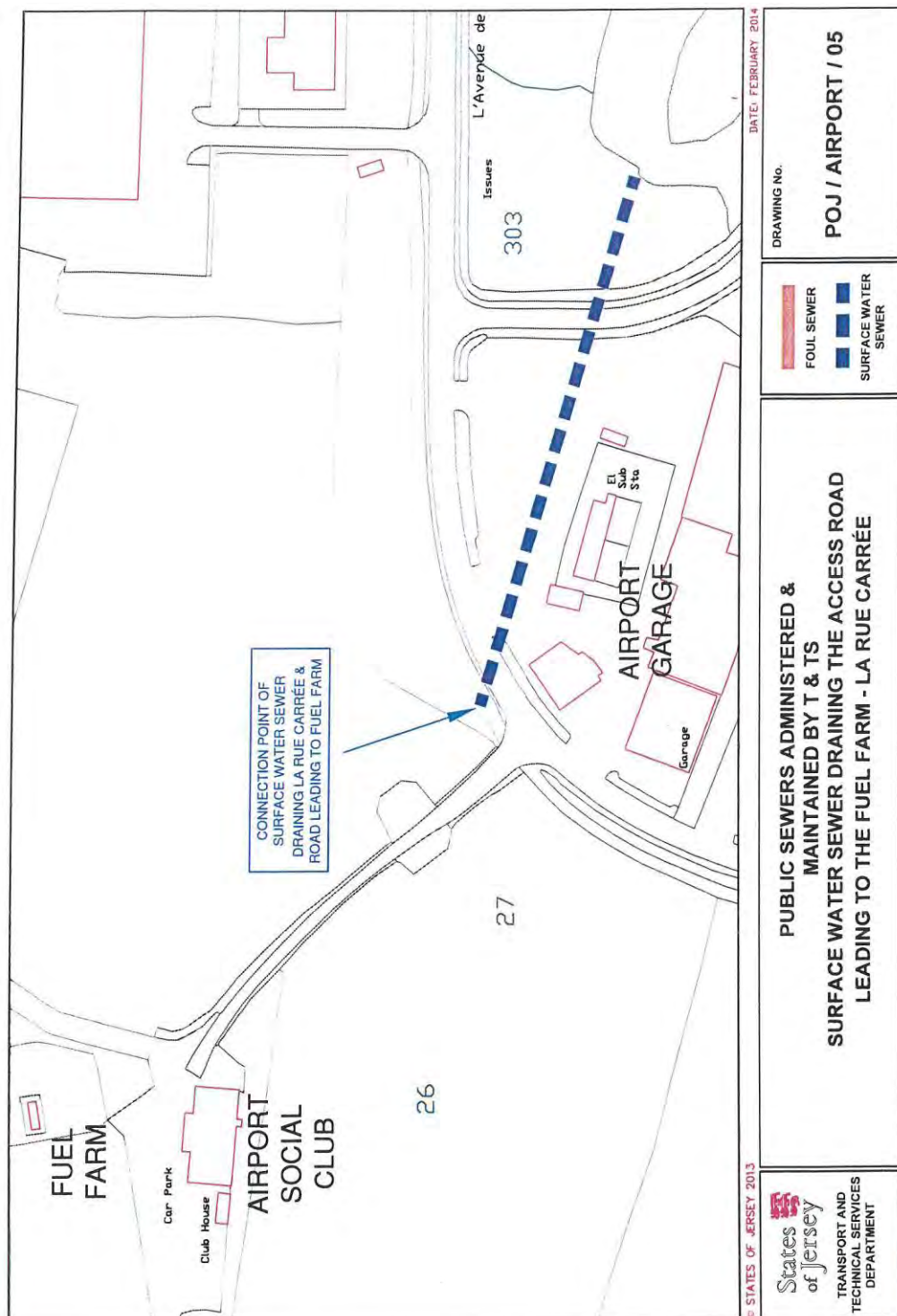
The boundary points have co-ordinates currently used in the Jersey Map Grid System 2004.

*The following co-ordinates represent the boundary points.*

Point No.	Easting	Northing	Description
1	35597.65	67455.29	South-West corner of wall defining the North side of exit from petrol station
2	35607.53	67463.94	North-Western face of wall defining petrol station boundary and 13.13 metres North-East from BP01
3	35615.90	67469.70	North-Western face of wall defining petrol station boundary and 10.17 metres North-East from BP02
4	35623.88	67473.75	North-West corner of wall defining petrol station boundary and 8.95 metres North-East from BP03
5	35632.83	67477.15	Centre of entrance to petrol station and 9.57 metres East-North-East from BP04
6	35642.01	67479.87	corner of wall defining Eastern side of entrance to petrol station and 9.57 metres from BP05
7	35642.36	67479.81	Rear edge of kerb line defining Southern edge of footpath and 0.36 metres from BP06
8	35649.33	67481.28	Rear edge of kerb line defining Southern edge of footpath and 7.13 metres from BP07
9	35652.03	67481.58	Rear edge of kerb line defining Southern edge of footpath and 2.71 metres from BP08
10	35655.60	67482.15	Rear edge of kerb line defining Southern edge of footpath and 3.62 metres from BP09
11	35660.95	67482.90	Rear edge of kerb line defining Southern edge of footpath and 5.40 metres from BP10
12	35673.55	67484.07	Rear edge of kerb line defining Southern edge of footpath and 12.65 metres from BP11
13	35677.65	67484.26	Rear edge of kerb line defining Southern edge of footpath and 4.11 metres from BP12
14	35680.83	67484.18	Eastern end of rear edge of kerb line defining the West side of access in to car sales and Southern edge of footpath and 3.18 metres from BP13
15	35688.68	67484.39	Rear edge of kerb line defining the Eastern side of access in to car sales and Southern edge of footpath and 7.85 metres from BP14

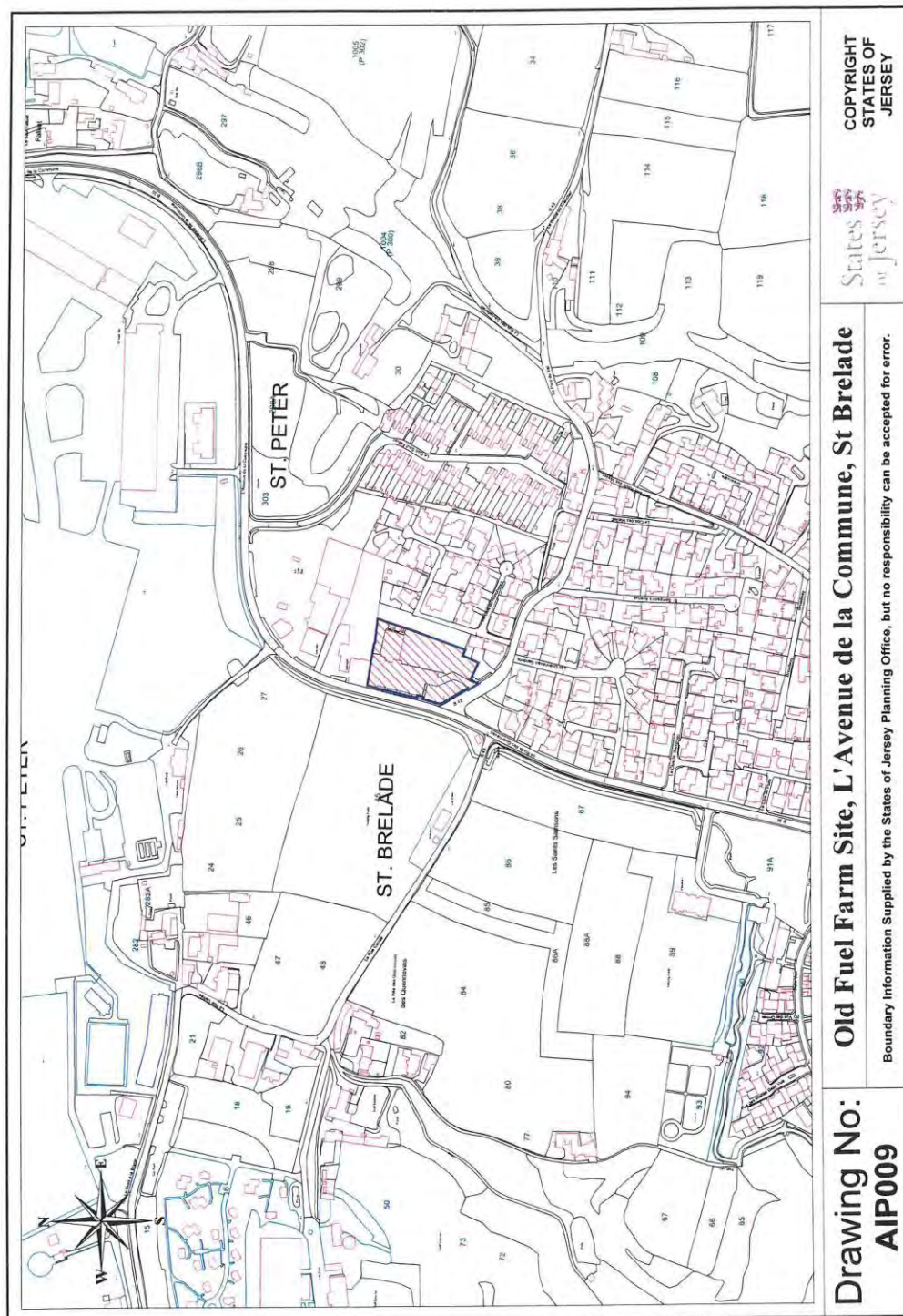
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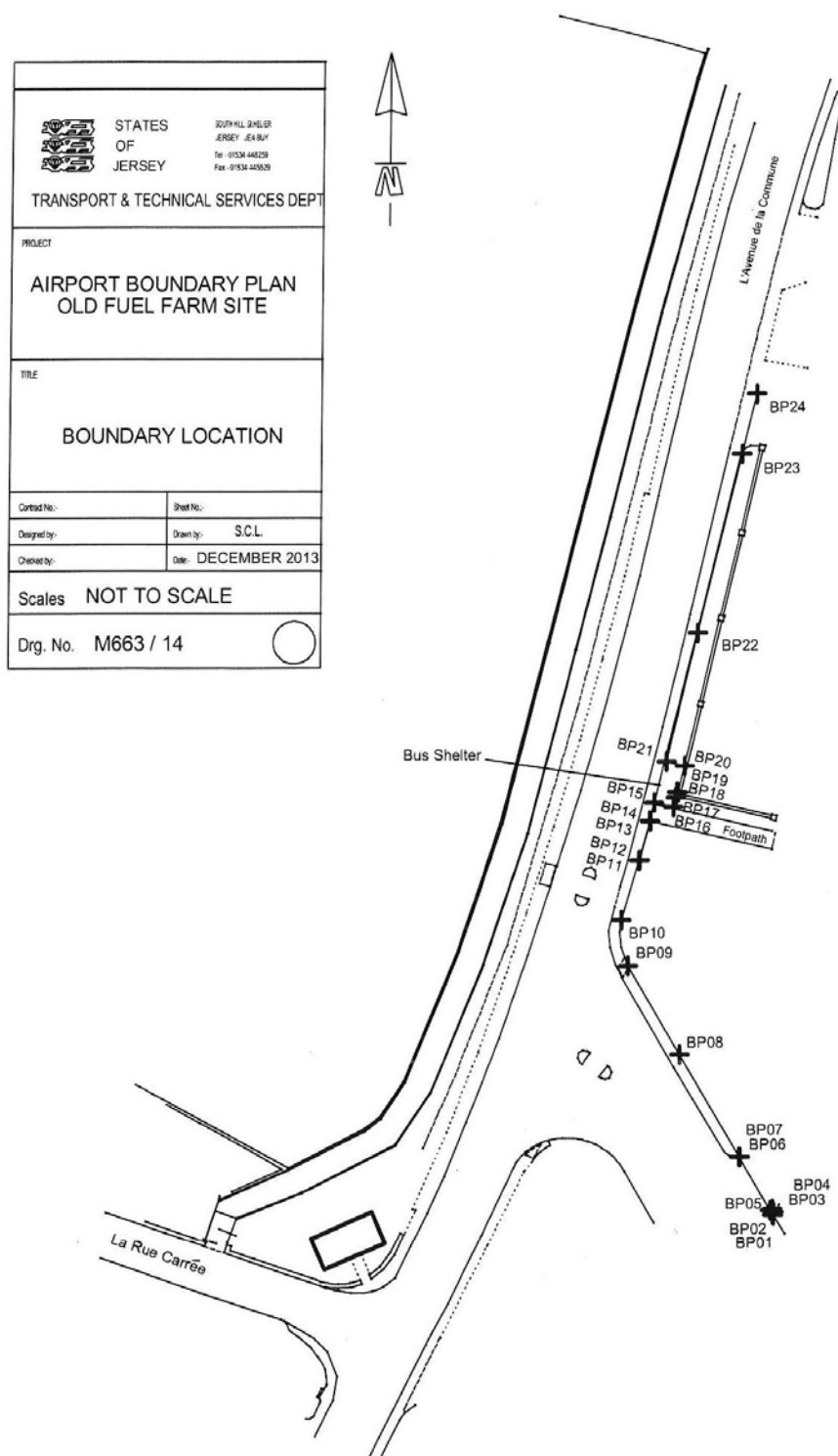
16	35694.21	67484.62	Rear edge of kerb line defining Southern edge of footpath and 5.54 metres Eastwards from BP15
17	35700.55	67477.32	Rear edge of kerb line defining western edge of path along Le Clos Saut Falluet and 9.67 metres South East from BP16
18	35700.17	67454.77	Rear edge of kerb line defining western edge of path along Le Clos Saut Falluet and 22.56 metres South from BP17
19	35700.48	67442.57	Rear edge of kerb line defining western edge of path along Le Clos Saut Falluet and 12.20 metres South from BP18
20	35702.53	67432.54	Rear edge of kerb line defining western edge of path along Le Clos Saut Falluet and 10.23 metres South from BP19
21	35706.43	67422.1	Rear edge of kerb line defining western edge of path along Le Clos Saut Falluet and on a line projected between the two parish boundary stones and 11.15 metres South from BP20



