



Jersey

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

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 11 January 2024 to Current



Jersey

## HARBOURS (ADMINISTRATION) (JERSEY) LAW 1961

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Jersey

## HARBOURS (ADMINISTRATION) (JERSEY) LAW 1961<sup>1</sup>

A **LAW** for the administration of harbours and territorial waters<sup>2</sup>

Commencement [[see endnotes](#)]

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### 1 Interpretation<sup>3</sup>

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 authority” and “Harbour Master” mean the persons appointed as such under Article 2(1) and (7) respectively;

“Minister” means the Minister for Sustainable Economic Development;

“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;

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

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

### 2 Administration of harbours<sup>4</sup>

- (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 (being the company established under Article 3 of the [Air and Sea Ports \(Incorporation\) \(Jersey\) Law 2015](#)) as the harbour authority in respect of the harbours listed and further described in the Schedule.
- (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 territorial waters; and
  - (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](#).
- (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 entrust 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); 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.

**2A Acting Harbour Master<sup>5</sup>**

- (1) A harbour authority may appoint one or more of its employees 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.<sup>6</sup>
- (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 Oaths<sup>7</sup>**

- (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 a Centenier having jurisdiction in the matter or, if the arrest took place within the territorial waters of Jersey, by a Centenier of St. Helier.<sup>8</sup>

**4 Regulations<sup>9</sup>**

- (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.
- (4) Without prejudice to the generality of paragraphs (1) to (3), the States may by Regulations make particular provision, in connection with –
  - (a) the exercise of the powers conferred by Article 3(1); and
  - (b) the persons entitled to exercise those powers,as to the matters further specified in paragraph (5).<sup>10</sup>
- (5) The matters mentioned in paragraph (4) are –
  - (a) training;
  - (b) complaints, discipline, and penalties for misconduct; and
  - (c) collaboration and co-ordination with police officers.<sup>11</sup>

#### **4A Use of facilities and provision of services<sup>12</sup>**

- (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.

#### **4B Provision, etc. of moorings<sup>13</sup>**

- (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.
- (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.<sup>14</sup>**

- (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
  - (f) parking permits,in or in relation to a harbour in respect of which it is appointed and which is listed in the Schedule.
- (2) The harbour authority shall publish a list showing all charges for the time being made under paragraph (1), and the authority –
  - (a) shall not enforce payment of any charge unless it is so published; and
  - (b) may, for the purposes of publication under this paragraph, provide copies of the list for sale at a reasonable price.
- (3) 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.

- (4) 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 His Majesty the King;
  - (b) ships belonging to or used by the general lighthouse authority or by any department of the 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.<sup>15</sup>
- (5) 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.

## **5 Power to levy fines summarily<sup>16</sup>**

- (1) Where a person is charged with any offence under Regulations made under Article 4 and accepts the decision of a Centenier having jurisdiction in the matter, that Centenier may inflict and levy summarily a fine of level 1 on the standard scale.<sup>17</sup>
- (2) A Centenier shall give a receipt for any fine which he or she levies under this Article.<sup>18</sup>
- (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.<sup>19</sup>

## **5A Limitation of liability<sup>20</sup>**

- (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 States employee 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.
- (3) Paragraph (1) does not apply –
- (a) if it is shown that the act was done in bad faith; nor
  - (b) so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).

