



Jersey

**HARBOURS (ADMINISTRATION)
(JERSEY) LAW 1961**

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Arrangement

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Jersey

HARBOURS (ADMINISTRATION) (JERSEY) LAW 1961¹

A **LAW** for the administration of harbours and territorial waters²

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, unless the context otherwise requires –

“harbour” means any harbour, whether natural or artificial, and includes any port, dock, pier, jetty or quay, and any waters in which sea-going vessels can obtain shelter or ship or unship goods or passengers;

“Harbour Master” means the person who is, under Article 2, the Harbour Master;

“Minister” means the Minister for Economic Development;

“officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005³;

“publish”, in respect of any matter, means publish in a manner that is likely to bring the matter to the attention of those affected by it and “published” is to be construed accordingly;⁴

“territorial waters” means the sea within the seaward limits of the territorial sea adjacent to Jersey;⁵

“vessel” includes any ship or boat or any other description of vessel used in navigation.⁶

2 Harbour Master⁷

- (1) There shall be a Harbour Master.
- (2) The Harbour Master shall be the person employed under the Employment of States of Jersey Employees (Jersey) Law 2005 as the Harbour Master.
- (3) The Harbour Master shall be responsible for –

- (a) the administration of harbours and territorial waters; and
- (b) such other matters as the Minister entrusts to the Harbour Master for the carrying into effect of any legislation that is in force from time to time relating to shipping and sea navigation.⁸

2A Acting Harbour Master⁹

- (1) 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 to act as the Harbour Master –
 - (a) in relation to matters in respect of which the Harbour Master has directed the employee to act as the Harbour Master, whether the matters arise in relation to this Law or any other Law; and
 - (b) during any time when the Harbour Master is not on duty, is absent from Jersey or is suspended from the office of Harbour Master or there is a vacancy in the office of the Harbour Master.
- (2) A person appointed under paragraph (1) has, during the period of his or her appointment –
 - (a) while acting as the Harbour Master under paragraph (1)(a), the powers and functions of the Harbour Master under this or any other enactment in relation to matters in respect of which the Harbour Master has directed the employee to act as the Harbour Master; and
 - (b) while acting as the Harbour Master under paragraph (1)(b), the powers and functions of the Harbour Master under this or any other enactment.

2B Oaths¹⁰

- (1) The Harbour Master shall, on or as soon as practicable after becoming Harbour Master, take oath before the Royal Court to well and faithfully discharge his or her duties as Harbour Master.
- (2) A person appointed under Article 2A to act as the Harbour Master shall, on or as soon as practicable after being so appointed, take oath before the Royal Court to well and faithfully discharge, while acting as the Harbour Master, his or her duties as the Harbour Master under that Article.

3 Police powers of Harbour Master

- (1) The Harbour Master shall, within the limits of every harbour and within the territorial waters of Jersey, have the same powers of detention and arrest and of enforcing the maintenance of public order as are possessed by a Centenier.
- (2) The prosecution of any person arrested by the Harbour Master under the powers conferred on him or her by this Article shall be undertaken by the Connétable of the parish in which the person was arrested or, if the arrest took place within the territorial waters of Jersey, by the Connétable of St. Helier.

4 Regulations¹¹

- (1) The States may make Regulations for the policing, control, safety and administration of harbours and territorial waters.
- (2) The Regulations may, in particular –
 - (a) require the payment of fees and charges;
 - (b) require information to be published and provide who is to publish it; and
 - (c) provide that a person who contravenes a provision of the Regulations, or a direction or an order made or issued under the Regulations, is guilty of an offence and is liable to the penalty prescribed by the Regulations.
- (3) The Regulations may –
 - (a) make different provision in relation to different cases or to different circumstances; and
 - (b) contain transitional, consequential, incidental or supplementary provisions.