**9 Old Fuel Farm Site, L'Avenue de la Commune, St. Brelade**

- (1) The property (the “Old Fuel Farm Site”) having the UPRN 69114611 and situate in the Vingtaine de Quennevais in the Parish of St. Brelade and comprising land with the buildings, garages, asphalt forecourts and other appurtenances as shown on the Plan marked **AIP009** and with the boundaries described in sub-paragraph (3).
- (2) The Public is entitled to the Old Fuel Farm Site by contract of acquisition dated 4th May 1949 (PR450B/158 7th *corpus-fundi*).
- (3) The boundaries of the Old Fuel Farm Site –
  - (a) towards –
    - (i) the Grande Route “L'Avenue de la Commune”, and
    - (ii) the parish by-road “Le Pont du Val”,  
are constituted by the lines drawn between and joining the co-ordinate points numbered **BP01** to **BP24** inclusive and extended from **BP24** in a Northerly direction or thereabouts until reaching the Northern limit of the Old Fuel Farm Site as set out on the Co-Ordinate Point Plan dated December 2013 and as listed in the Co-Ordinate Point Listing both marked **M663/14**; and
  - (b) are otherwise contained not only in the contract mentioned in sub-paragraph (2) but also in a contract of sale of land by the Public dated 20th August 2010 (PR1266/895).
- (4) The Old Fuel Farm Site is transferred subject to the following rights –
  - (a) the Public may place keep maintain and replace all and any signage as it may from time to time require on the open grass area in the South-West corner of the Old Fuel Farm Site;
  - (b) POJL shall be subject to the terms and conditions contained in a contract of lease dated 19th September 1997 between the Public and “Spellbound Holdings Limited” (PR1038/346).







*Airport Boundary Co-ordinate Listing – Old Fuel Farm Site.**Co-ordinate and Descriptive Definition of the Boundary Points.*

The following co-ordinate listing and description apply to drawing number M663/14.

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
BP01	35565.57	67284.96	Point situated on the South-Western corner of kerb stone forming The Eastern side of the exit from the car dealership.
BP02	35565.55	67285.02	Point situated on the South-Western corner of kerb stone forming The Eastern side of the exit from the car dealership and 70mm North-Westwards from BP01
BP03	35565.64	67285.31	Point situated on the South-Eastern corner of drainage gully And 0.30 metres Northwards from BP02
BP04	35565.51	67285.60	Point situated on North-Eastern corner of drainage gully and 0.32 metres North-Westwards from BP03
BP05	35565.29	67285.50	Point situated on North-Western corner of drainage gully and 0.25 metres South-West from BP04
BP06	35561.74	67291.53	Point situated on South-Western corner of kerb line, (front), defining the back of footpath, and 7.0 metres North-West from BP05
BP07	35561.82	67291.53	Point situated on South-Eastern corner of kerb line, (back), Defining the back of footpath and edge of grass, and 80mm North-Eastwards From BP06
BP08	35555.00	67303.11	Point situated on kerb line defining back of path and edge of Grass and 13.44 metres North-West from BP07
BP09	35549.11	67313.17	Point situated on kerb line defining back of path and edge of Grass and 11.66 metres North-West from BP08
BP10	35548.34	67318.31	Point situated on kerb line defining back of path and edge of Grass and 5.20 metres North-North-West from BP09
BP11	35550.37	67325.06	Point situated on kerb line defining back of path and edge of Grass and 7.04 metres North-North-East from BP10
BP12	35550.43	67325.11	Point situated on kerb line defining back of path and edge of Grass and 80mm Eastwards from BP11
BP13	35551.68	67329.47	Point situated on kerb line defining back of path and edge of grass And 4.53 metres North-North-East from BP12
BP14	35551.61	67329.61	Point situated on Western face of kerb line defining the back of Public footpath and South-Western corner of private footpath, And 0.16 metres North-West from BP13