**6** 21

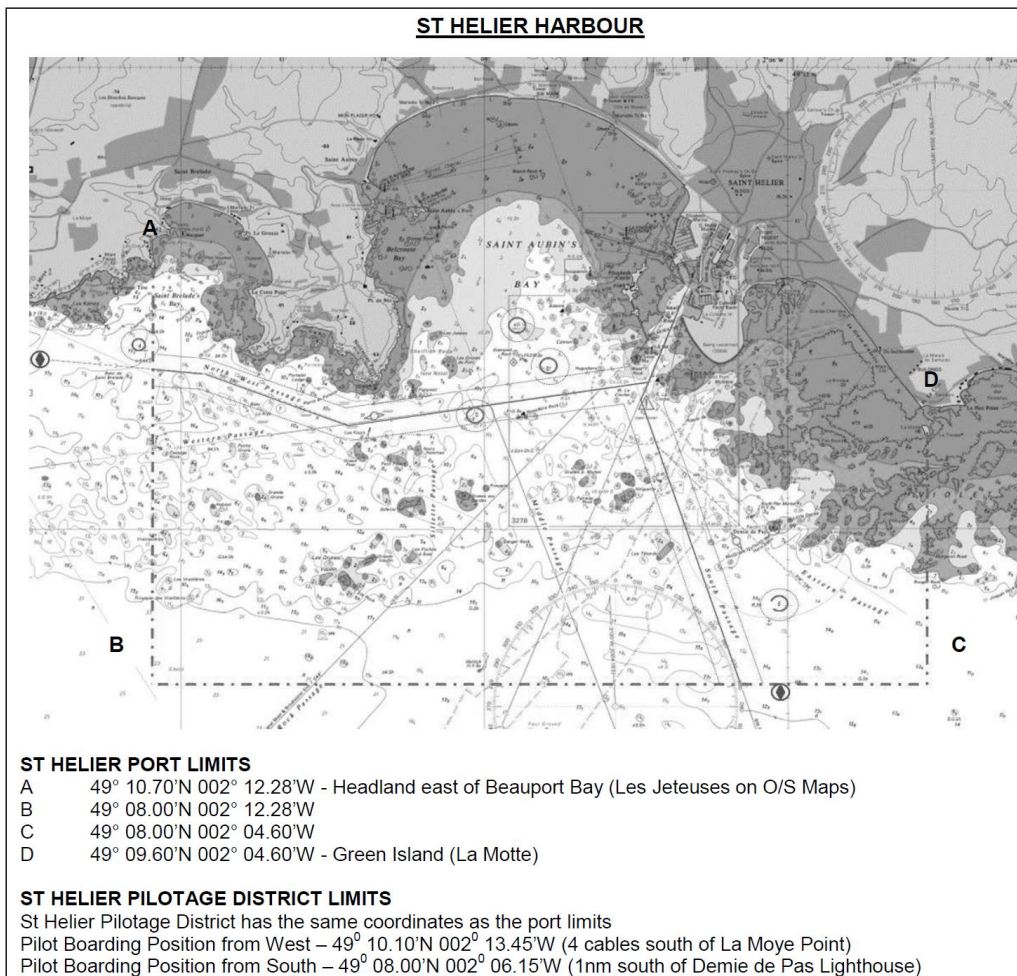
**7** 22

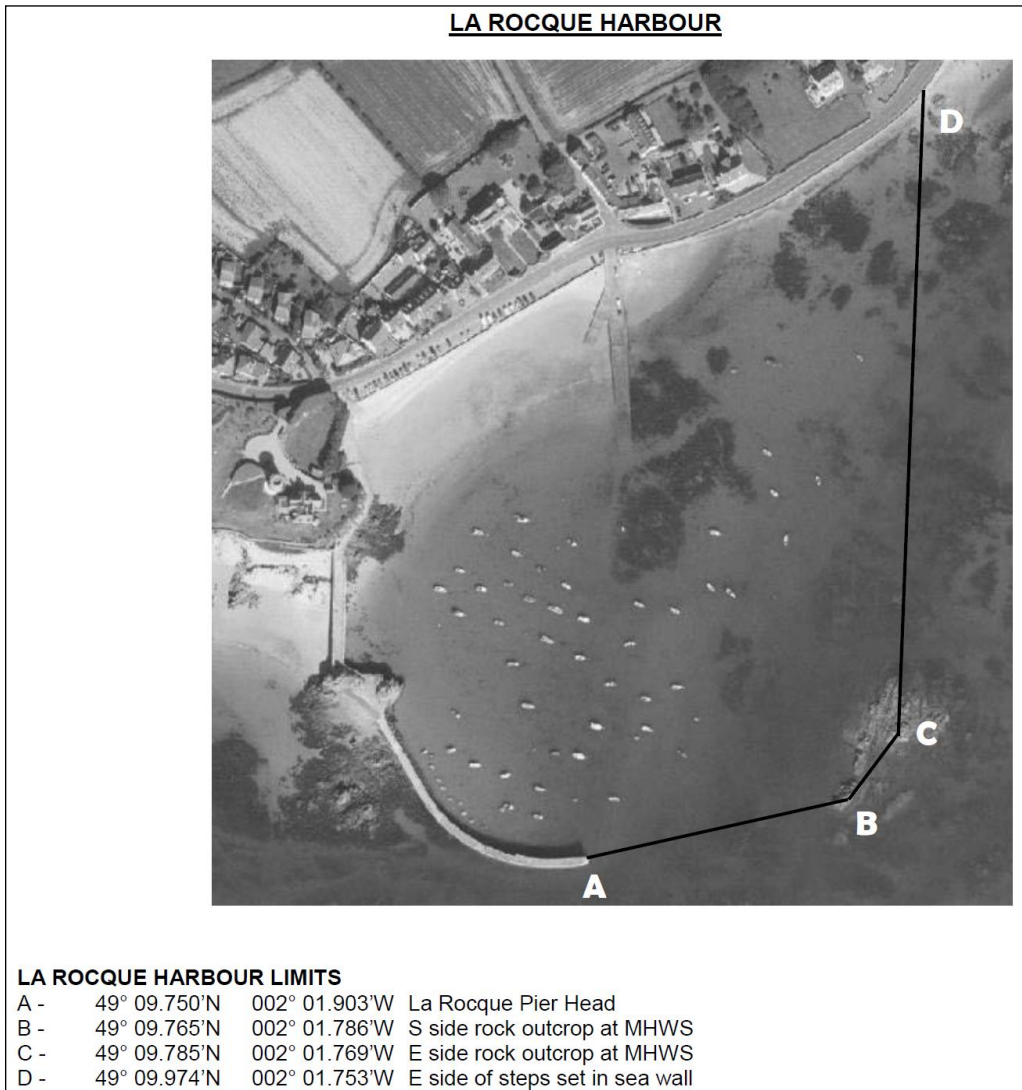