4A Use of facilities and provision of services¹²

- (1) The use of a facility in or the provision of a service in or from a harbour or territorial waters may be restricted.
- (2) It may be restricted to a person who, whether on application or as a result of an invitation to tender –
 - (a) has been granted a permit; or
 - (b) has entered into an agreement,that permits the person to use the facility or to provide the service.
- (3) A permit or agreement under paragraph (2) may, in particular –
 - (a) provide for the payment of fees and charges;
 - (b) impose conditions and limitations on the use of the facility or the provision of the service;
 - (c) specify the manner in which the permit or agreement may be suspended or terminated; and
 - (d) contain such other provisions as are relevant to the use of the facility or the provision of the service.
- (4) The States may make Regulations providing for the administration of this Article.
- (5) The Regulations may, in particular, provide that –
 - (a) where the use of a facility or the provision of a service is restricted in accordance with paragraph (2), the use of the facility or the provision of the service otherwise than with and in accordance with a permit or agreement is an offence punishable by a fine;
 - (b) that a person who contravenes a provision of the Regulations, or a direction or an order made or issued under the Regulations, is

guilty of an offence and is liable to the penalty prescribed by the Regulations.

5 Power to levy fines summarily¹³

- (1) Where a person is charged with any offence under Regulations made under Article 4 and accepts the decision of a Connétable or Centenier having jurisdiction in the matter, that Connétable or Centenier may inflict and levy summarily a fine of an amount not exceeding level 1 on the standard scale as it had effect at the time when such offence was committed.¹⁴
- (2) A Connétable or Centenier shall give a receipt for any fine which he or she levies under this Article.
- (3) One half of the fine is to be retained by the parish in which the offence was committed and the other half must be paid into the consolidated fund.¹⁵

6 ¹⁶

7 ¹⁷

8 Citation

This Law may be cited as the Harbours (Administration) (Jersey) Law 1961.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Harbours (Administration) (Jersey) Law 1961	L.23/1961	17 June 1961
Harbours (Administration) (Amendment) (Jersey) Law 1977	L.7/1977	9 September 1977
Harbours (Administration) (Amendment No. 2) (Jersey) Law 1982	L.9/1982	9 July 1982
Harbours (Administration) (Amendment No. 3) (Jersey) Law 1992	L.3/1992	24 January 1992
Harbours (Administration) (Amendment No. 4) (Jersey) Law 1998	L.25/1998	1 January 1999 (R&O.9341)
Harbours (Administration) (Amendment No. 5) (Jersey) Law 2000	L.40/2000	1 December 2000
Harbours (Administration) (Amendment No. 6) (Jersey) Law 2002	L.32/2002	15 November 2002
States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 2005	R&O.50/2005	9 December 2005
Employment of States of Jersey Employees (Jersey) Law 2005	L.26/2005	9 December 2005 (R&O.156/2005)
Harbours (Administration) (Amendment No. 7) (Jersey) Law 2008	L.7/2008	29 February 2008
Criminal Procedure (Connétables and Centeniers) (Amendment) (Jersey) Law 2009	L.2/2009	9 January 2009

Table of Renumbered Provisions

Original	Current
4(3A)	4(4)
(4)	(5)
4A	5
4B	6
5	7
(a)	spent, omitted from this revised edition
6	8

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government substituted by L.7/2008*
- ² *Long title*
- ³ *chapter 16.325*
- ⁴ *Article 1*
definition “publish” inserted by L.7/2008
- ⁵ *Article 1*
definition “territorial waters” inserted by L.7/2008
- ⁶ *Article 1*
amended by L.25/1998, L.26/2005
- ⁷ *Article 2*
substituted by L.26/2005; former Article 2(1) amended by L.32/2002
- ⁸ *Article 2(3)*
amended by L.7/2008
- ⁹ *Article 2A*
inserted by L.26/2005
- ¹⁰ *Article 2B*
inserted by L.26/2005
- ¹¹ *Article 4*
substituted by L.7/2008
- ¹² *Article 4A*
inserted by L.7/2008
- ¹³ *Article 5*
inserted by L.7/1977
- ¹⁴ *Article 5(1)*
substituted by L.40/2000, amended by L.2/2009; former paragraph amended by L.9/1982, L.3/1992
- ¹⁵ *Article 5(3)*
inserted by L.7/2008
- ¹⁶ *Article 6*
repealed by L.7/2008; former Article substituted by L.40/2000; former Article inserted by L.7/1977, amended by L.9/1982, L.3/1992
- ¹⁷ *Article 7*
repealed by L.7/2008