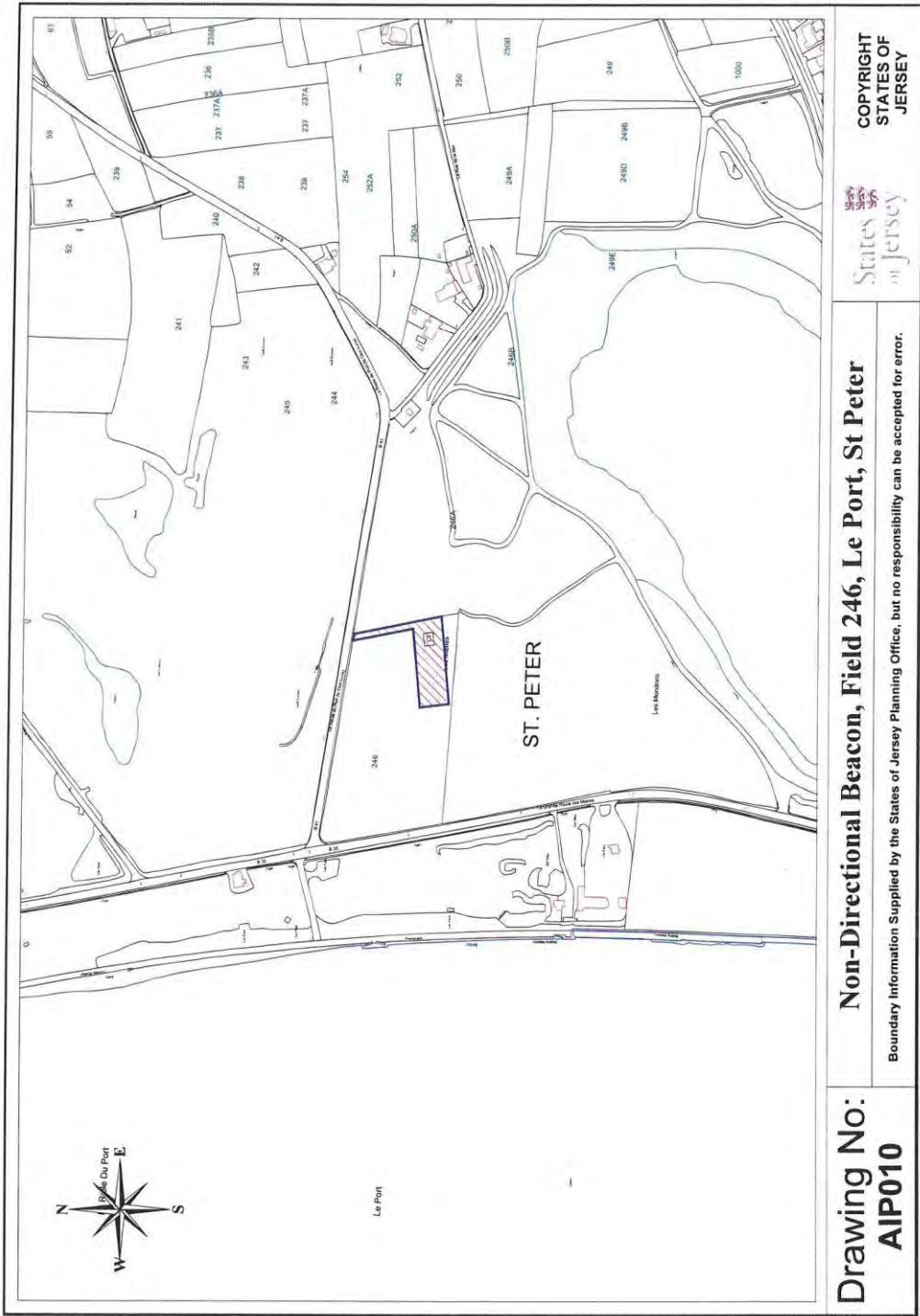


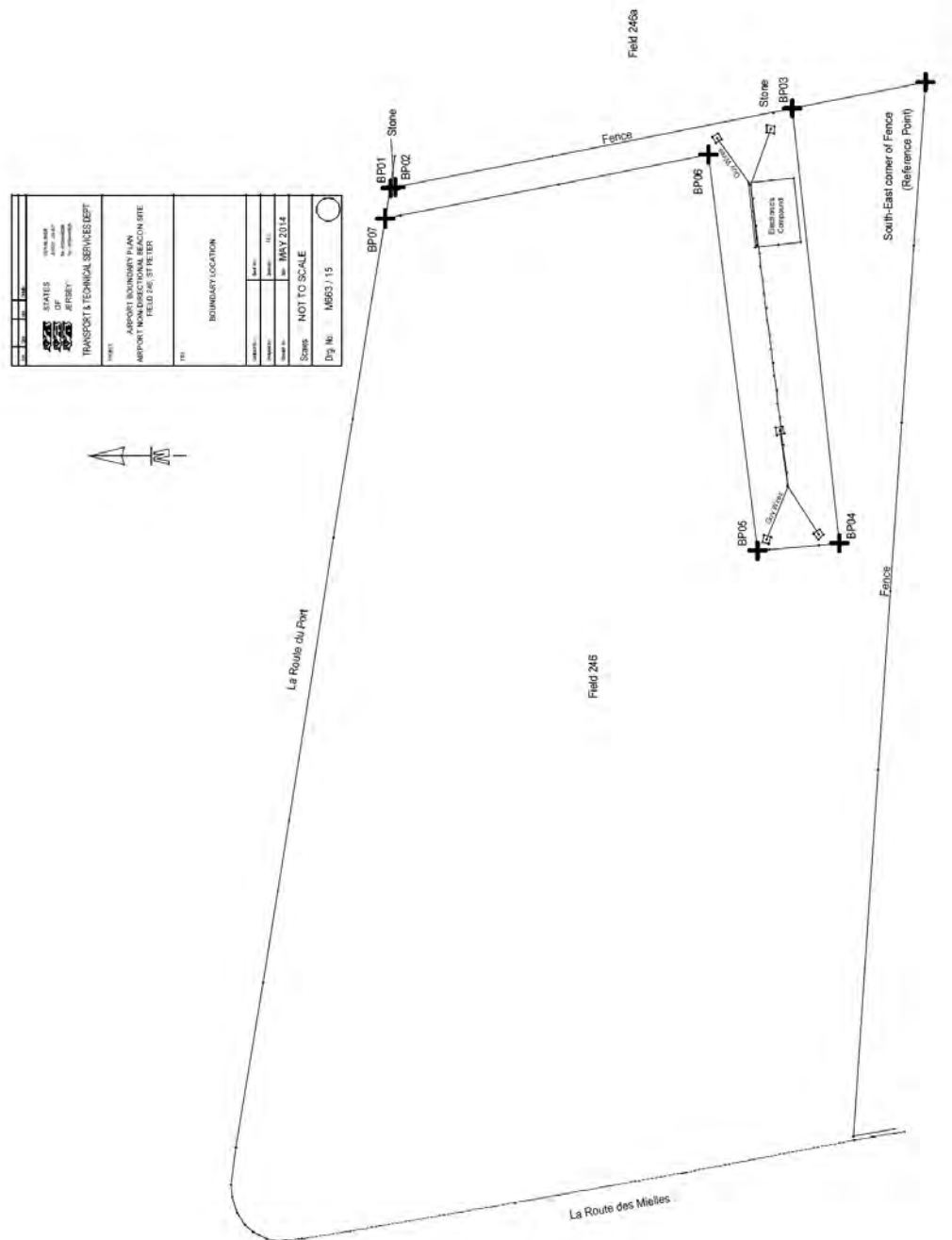
BP15	35552.08	67331.64	Point situated on Western face of kerb line defining the back of Public footpath and North-Western corner of private footpath, And 0.16 metres North-West from BP13
BP16	35554.31	67331.09	Back of kerb line forming north edge of footpath to property and on a line extended South from South-West pillar of property and 2.30 metres East from BP15
BP17	35554.56	67332.20	South-West corner of pillar forming the South-West corner of property and 1.16 metres North from BP16
BP18	35554.70	67332.81	North-West corner of pillar forming the South-West corner of property and 0.62 metres from BP17
BP19	35554.85	67332.78	Point on Pillar and Southern end of wall and 0.14 metres Eastwards from BP18
BP20	35555.58	67335.79	Point on Western face of property wall and 3.10 metres Northwards from BP19
BP21	35553.49	67336.30	Point on read edge of kerb stone defining the back of footpath and 2.15 metres Westwards from BP20
BP22	35557.05	67350.93	Point on rear face of kerb line forming the Eastern edge of footpath and 15.07 metres Northwards from BP21
BP23	35562.02	67371.12	Point on rear face of kerb line forming the Eastern edge of footpath where kerb line starts to curve towards property and 20.79 metres Northwards from BP22
BP24	35563.66	67377.97	Point located at the back of path and 7.05 metres Northwards from BP09 on a line projected through BP08 and BP23

#### 10 Airport Non-Directional Beacon, Part of Field 246, La Grande Route des Mielles, St. Peter

- (1) Part of the property (the “Non-Directional Beacon Site”) having the UPRN 69201037 and situate in the Grande Vingtaine in the Parish of St. Peter Company and comprising –
  - (a) part of a piece of land or dune (*mielle*) situate in the Eastern part of the field numbered 246 on the Jersey Digital Map at Le Port; together with
  - (b) the “Airport Non-Directional Beacon” and associated apparatus on the land as shown on the plan marked **AIP010** and with the boundaries described in sub-paragraph (3).
- (2) The Public is entitled to the whole of Field 246 by contract of acquisition dated 28th November 1969 (PR562/180, 2nd *corpus-fundi*).
- (3) The boundaries of the Non-Directional Beacon Site towards the remainder of Field 246 belonging to the Public are constituted by the lines drawn between and joining the co-ordinate points numbered **BP01** to **BP07** inclusive as set out on the Co-Ordinate Point Plan dated May 2014 and as listed in the Co-Ordinate Point Listing both marked **M663/15**.
- (4) The Non-Directional Beacon Site is transferred subject to the requirement that the Public shall maintain and use its land adjacent to the Non-Directional Beacon Site at all times in such manner so as not to interfere

with the proper working of the “Airport Non-Directional Beacon” and associated apparatus.





Airport Non-Directional Beacon Site,  
Field 246 St Peter. (M663 / 15).

**Co-ordinate and Descriptive Definition of the Boundary Points.**

The following co-ordinate listing and description apply to drawing number M663/15.

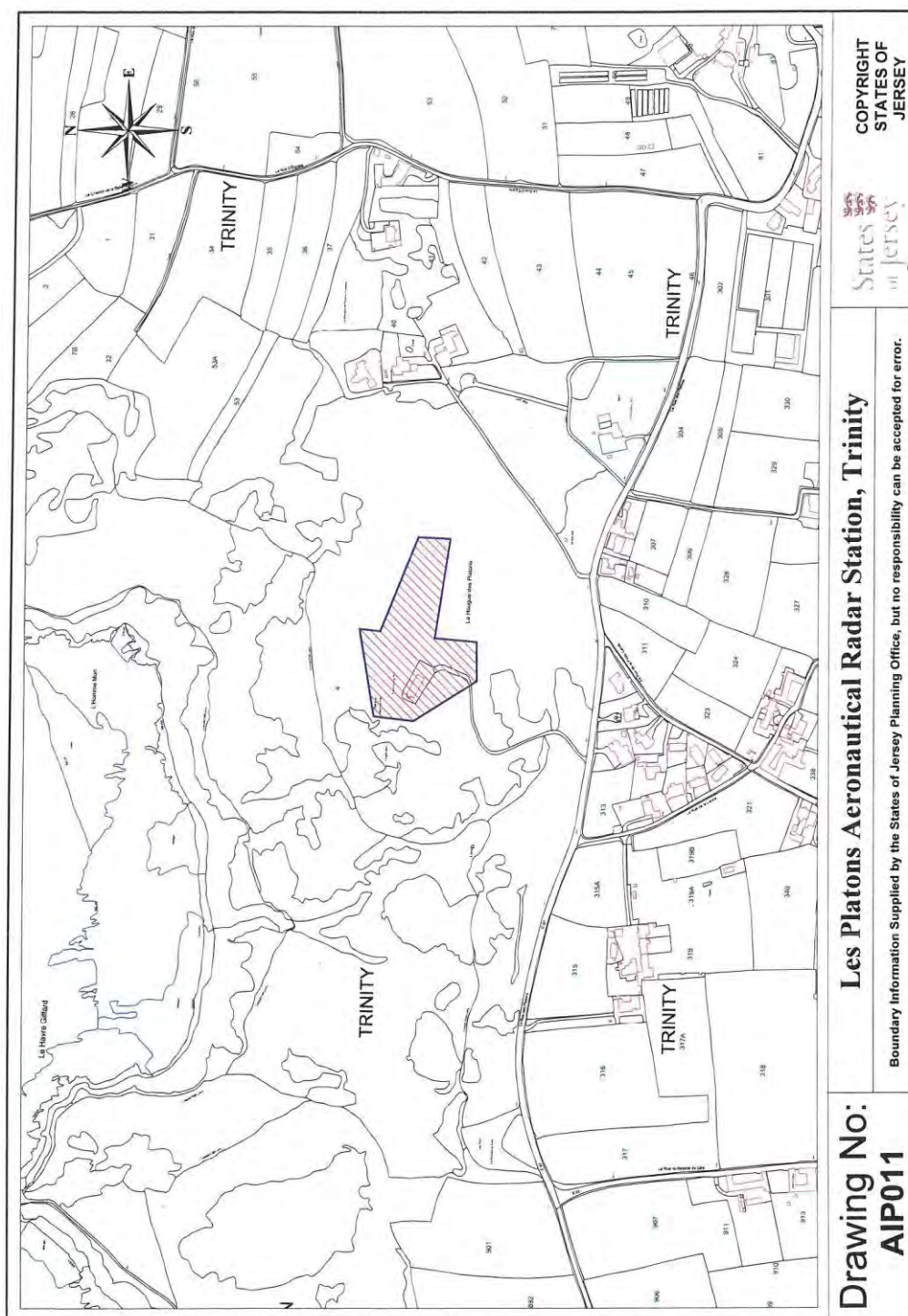
The boundary points have co-ordinates currently used in the Jersey Map Grid System 2004.