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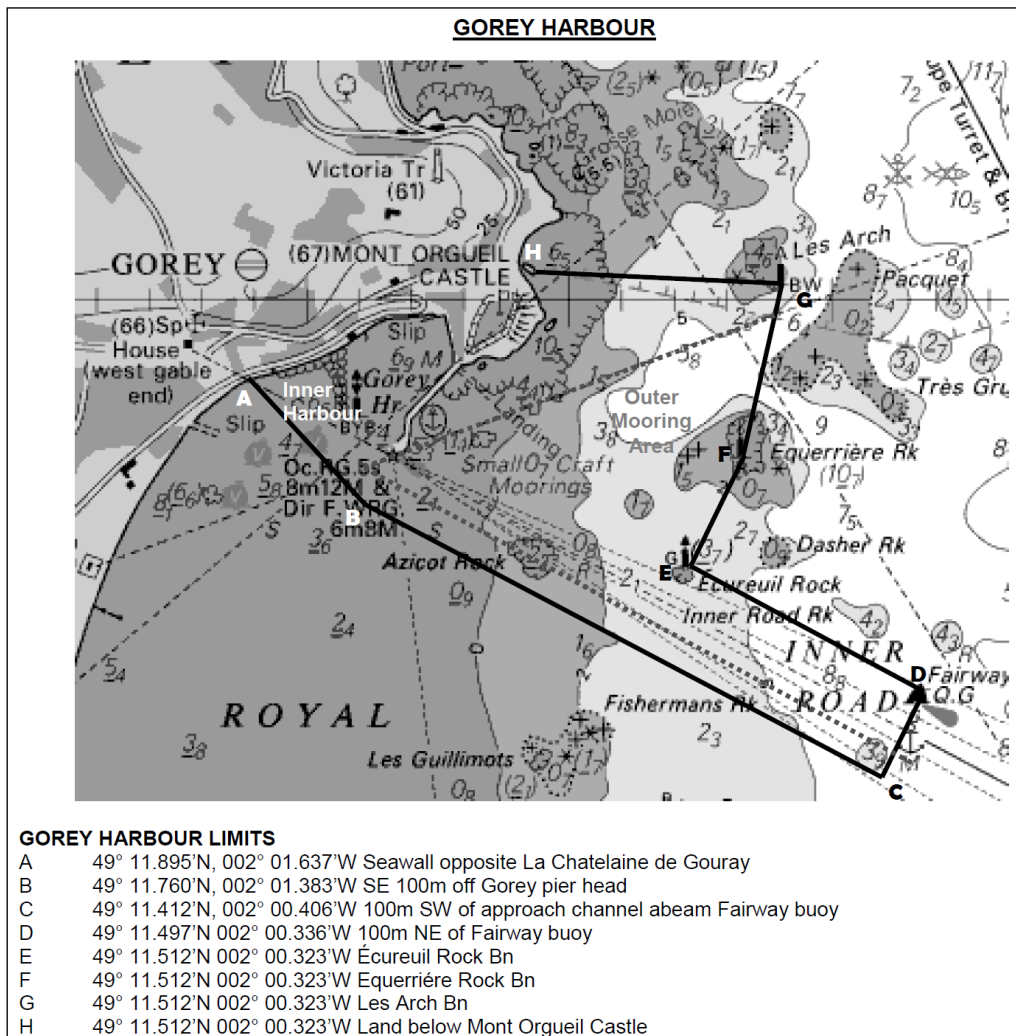
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