**The following co-ordinates represent the boundary points.**

Point No.	Easting	Northing	Description
1	33816.80	67944.32	On Southern edge of road on line of fence dividing Field 246 and Field 246a, and 0.70 metres Northwards from large free standing boundary-type stone.
2	33816.97	67943.45	On Northern end of fence dividing Field 246 from Field 246a, 0.88 metres South from BP01, and 0.25 metres South West from large Boundary type stone.
3	33830.62	67874.54	On fence dividing Field 246 from Field 246a and 71.13 metres from BP01, 3.35 metres from large free standing boundary-type stone, and 23.55 metres Northwards from the South-East corner of fence-surrounding Field 246.
4	33755.15	67866.40	Imaginary point in Field 246, 75.91 metres West-South-West from BP03, and 81.45 metres Westwards from South-East corner of fence surrounding Field 246.
5	33753.92	67880.56	Imaginary point in Field 246, 14.22 metres North from BP04 and 86.35 metres North-West from South-East corner of fence surrounding Field 246.
6	33822.63	67889.10	Imaginary point in Field 246, 69.23 metres East-North-East from BP05, and 13.39 metres North-West from large free standing boundary-type stone.
7	33811.53	67945.20	On Southern edge of road, 57.18 metres North-North-West from BP06, and 5.75 metres West-North-West from large free standing boundary-type stone.

## 11 Les Platons Aeronautical Radar Station, La Rue des Platons, Trinity

- (1) The property “Les Platons Aeronautical Radio Station”) having the UPRN 64905787 and situate at Les Platons in the Vingtaine of Ville-à-l’Evêque in the Parish of Trinity and comprising –
  - (a) a piece of land of irregular shape at “Les Platons”; together with
  - (b) the radiotelegraph mast and associated apparatus on the land,
 as shown on the plan marked **AIP011**.
- (2) The Public is entitled to Les Platons Aeronautical Radio Station by contract of lease dated 14th August 1992 (PR923/311).

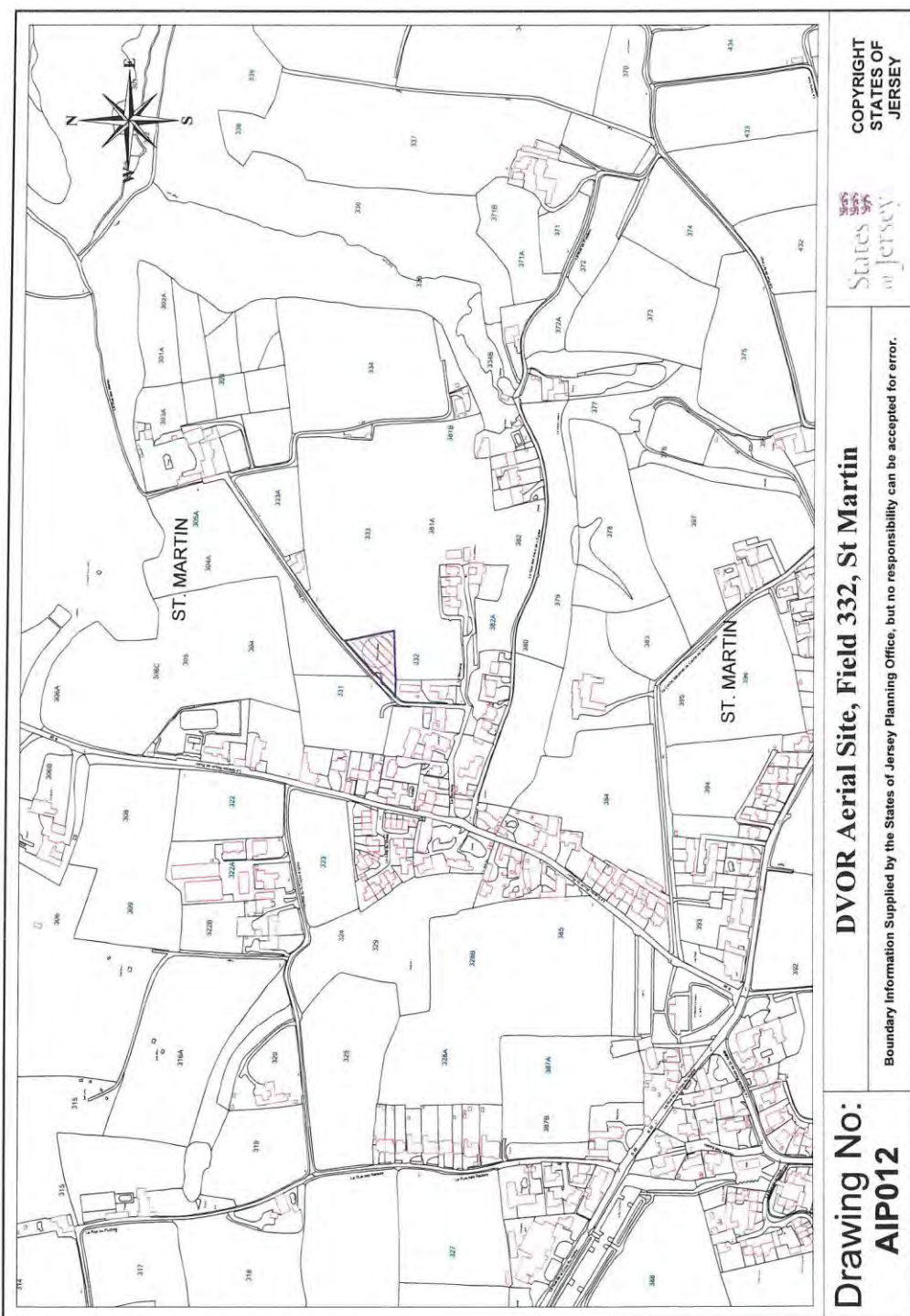


## 12 DVOR Aerial Site, Field 332, La Becterie, St. Martin

- (1) The property ("DVOR Aerial Site") having the UPRN 69301425 and situate in the Vingtaine of Rozel in the Parish of St. Martin and comprising –



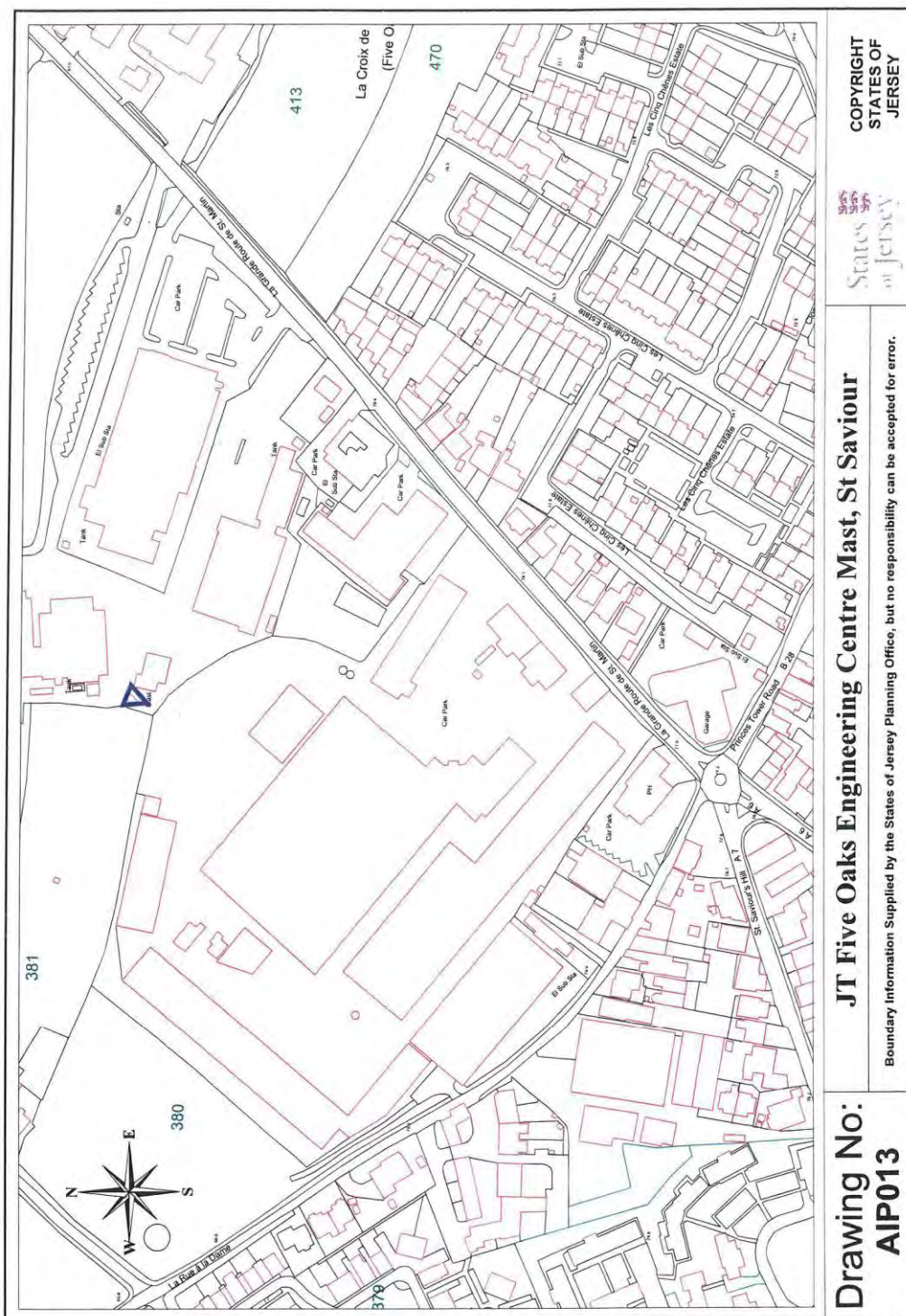
- (a) a piece of land of triangular shape in the North-East corner of a field known as “La Carrière” numbered 332 on the Jersey Digital Map and adjoining the parish road “La Becterie”; together with
  - (b) the DVOR Aerial and associated apparatus on the land
- as shown on the Plan marked **AIP012**.
- (2) The Public is entitled to the DVOR Aerial Site by contract of acquisition dated 15th May 1981 from (PR728/609).



**13 JT Five Oaks Engineering Centre Mast, St. Saviour**

All and such rights to which the Public may be entitled in relation to the Jersey Telecom mast and such as they are set out in Schedule 2, Regulation 9 of the Telecommunications (Transfer) (Jersey) Regulations 2002 registered in the Public Registry by Act of the Royal Court dated 5th July 2005 (PR1186/655).

The “JT Five Oaks Engineering Centre Mast” as shown on the Plan marked **AIP013** and annexed hereto.

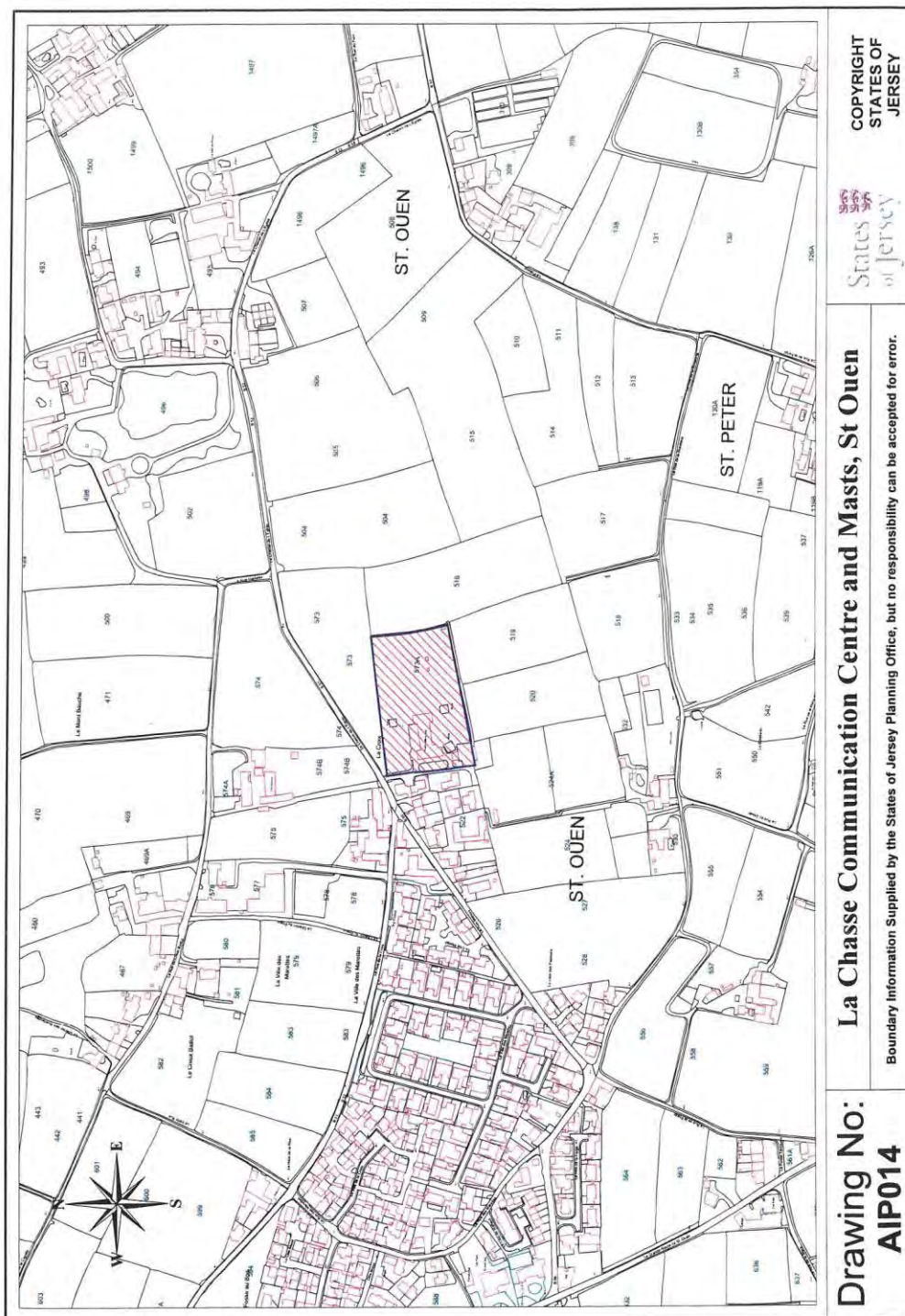




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**14 LA CHASSE COMMUNICATIONS CENTRE AND MASTS, LE  
CHEMIN DE L'ÉGLISE, ST. OUEEN**

- (1) The property ("La Chasse Communications Centre and Masts") having the UPRN 69380257 and situate in the Petite Cueillette in the Parish of St. Ouen and comprising –
  - (a) a piece of land known as "Le Clos de Pipon" numbered 573A on the Jersey Digital Map; together with
  - (b) the buildings, transmitting masts and appurtenances, and car park on the land,as shown on the Plan marked **AIP014**.
- (2) The Public is entitled to La Chasse Communications Centre and Masts by contract of acquisition dated 15th November 1947 (PR447B/32).
- (3) The boundaries of the La Chasse Communications Centre and Masts are otherwise contained not only in the contract mentioned in subparagraph (2) but also in a contract of sale of land by the Public dated 15th June 2007 (PR1220/15).



**PART THREE**

**TRANSFER PROPERTY OTHER THAN IMMOVABLE PROPERTY**

*[place marker for 'asset register' - to be provided, unless this aspect of transfer is to be effected by Regulations]*

**PART FOUR**

**EMPLOYEES - ROLES TO BE TRANSFERRED**

*[place marker for list of employees roles, unless this aspect of transfer is to be effected by Regulations]*

**SCHEDULE 2**

(Article 54)

**CONSEQUENTIAL AMENDMENTS****Loi (1881) sur les brevets d'apprentissage pour la service de mer**

The *Loi (1881) sur les brevets d'apprentissage pour la service de mer* shall be repealed.

**Aerodromes (Administration) (Jersey) Law 1952**

In the Aerodromes (Administration) (Jersey) Law 1952 –

- (a) in Article 1, after the definition “aerodrome” there shall be inserted the following definition –

“ ‘airport authority’ means the authority appointed under Article 2(1);”;

- (b) in Article 2 –

- (i) for paragraphs (1) and (2) there shall be substituted the following paragraphs –

“(1) The Minister shall appoint an airport authority for each aerodrome in Jersey.

(2) An airport authority shall appoint as Airport Director a person approved by the Minister, and the person so appointed shall be employed by the airport authority.”;

- (ii) in paragraph (3), for the words “Airport Director” there shall be substituted the words “airport authority”;

- (iii) for paragraph (4) there shall be substituted the following paragraph –

“(4) An airport authority may appoint one or more of its employees to act as the Airport Director during any time when the Airport Director is not on duty, is absent from Jersey or is suspended from the office of Airport Director or there is a vacancy in the office of Airport Director.”;

- (c) for Article 7 there shall be substituted the following –

“The Minister may direct that in relation to any seadrome, any powers conferred or duties imposed under or by virtue of this Law –

- (a) upon the airport authority, may be exercised by the relevant harbour authority; and

- (b) upon the Accountable Manager, may be exercised by the Harbour Master,

and if the Minister does so the provisions of this Law and of Regulations made under it shall have effect accordingly.”.

**Harbour and Light Dues (Jersey) Law 1947**

The Harbour and Light Dues (Jersey) Law 1947 shall be repealed.

**Civil Aviation (Supplementary Provisions) (Jersey) Law 1955**

In the Civil Aviation (Supplementary Provisions) (Jersey) Law 1955 –

- (a) in Article 1, before the definition “Court” there shall be inserted the following definition –
  - “ ‘airport authority’ has the meaning given by Article 1 of the Aerodromes (Administration) (Jersey) Law 1952;”;
- (b) in Article 3(1), after the word “Minister” in the second place in which it occurs, there shall be inserted the words “or of an airport authority”.

**Airport Dues (Jersey) Law 1956**

The Airport Dues (Jersey) Law 1956 shall be repealed.