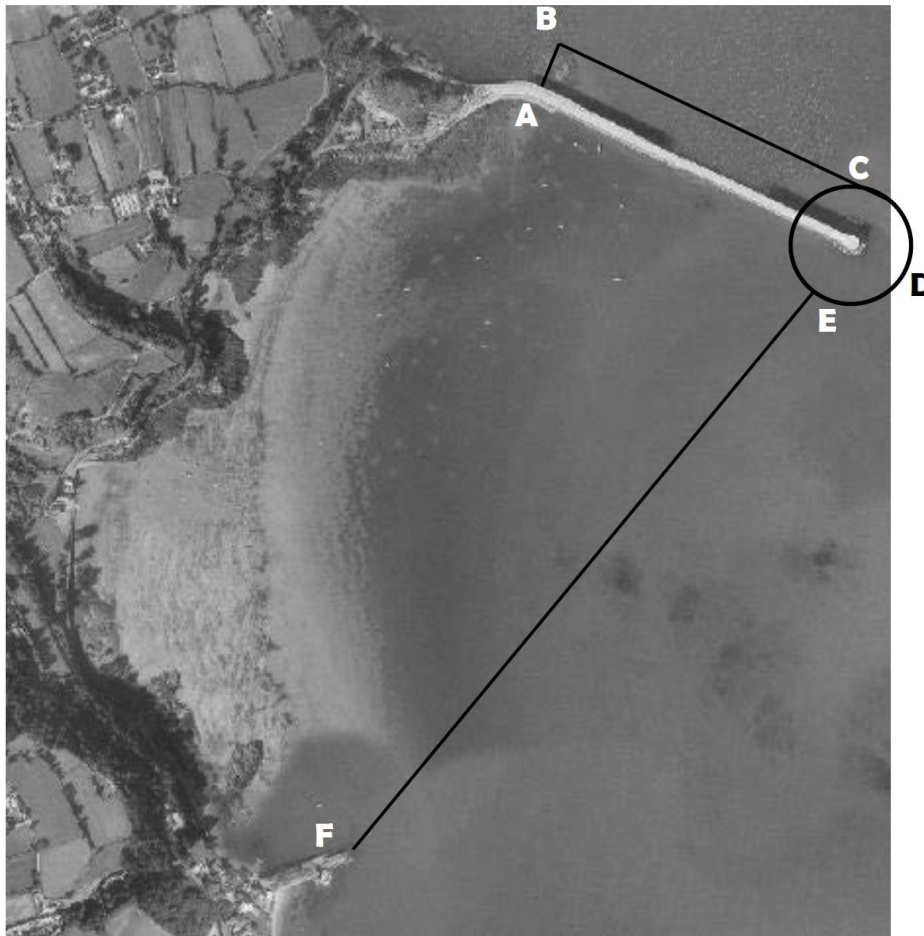
**SCHEDULE<sup>23</sup>****HARBOURS – MANAGEMENT ETC. OF MOORINGS**