**Harbours (Administration) (Jersey) Law 1961**

In the Harbours (Administration) (Jersey) Law 1961 –

- (a) in Article 1 –
  - (i) for the definition “Harbour Master” there shall be substituted the following definitions –
    - “ ‘harbour authority’ and ‘Harbour Master’ mean the persons appointed as such under Article 2(1) and (6) respectively;
  - (ii) the definition “officer” shall be omitted;
- (b) for Article 2 there shall be substituted the following Article –

**“2 Administration of harbours**

- (1) The Minister shall appoint a harbour authority for each harbour in Jersey and for this purpose may appoint the same harbour authority in respect of more than one harbour or different authorities in respect of different harbours.
- (2) Without derogation from the generality of the power conferred by paragraph (1), the Minister shall appoint Ports of Jersey Limited as the harbour authority in respect of the harbours listed in the Schedule to this Law, and the Schedule shall have effect for that purpose and for the purpose of describing the limits of those harbours with greater particularity.
- (3) The Minister may by Order amend the Schedule to add, remove, or further particularize an entry in relation to any harbour.
- (4) A harbour authority shall be responsible for –
  - (a) managing, maintaining and improving the harbours in the areas in respect of which it is appointed;

- (b) policing, safety and security matters in the harbours in respect of which it is appointed;
  - (c) such other matters as the Minister may entrust to it from time to time for the purpose of carrying into effect any legislation in force in Jersey relating to shipping and sea navigation.
- (5) Without prejudice to the generality of paragraph (4), a harbour authority shall in particular be responsible for –
  - (a) preventing, reducing, and minimising the effects of marine pollution, by means including but not limited to those from time to time agreed with the Minister under Article 186(1) of the Shipping (Jersey) Law 2002;
  - (b) co-ordinating, or providing resources for co-ordinating, maritime search and rescue within the Jersey Search and Rescue Region;
  - (c) repair and maintenance of aids to navigation in or in relation to the harbours in respect of which it is appointed and in respect of which it is the local lighthouse authority for the purposes of Schedule 10 to the Shipping (Jersey) Law 2002; and
  - (d) maintaining safety and security in or in relation to the harbours in respect of which it is appointed.
- (6) A harbour authority shall carry out a responsibility imposed on it by paragraph (4) or (5) –
  - (a) in accordance with any agreement made for the purpose between the Minister and the harbour authority; or
  - (b) in the absence of any such agreement, as the Minister may from time to time direct,but the absence of any agreement or direction shall not absolve the authority of its duty to carry out a responsibility so imposed.
- (7) A harbour authority shall appoint as Harbour Master a person approved by the Minister, and the person so appointed –
  - (a) shall be employed by the harbour authority; and
  - (b) in addition to carrying out all functions conferred on the Harbour Master by this or any other enactment, shall be responsible for all such matters for which the authority is responsible as the authority may delegate to the Harbour Master from time to time.
- (8) Where a responsibility conferred on the harbour authority would have been, before the commencement of this provision, a responsibility of the person then holding the office of Harbour Master, any action taken, direction given or other exercise of such a power by that person shall continue to have full effect and shall be taken, unless otherwise expressly stated, to be an action taken, direction given or other exercise of power by the harbour authority.
- (9) The States may by Regulations –

- (a) amend paragraphs (4) and (5) of this Article; and
  - (b) make all such further or consequential provision (including amending any other enactment) as may be necessary to bring this Article into full effect.”;
- (c) in Article 2A(1), for the words “The States Employment Board within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 may appoint one or more employees within the meaning of that Law” there shall be substituted the words “A harbour authority may appoint one or more of its employees”;
- (d) after Article 4, there shall be inserted the following Articles –

**“4B Provision etc. of moorings**

- (1) A harbour authority may –
  - (a) maintain and manage existing moorings; and
  - (b) provide new moorings,within the limits of any harbour in respect of which it is appointed and which is listed in the Schedule to this Law.
- (2) The power conferred by paragraph (1) includes power to charge a fee for the use of a mooring, for such period and of such amount as the harbour authority may consider reasonable.
- (3) A harbour authority may forbid the laying of moorings within the limits of any harbour in respect of which the authority is appointed and which is listed in the Schedule, if the authority considers that such moorings –
  - (a) would cause a hazard to navigation or otherwise be detrimental to navigational safety; or
  - (b) would otherwise be detrimental to the general enjoyment of the harbour and its facilities by all users.

**4C Power to charge harbour dues etc.**

- (1) A harbour authority may make such charges as it considers reasonable, including (in particular, but not by way of limitation) charges for –
  - (a) ship, passenger and freight dues;
  - (b) use of freight facilities;
  - (c) use of weighbridges;
  - (d) quay rental;
  - (e) use of quays and harbour facilities by fishermen; and
  - (d) parking permits,in or in relation to a harbour in respect of which it is appointed and which is listed in the Schedule to this Law.



- (2) The harbour authority shall publish a list showing all charges for the time being made under paragraph (1), and may not enforce payment of any charge unless it is so published.
- (3) In paragraph (2), to “publish” means –
  - (a) to make available for inspection by any person without charge at the office of the harbour authority during reasonable hours; and
  - (b) to provide copies of the list for sale [at a price not exceeding £x].
- (4) Any charges of a type specified in paragraph (1) which are in force immediately before the commencement of this Article by virtue of any other enactment shall continue in effect as though made, and be deemed to have been made, by virtue of this Article.
- (5) Charges made under paragraph (1) shall not be enforced in relation to –
  - (a) ships belonging to or employed in the service of the Armed Forces of Her Majesty the Queen;
  - (b) ships belonging to or used by the general lighthouse authority or by any department of Her Majesty’s Government of the United Kingdom;
  - (c) ships of war belonging to or employed in the service of any foreign government; and
  - (d) fishing vessels belonging to countries with which treaties exist for the time being exempting such vessels from duties and port charges when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, when such vessels are forced by stress of weather to make use of any of the harbours of Jersey and do not break bulk while so doing.
- (6) The harbour authority may grant exemption from charges made under paragraph (1) –
  - (a) to different classes or descriptions of ships, passengers and freight;
  - (b) to the same class or description of ships, passengers and freight in different circumstances; and
  - (c) to any ship which, having departed from Jersey, is compelled to return by reason of accident, stress of weather, or other unavoidable cause.”.
- (e) after Article 5, there shall be inserted the following Article –

**“5A Limitation of liability**

- (1) A person or body to whom this Article applies shall not be liable in damages for any act done in the performance or purported performance of any functions conferred by or under this Law, unless it is shown that the act was in bad faith.

- (2) This Article applies to –
  - (a) the States;
  - (b) the Minister;
  - (c) any person employed by the States Employment Board who is, or is acting as, an officer, employee or agent of the States or of the Minister or performing any function on behalf of the States or of the Minister;
  - (d) a harbour authority and any person who is, or is acting as, an officer, employee, or agent of the authority or performing any function on behalf of the authority;
  - (e) the Harbour Master and any person who is, or is acting as, an officer, employee, or agent of the Harbour Master or performing any function on behalf of the Harbour Master.”;
- (f) at the end there shall be added the following Schedule –

**“SCHEDULE**  
**HARBOURS - MANAGEMENT ETC. OF MOORINGS**

(Article 4B)

Port and harbour of St. Helier

*[Map and GPS co-ordinates to be provided]*

[St. Aubin’s Harbour]

St. Brelade’s Harbour

St. Catherine’s Harbour

Bouley Bay [Harbour]

Bonne Nuit

Grève de Lecq

Gorey Harbour

La Rocque Harbour

Rozel Harbour

Les Écréhous

Les Minquiers”.

**Aerodromes (Jersey) Regulations 1965**

In the Aerodromes (Jersey) Regulations 1965 –

- (a) in Regulations 2, 3 and 4, for the word “Minister” in each place in which it occurs there shall be substituted the words “airport authority”;
- (b) in Regulation 7 –
  - (i) in paragraph (1), for the words “Airport Director” there shall be substituted the words “airport authority” and for the words “he or she” there shall be substituted the words “the authority”,
  - (ii) for paragraph (4) there shall be substituted the following paragraph –
 

“(4) No claim in damages shall lie against the airport authority, the Airport Director or any other officer or servant of the airport authority in connection with the removal or storage of any object or vehicle under this Regulation.”;
- (c) Regulation 8 shall be repealed;
- (d) in Regulations 9 and 11, for the word “Minister” in each place in which it occurs there shall be substituted the words “airport authority”.

**Harbours (Jersey) Regulations 1962**

In the Harbours (Jersey) Regulations 1962 –

- (a) for the sub-heading to Part 1 there shall be substituted the following sub-heading –  
“POWERS TO RESTRICT ACCESS ETC.”;
- (b) for the heading to Regulation 1 there shall be substituted the following heading –

**“Restriction of access - harbours and territorial waters”;**

- (c) in Regulation 1, for paragraphs (1) to (3) there shall be substituted the following paragraphs –

“(1) If it appears to the authority necessary or expedient to do so, a harbour authority may issue a direction –

- (a) restricting or prohibiting access to any part; or
- (b) for a specified purpose, reserving a specified part, of a harbour under the control of that authority.

(2) If it appears to the Minister necessary or expedient to do so, the Minister may issue a direction –

- (a) restricting or prohibiting access to any part; or
- (b) for a specified purpose, and subject to such conditions as the Minister may consider appropriate, reserving a specified part, of any territorial waters.

(3) The harbour authority or, as the case may be, the Minister must publish a direction issued under this Regulation.”;

- (d) in Regulation 2 –

(i) for paragraph (1) there shall be substituted the following paragraph –

“(1) The Harbour Master may issue a direction requiring the removal of an unserviceable vessel or other obstruction from a harbour.”;

(ii) in paragraphs (3), (4), (5), and (6), for the words “Harbour Master” in each place in which they occur there shall be substituted the words “harbour authority”;

- (e) in Regulation 3(5), for the words “Harbour Master” there shall be substituted the words “harbour authority”;

- (f) for Regulation 4 there shall be substituted the following Regulation –

**“4 Permits for use of facilities or provision of services**

- (1) For the purposes of Article 4A of the Law, the use of certain facilities or the provision of certain services may be designated in accordance with paragraphs (4) and (5) of this Regulation as facilities or services which may not be used or, as the case may be,

- provided except in accordance with a permit issued under Regulation 5.
- (2) It is an offence punishable by a fine to use a designated facility or to provide a designated service without such a permit.
  - (3) It is an offence punishable by a fine of level 4 on the standard scale to use a designated facility or to provide a designated service otherwise than in accordance with the terms, conditions or limitations of or in such a permit.
  - (4) A harbour authority may designate a facility to be used, or a service to be provided, in a harbour or (subject to paragraph (5)) in territorial waters as a facility or a service to which this Article applies, but in doing so the harbour authority must –
    - (a) follow the policy guidelines specified in Schedule 1; and
    - (b) publish details of the designation.
  - (5) A harbour authority may not make a designation under paragraph (4) in relation to the use of a facility or the provision of a service in territorial waters unless directed to do so by the Minister.
  - (6) The Minister may, by written notice, direct the harbour authority –
    - (a) to make such a designation under paragraph (4) as is specified in the direction; or
    - (b) to amend, in the manner specified in the direction, a designation made under paragraph (4).
  - (7) Where the Minister gives a direction in accordance with paragraph (6) –
    - (a) the Minister shall lay a copy of the written notice before the States Assembly at the earliest opportunity; and
    - (b) the harbour authority shall act in accordance with the direction.
  - (8) A requirement for a licence under Part 3 of the Air and Sea Ports (Incorporation) (Jersey) Law 201- shall not apply to any facility or service in relation to which the Minister has directed a harbour authority to make or amend a designation in accordance with paragraph (6).
  - (9) An offence under paragraph (3) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under that paragraph by reference to any period of time following the preceding conviction for such an offence.
  - (10) Any designation made by the Harbour Master before the commencement of this provision shall continue in full force and effect as if it were a designation made by the harbour authority under paragraph (4), and as though any reference in such designation to the Harbour Master were a reference to the harbour authority.