(Articles 2(2) and 4B)

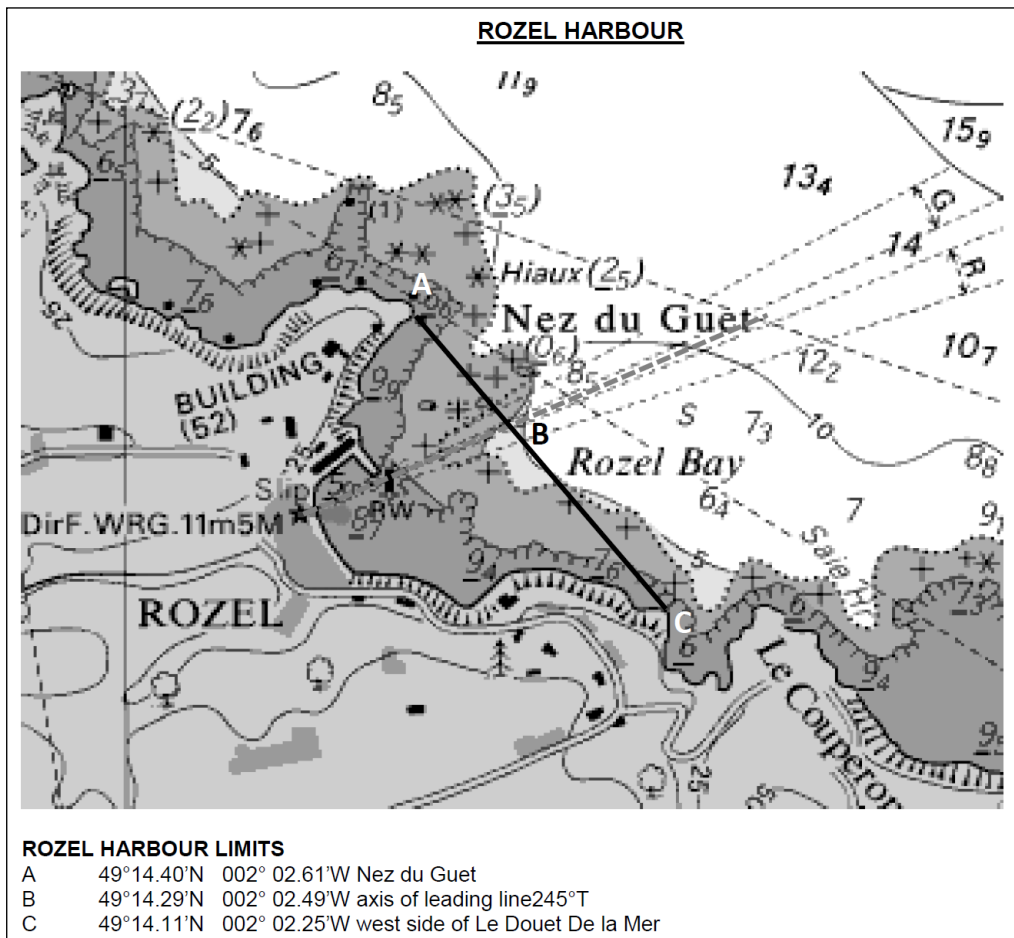
**PORT & HARBOUR LIMITS**

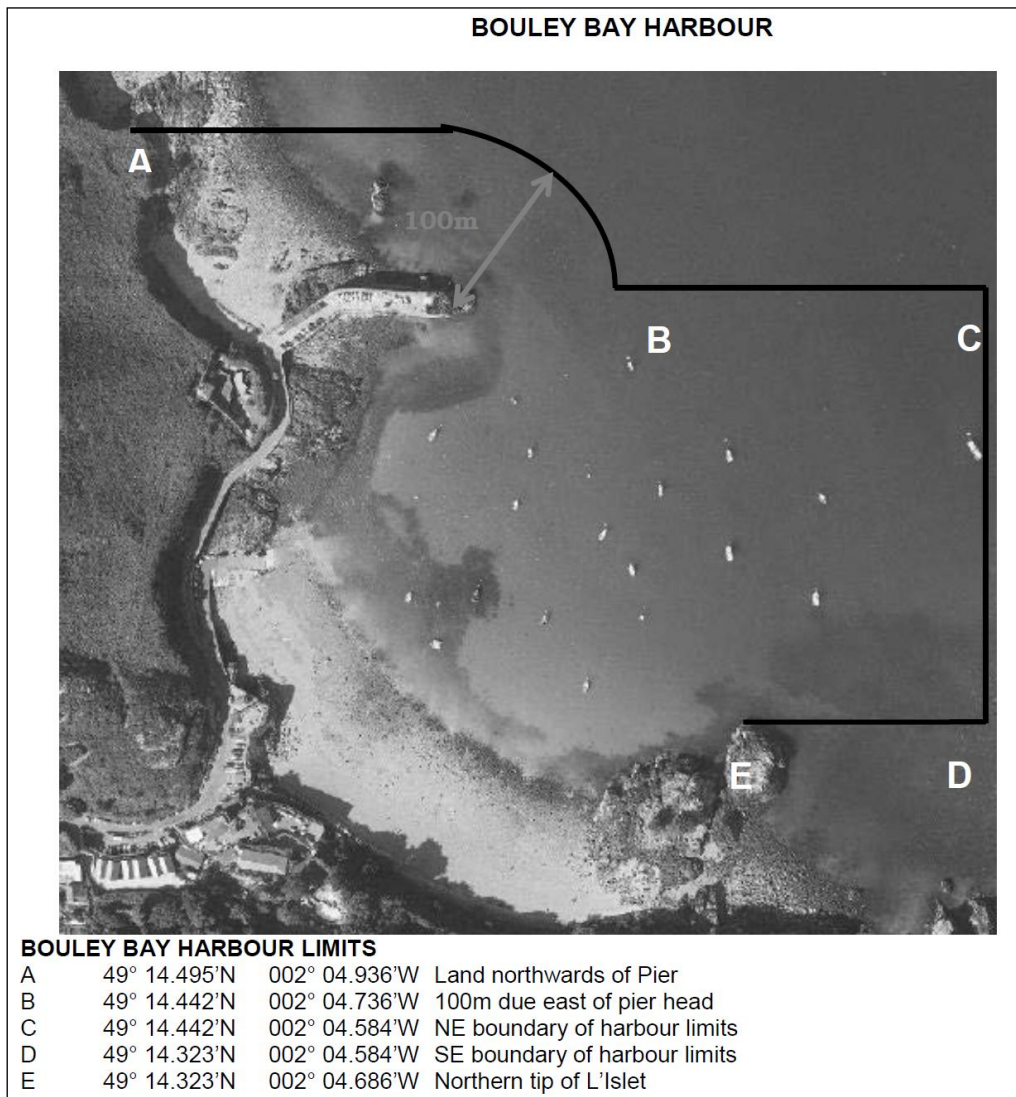


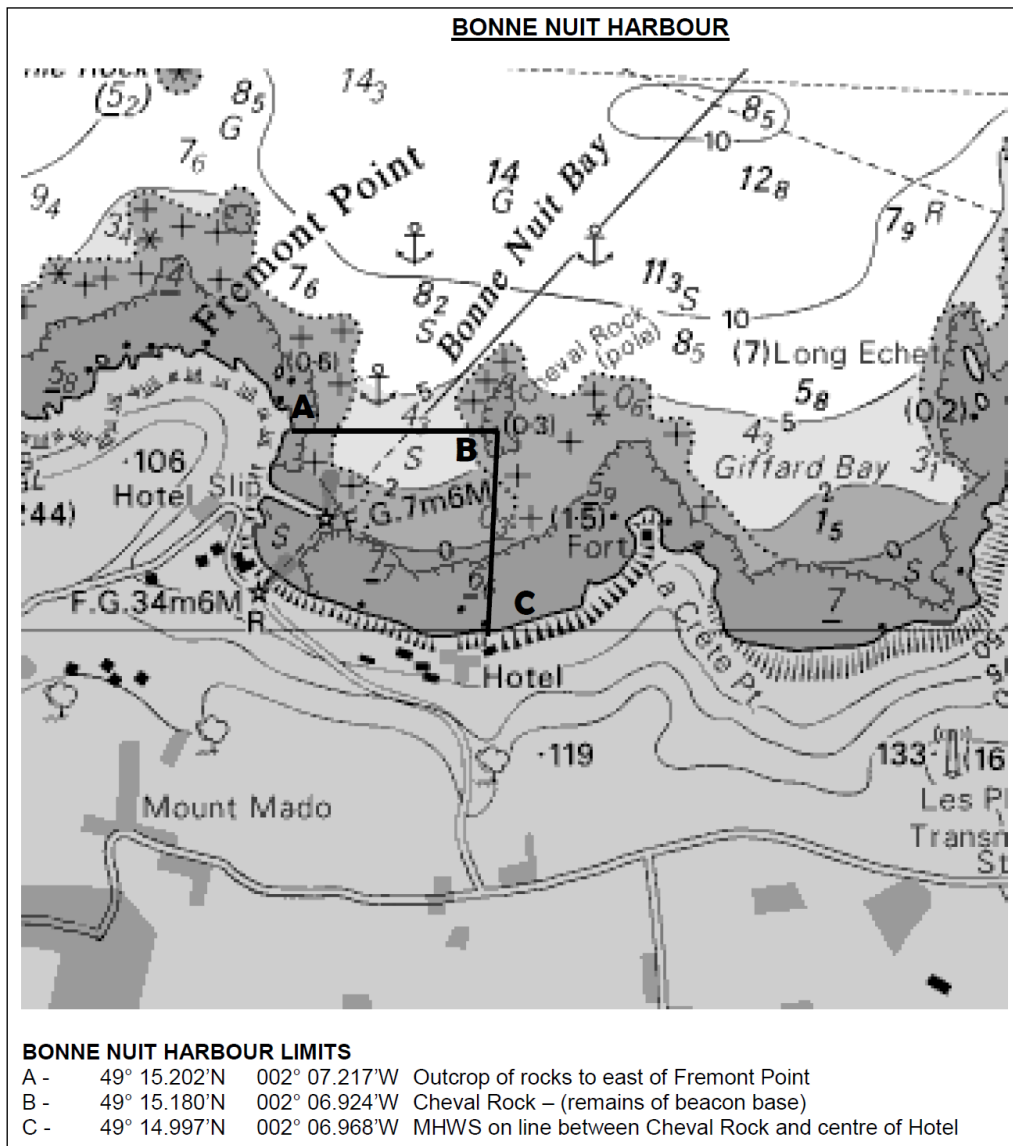


**ST CATHERINE'S, LITTLE ST CATHERINE'S AND ARCHIRONDEL HARBOURS****ST CATHERINE'S, LITTLE ST CATHERINE'S AND ARCHIRONDEL HARBOUR LIMITS**

A -	49° 13.480'N	002° 01.098'W	Root of St Catherine's Breakwater (N side)
B -	49° 13.529'N	002° 01.063'W	100m off breakwater Pt A
C -	49° 13.380'N	002° 00.595'W	100m off breakwater head (N side)
D -			Circle radius 100m off breakwater head
E -	49° 13.290'N	002° 00.700'W	100m off breakwater head (S side)
F -	49° 12.740'N	002° 01.371'W	East tip Archirondel Point MHWS







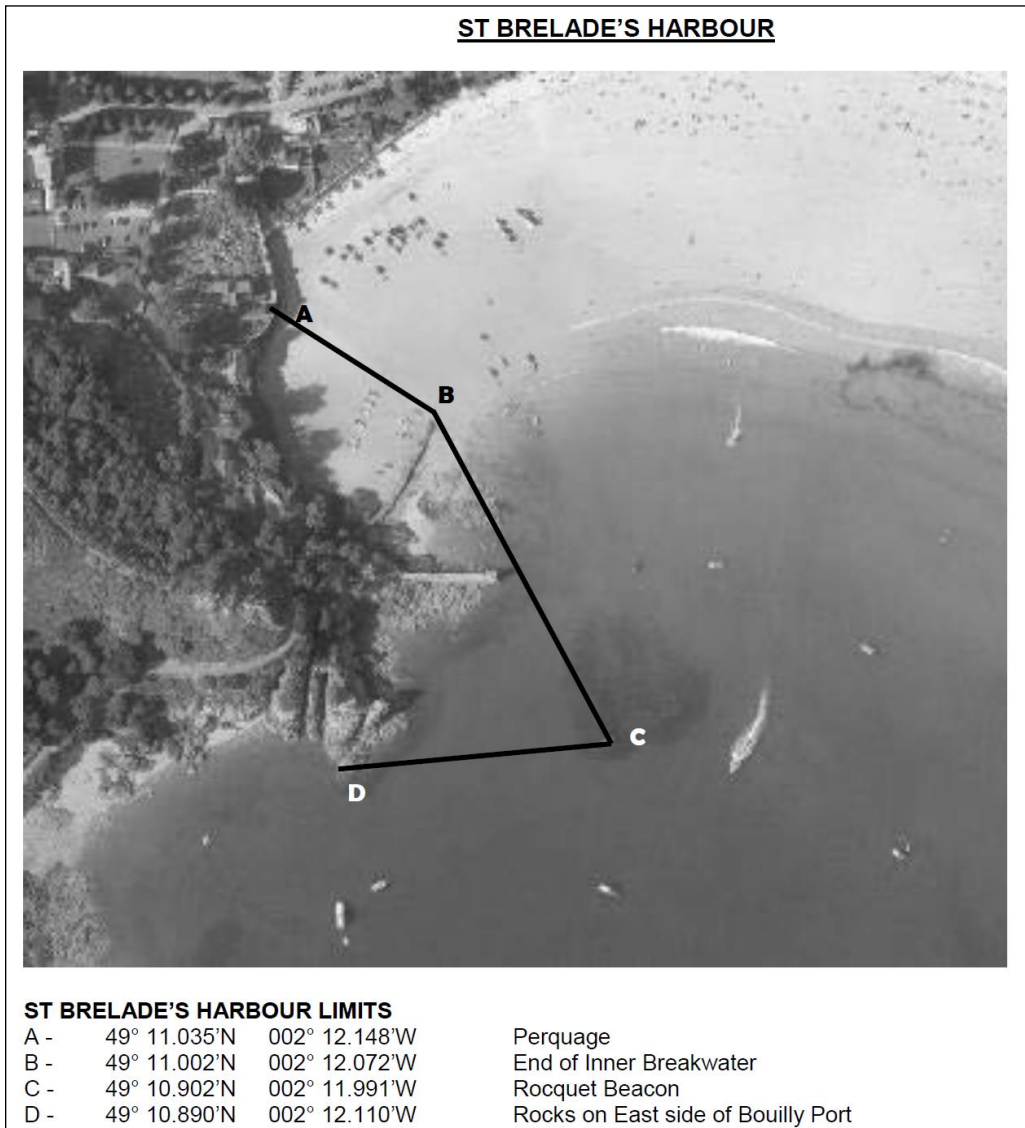


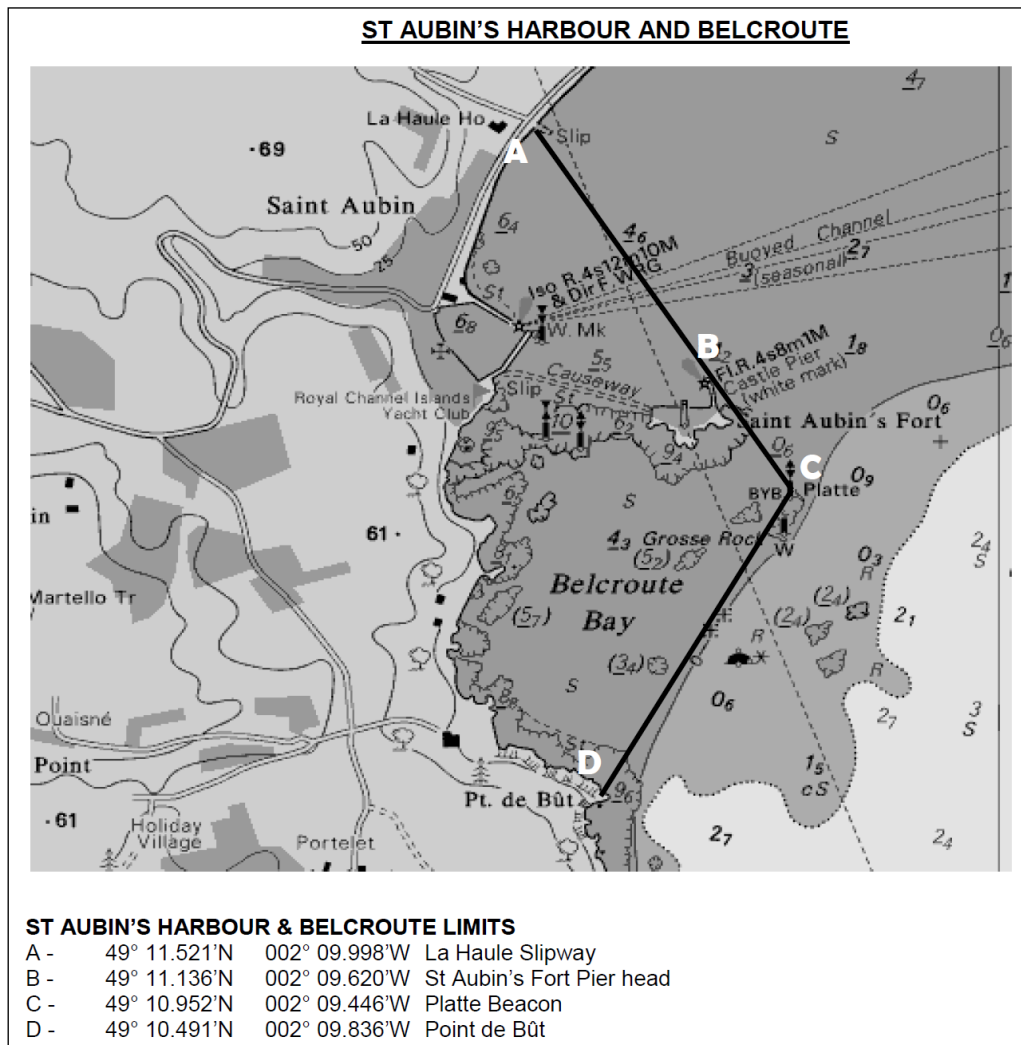