- (11) Any direction given by the Minister before the commencement of this provision shall continue in full force and effect but as though any reference in that direction to the Harbour Master were a reference to the harbour authority.”;
- (g) in Regulation 5 –
  - (i) for the words “Harbour Master” in each place in which they occur there shall be substituted the words “harbour authority”,
  - (ii) in paragraph (1), for the words “Regulation 4(1)” there shall be substituted the words “Regulation 4(4)”,
  - (iii) after paragraph (8) there shall be inserted the following paragraph –

“(8A) Any permit issued by the Harbour Master before the commencement of this provision shall continue in full force and effect and as though issued by the harbour authority.”;
  - (iv) after paragraph (10) there shall be inserted the following paragraph –

“(10A) In a case where the designation was made or amended pursuant to a direction given to the harbour authority by the Minister under Regulation 4(6), the Minister shall be joined as a party in the appeal.”;
- (h) for the text of Regulation 6 there shall be substituted the following –
  - “(1) For the purposes of Article 4A of the Law, the use of certain facilities or the provision of certain services may be designated in accordance with paragraph (3) of this Regulation as facilities or services which may not be used or, as the case may be, provided except under and in accordance with an agreement as provided by this Regulation.
  - (2) It is an offence punishable by a fine to use a designated facility or to provide a designated service –
    - (a) without an agreement as provided by this Regulation; or
    - (b) otherwise than in accordance with the terms, conditions or limitations of or in such an agreement.
  - (3) A harbour authority may designate a facility to be used, or a service to be provided, in a harbour as a facility or a service to which this Article applies, but in doing so the harbour authority must –
    - (a) follow the policy guidelines specified in Schedule 1; and
    - (b) publish details of the designation.
  - (4) Where a harbour authority has made a designation under paragraph (3), and subject to paragraph (5), the authority may enter into an agreement with a person for the use of the designated facility or the provision of the designated service, as the case may be.

- (5) Before entering into such an agreement, the harbour authority may publish details of the proposed agreement and seek comments from those likely to be affected by it.
- (6) In negotiating the terms of such an agreement, the harbour authority must –
  - (a) follow the policy guidelines specified in Schedule 1; and
  - (b) have regard to any relevant comments received following publication of the proposed agreement.”;
- (i) in Regulation 7(2) –
  - (i) for the words “Regulation 6(1)(a) or (b)” there shall be substituted the words “Regulation 3(1) or (2)”,
  - (ii) for the words “Harbour Master” in the second and third places in which they occur, there shall be substituted the words “harbour authority”;
  - (iii) for the words from “any officers” to the end there shall be substituted the words “or the harbour authority in connection with such removal.”;
- (j) in Regulation 24, for the words “when so required by the Harbour Master or other officer duly authorized by the Minister” there shall be substituted the words “when required to do so by the harbour authority (or any officer duly authorized for the purpose by the authority)”;
- (k) for the text of Regulation 30 there shall be substituted the following –

“Before allowing an explosives ship to enter the harbour, the Harbour Master shall be satisfied that the consignment of explosives for unloading in the harbour corresponds with the types and quantities listed in any import licence issued in accordance with Article 2 of the Explosives (Jersey) Law 1970.”;
- (l) in Regulation 37 –
  - (i) for the words “The Minister may at his or her absolute discretion” there shall be substituted the words “The harbour authority may”;
  - (ii) for the words “provided he or she has obtained approval in principle to the exemption from” there shall be substituted the words “, if prior approval for the exemption has been given in principle by”;
- (m) in Regulation 40 –
  - (i) in the definition “chemicals”, for the words “Chapter VI of the IBC Code for Ships carrying Dangerous Chemicals” there shall be substituted the words “Chapter 17 of the IBC Code”;
  - (ii) for the definition “IMO Code for Ships carrying Dangerous Chemicals” there shall be substituted the following definition –

“ ‘IBC Code for Ships carrying Dangerous Chemicals’ means the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (as published and amended from time to time by the IMO);”;



- (iii) in the definition “IMO Code for Ships carrying Liquefied Gases”, for the words in brackets there shall be substituted the words “(as published and amended from time to time by the IMO)”;
  - (iv) in the definition “oil”, for the words “Chapter VI of the IMO Code for Ships Carrying Dangerous Chemicals), when carried on board a tanker as cargo;” there shall be substituted the words “Chapter 17 of the IBC Code);”;
- (n) in Regulation 42–
  - (i) in sub-paragraph (1)(f)(i), for the words “with the IMO Code for Ships Carrying Dangerous Chemicals” there shall be substituted the following –
    - “ –
    - (aa) in the case of a ship built before 1st July 1986, with the IMO Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk published by the IMO in London in 1977; or
    - (bb) in the case of a ship built on or after 1st July 1986, with the IBC Code”;
  - (ii) in paragraph (4), for the words “Pilotage (General Provisions) (Jersey) Regulations 1988” there shall be substituted the words “Pilotage (Jersey) Law 2009”;
- (o) in Regulation 45 –
  - (i) in paragraph (4) –
    - (aa) for the words “The Harbour Master may, on behalf of the Minister,” there shall be substituted the words “The harbour authority may”,
    - (bb) for the word “Minister” in the second place in which it occurs there shall be substituted the words “harbour authority”;
  - (ii) in paragraphs (2) and (5), for the word “Minister” in each place in which it occurs there shall be substituted the words “harbour authority”;
  - (iii) in paragraph (6), for the words “Harbour Master” there shall be substituted the words “harbour authority”;
- (p) in Regulations 46 and 49, for the word “Minister” in each place in which it occurs there shall be substituted the words “harbour authority”;
- (q) in Schedule 1 to the Regulations –
  - (i) for the words “Harbour Master” in each place in which they occur there shall be substituted the words “harbour authority”,
  - (ii) in paragraph 1(a), for the words “4(1)” there shall be substituted the words “4(3)”,
  - (iii) in paragraph 1(c), for the words “6(1)” there shall be substituted the words “6(3)”,
  - (iv) in paragraph 1(d), for the words “6(7)” there shall be substituted the words “6(6)”.

**Emergency Powers and Planning (Jersey) Law 1990**

In the Emergency Powers and Planning (Jersey) Law 1990 –

- (a) after Article 9 there shall be inserted the following Article –

**“9A Powers of competent authority in relation to port operations**

- (1) A competent authority may by Order –
- (a) provide for securing, regulating or prohibiting the provision or use of port operations;
  - (b) provide for regulating charges and prices in relation to the provision or use of port operations; and
  - (c) give directions to any person carrying on port operations with respect to the provision of those operations.
- (2) The power conferred by paragraph (1)(a) includes (but shall not be limited to) –
- (a) power to suspend, restrict or modify the provision of port operations or the terms of any agreement or direction in respect of the provision of port operations; and
  - (b) power to suspend, modify or exclude the application of any obligation or restriction imposed by or under any enactment that directly or indirectly affects the provision or use of port operations.
- (3) An Order under this Article may be made –
- (a) in relation to port operations generally or in relation to any particular description of port operations;
  - (b) with regard to provision of port operations by any person or by persons specified in the Order;
  - (c) for all purposes or for any particular purpose specified in the Order.
- (4) A competent authority shall not make an Order under this Article except following consultation –
- (a) in relation to airport operations, with the [Director of Civil Aviation appointed under Article 3 of the Civil Aviation (Jersey) Law 2008]; or (as the case may be)
  - (b) in relation to harbour operations, with the harbour authority; and in relation to all port operations, with the Jersey Competition Regulatory Authority established under the Competition Regulatory Authority (Jersey) Law 2001.
- (5) In this Law, “airport operations”, “harbour operations” and “port operations” have the meanings given to those expressions by Article 2 of the Air and Sea Ports (Incorporation) (Jersey) Law 201-.”;
- (b) in Article 11(4), after the word “maintaining” there shall be inserted the words “port operations and”.

**Shipping (Jersey) Law 2002**

In the Shipping (Jersey) Law 2002 –

- (a) in Article 1(1), after the definition “harbour” there shall be inserted the following definition –
  - “ ‘harbour authority’ means a person appointed as such under Article 2 of the Harbours (Administration) (Jersey) Law 1961;”;
- (b) in Article 104, in paragraphs (1), (2), (4) and (7) for the words “Harbour Master” in each place in which they occur there shall be substituted the word “Minister”;
- (c) in Article 107, in paragraph (3)(a) for the words “Harbour Master” there shall be substituted the word “Minister”;
- (d) in Article 108 –
  - (i) in paragraphs (1) and (2), for the words “Harbour Master” in each place in which they occur there shall be substituted the word “Minister”;
  - (ii) in paragraph (2), for the word “101” there shall be substituted the word “104”;
- (e) in Article 111 –
  - (i) in paragraph (3), for the words “Lieutenant Governor who shall thereupon notify” there shall be substituted the words “Minister who shall thereupon ensure notification of the detention to”;
  - (ii) in paragraphs (5)(c) and (6) for the word “Minister” in each place in which it occurs there shall be substituted the words “harbour authority”;
- (f) in Part 9, for the first Chapter heading there shall be substituted the following heading –
  - “Chapter 1 - General”;*
- (g) in Article 128(1), the definition “officer” shall be deleted and for the definition of “Receiver” there shall be substituted the following definition –
  - “ ‘Receiver’ means a person appointed as such by the Minister under Article 128A;”;
- (h) after Article 128, there shall be inserted the following Article –

**“128A The Receiver: appointment and functions**

- (1) The Minister shall appoint a person to be Receiver of wreck for the purposes of this Part.
- (2) The Minister may appoint more than one person under paragraph (1), but if the Minister does so, there shall be specified in each case the functions under this Part which are to be carried out by each such person.
- (3) Under paragraph (2) the Minister may specify –

- (a) that more than one function shall be carried out by one person; and
  - (b) that more than one person may carry out a particular function.”;
- (i) in Article 136, for paragraphs (2) to (4) there shall be substituted the following paragraphs –
  - “(2) The Receiver may authorize –
    - (a) the Agent of the Impôts; or
    - (b) the Harbour Master,to discharge a function conferred on the Receiver by any of Articles 137 to 140.”.
  - (3) Where a provision of this Chapter requires a vessel to be delivered to the Receiver, a person authorized under paragraph (2) shall be treated, subject to paragraph (4), as the agent of the Receiver with respect to goods or articles belonging to any such vessel.
  - (4) A person discharging a function as authorized under this Article is not deprived of any right to salvage to which the person would otherwise be entitled.
  - (5) In Articles 137 to 140, “shipwrecked persons” in relation to a vessel means persons belonging to that vessel.”;
- (j) for Article 153, there shall be substituted the following Articles –

**“153 Powers and duties of harbour authority in relation to wrecks**

- (1) Subject to paragraph (2), the powers in paragraph (3) may be exercised where, in the opinion of the harbour authority, a vessel which has sunk or has been stranded or abandoned –
  - (a) in, or in or near an approach to, a harbour or [tidal water]; or
  - (b) in a fairway, on the seashore, or on or near a rock, shoal, bank or island in Jersey waters,is or is likely to become an obstruction or danger to navigation or to lifeboats engaged in lifeboat service.
- (2) Where the proposed exercise by the harbour authority of a power in paragraph (3) would entail action in Jersey waters outside the limits of a harbour, the harbour authority shall –
  - (a) before taking such action, consult upon it with the Minister and any other persons whose interests, in the opinion of the Harbour Master, are likely to be affected by the action; and
  - (b) in taking such action, have regard to views expressed by the Minister and any other persons consulted.
- (3) The powers mentioned in paragraph (1) are –
  - (a) the power to take possession of the vessel;

- (b) until such time as the power in sub-paragraph (c) has been exercised so that the vessel is no longer an obstruction or danger to navigation, the power to light or buoy the vessel;
- (c) the power to raise, remove or destroy the vessel.
- (4) In this Article, “vessel” includes any part of a vessel and its property.
- (5) In this Article and in Article 153A, “property” in relation to a vessel means an article, thing or collection of things which are or form part of the equipment, cargo, stores or ballast of the vessel.

### **153A Powers of sale etc. of wrecks by harbour authority**

- (1) Subject to paragraphs (2) to (4), a harbour authority may sell anything which is taken into its possession under Article 153(3).
- (2) Except in the case of property which is perishable or would deteriorate in value by reason of such a delay, no sale under paragraph (1) shall be made until at least 7 days’ notice of the intended sale has been given by means of advertisement in a newspaper circulating in Jersey.
- (3) At any time before a sale under paragraph (1), the owner of property shall be entitled to delivery of it upon payment of its fair market value.
- (4) Where a sale under paragraph (1) takes place, the proceeds of sale of a vessel and of any property are to be treated as a common fund.
- (5) Subject to paragraph (6), the proceeds of sale of the vessel shall be held by the harbour authority in trust for the persons entitled to those proceeds.
- (6) The harbour authority may reimburse its own expenses incurred in relation to the raising, removing or sale of the vessel out of the proceeds of sale.
- (7) Powers conferred on a harbour authority by this Article are in addition to, and do not derogate from, any other powers of the authority.”;
- (k) in Article 155(1), sub-paragraph (a) shall be deleted;
- (l) in Article 177(1) –
  - (i) sub-paragraph (b) shall be deleted;
  - (ii) at the end of sub-paragraph (e), the word “or” shall be deleted;
  - (iii) at the end of sub-paragraph (f), there shall be added the word “or” and the following sub-paragraph –
    - “(g) under Article 131(a) and (b), by the Receiver.”;
- (m) in Article 192(1), for sub-paragraph (c) there shall be substituted the following sub-paragraph –
  - “(c) shall cause such a form to be supplied –

- (i) by the Registrar, either at the office of the Registrar free of charge or at a reasonable price fixed by the Minister, or (if the Registrar thinks fit) on a website approved by the Minister for that purpose,
  - (ii) by persons licensed by the Minister to print and sell such forms, or
  - (iii) in all the ways described in clauses (i) and (ii).”;
- (n) in Article 194, in paragraph (e) for the words “the Harbour Master or other” there shall be substituted the word “any”;
- (o) in Schedule 10 to the Law, in paragraph 3, for the words “Minister may make” there shall be substituted the words “harbour authority shall make”.

### **Shipping (Distress Signals and Prevention of Collisions) (Jersey) Order 2004**

In Article 1(2) of the Shipping (Distress Signals and Prevention of Collisions) (Jersey) Order 2004, in sub-paragraph (e) for the words “Harbour Master” there shall be substituted the words “Minister for Economic Development”, and the text of Regulation 5 of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 of the United Kingdom, as set out together with that Order, shall be modified accordingly.

### **Pilotage (Jersey) Law 2009**

In the Pilotage (Jersey) Law 2009 –

- (a) in Article 1(1) –
  - (i) after the definition “compulsory pilotage area” there shall be inserted the following definition –
    - “ ‘harbour authority’ means a person appointed as such under Article 2 of the Harbours (Administration) (Jersey) Law 1961;”;
  - (ii) in the definition “pilotage exemption certificate” for the words “the Harbour Master” there shall be substituted the words “a harbour authority”;
- (b) in Article 3 –
  - (i) for paragraph (1) there shall be substituted the following paragraph –
    - “(1) A harbour authority may, on the recommendation of the Harbour Master in accordance with paragraph (3), license suitably qualified persons to act as pilots in or in any part of a compulsory pilotage area.”;
  - (ii) in paragraph (2), for the words “by the Harbour Master” there shall be substituted the words “by a harbour authority under paragraph (1)”;
  - (iii) for paragraphs (3) and (4) there shall be substituted the following paragraphs –

- “(3) The Harbour Master may recommend for licensing only those persons who are suitably qualified.
- (4) For the purpose of establishing whether a person is suitably qualified, the Harbour Master shall (after consultation with persons having relevant expert knowledge) –
  - (a) determine such qualifications (including, but not limited to, matters such as physical fitness, length of service, local knowledge and relevant skills including language skills) as may be required from a person applying to be licensed under this Article; and
  - (b) make appropriate provision for examinations or checks in respect of those qualifications.”;
- (iv) in paragraph (6), for the words “Harbour Master” in the first place in which they occur there shall be substituted the words “harbour authority”, and the words “to the Harbour Master” shall be deleted,
- (v) in paragraph (7) for the words “Harbour Master” there shall be substituted the words “harbour authority” and the words “his or her” shall be deleted,
- (vi) in paragraph (8)(a), for the words “Harbour Master” there shall be substituted the words “harbour authority”,
- (vii) in paragraph (8)(b), for the words “Harbour Master” there shall be substituted the word “authority”;
- (c) in Article 4(1) and (3), for the words “Harbour Master” in each place in which they occur there shall be substituted the words “harbour authority”;
- (d) in Article 6 –
  - (i) in paragraph (1) for the words “The Harbour Master” there shall be substituted the words “A harbour authority”,
  - (ii) in paragraph (3) for the words “The Harbour Master” in the first place in which they occur there shall be substituted the words “The harbour authority”,
  - (iii) in paragraph (4) for the words “the Harbour Master” in the second place in which they occur there shall be substituted the words “the harbour authority”,
  - (iv) in paragraph (9) for the words “the Harbour Master” there shall be substituted the words “the harbour authority”,
  - (v) in paragraph (11) for the words “The Harbour Master” in the first place in which they occur there shall be substituted the words “The harbour authority”,
  - (vi) in paragraphs (12), (13), (14) and (16) for the words “Harbour Master” in each place in which they occur there shall be substituted the words “harbour authority”,
  - (vii) for paragraph (15) there shall be substituted the following paragraph –
    - “(15) The fees must be such as the harbour authority considers reasonable to meet relevant administrative costs incurred by the authority or by the Harbour Master.”;



- (e) in Article 7 –
  - (i) in paragraph (1) for the words “The Harbour Master” there shall be substituted the words “A harbour authority”,
  - (ii) in paragraphs (2), (3) and (5) to (7) for the words “Harbour Master” in each place in which they occur there shall be substituted the words “harbour authority”;
- (f) in Article 15 –
  - (i) for paragraphs (3) and (4) there shall be substituted the following paragraphs –
    - “(3) Where loss or damage to property or rights of any kind (including but not limited to a ship or property on board a ship) is caused by a licensed pilot who is an employee of a harbour authority, the authority shall not be liable in damages beyond the amount of £2,000 multiplied by the number of licensed pilots who are such employees at the time when the loss or damage occurred.
    - (3A) The limit of liability in paragraph (3) shall not apply where the loss or damage in question was attributable to an act or omission by the authority or by a person employed by or acting on behalf of the authority, committed either –
      - (a) with intent to cause such loss or damage; or
      - (b) recklessly as to whether such loss or damage would be caused.
    - (4) Where loss or damage to property or rights of any kind (including but not limited to a ship or property on board a ship) is caused by a licensed pilot who is an employee of a person other than a harbour authority, that person (“the employer”) shall not be liable in damages beyond the amount of £2,000 multiplied by the number of licensed pilots who are such employees at the time when the loss or damage occurred.
    - (4A) The limit of liability in paragraph (4) shall not apply where the loss or damage in question was attributable to an act or omission by the employer or by any person employed by or acting on behalf of the employer, committed either –
      - (a) with intent to cause such loss or damage; or
      - (b) recklessly as to whether such loss or damage would be caused.”;
    - (ii) for paragraph (9) there shall be substituted the following paragraph –
      - “(9) A harbour authority shall not be liable for any loss or damage caused by any act or omission of a pilot licensed by the authority under Article 3, by virtue only of the fact that the pilot is so licensed.”;
    - (iii) paragraph (10) shall be omitted;
  - (g) after Article 16 there shall be inserted the following Article –

**“16A Role of the Minister**

- (1) The Minister may give written directions or guidance to a harbour authority as to the exercise of the authority’s 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 that paragraph.
- (3) In exercising its functions under this Law, a harbour authority 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.”.

**Harbours (Inshore Safety) (Jersey) Regulations 2012**

In the Harbours (Inshore Safety) (Jersey) Regulations 2012 –

- (a) in Regulation 1(1), the definition “Harbour Master” shall be deleted;
- (b) in Regulation 2, for the words “Harbour Master” there shall be substituted the words “harbour authority”;
- (c) in Regulations 6 and 7, for the word “Minister” in each place in which it occurs there shall be substituted the words “harbour authority”;

**Explosives (Jersey) Law 201-**

*[This is a place-marker for amendments to the (new) Explosives Law, if that Law is registered prior to this draft Law, and if and to the extent that it is decided to use this route to make new provision in relation to the handling of explosives in harbours.]*