**GREVE DE LECQ HARBOUR LIMITS**

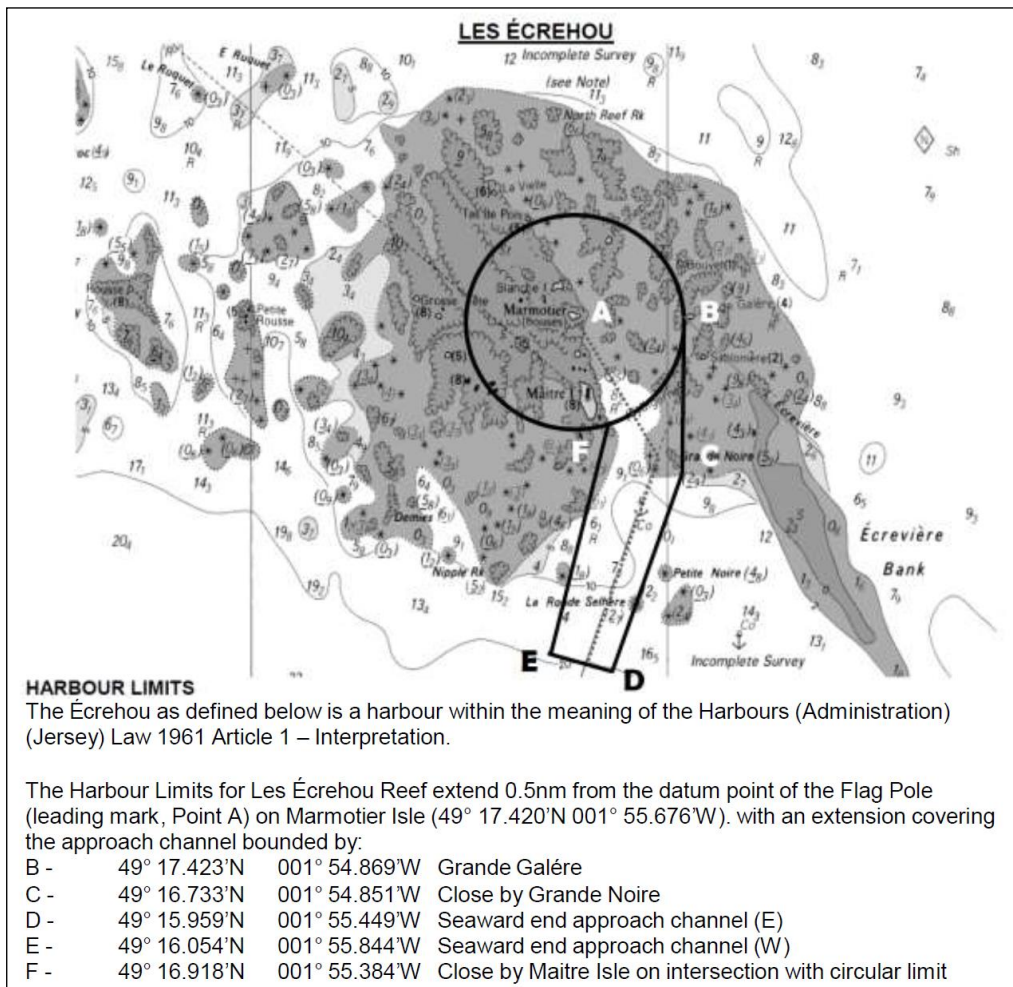


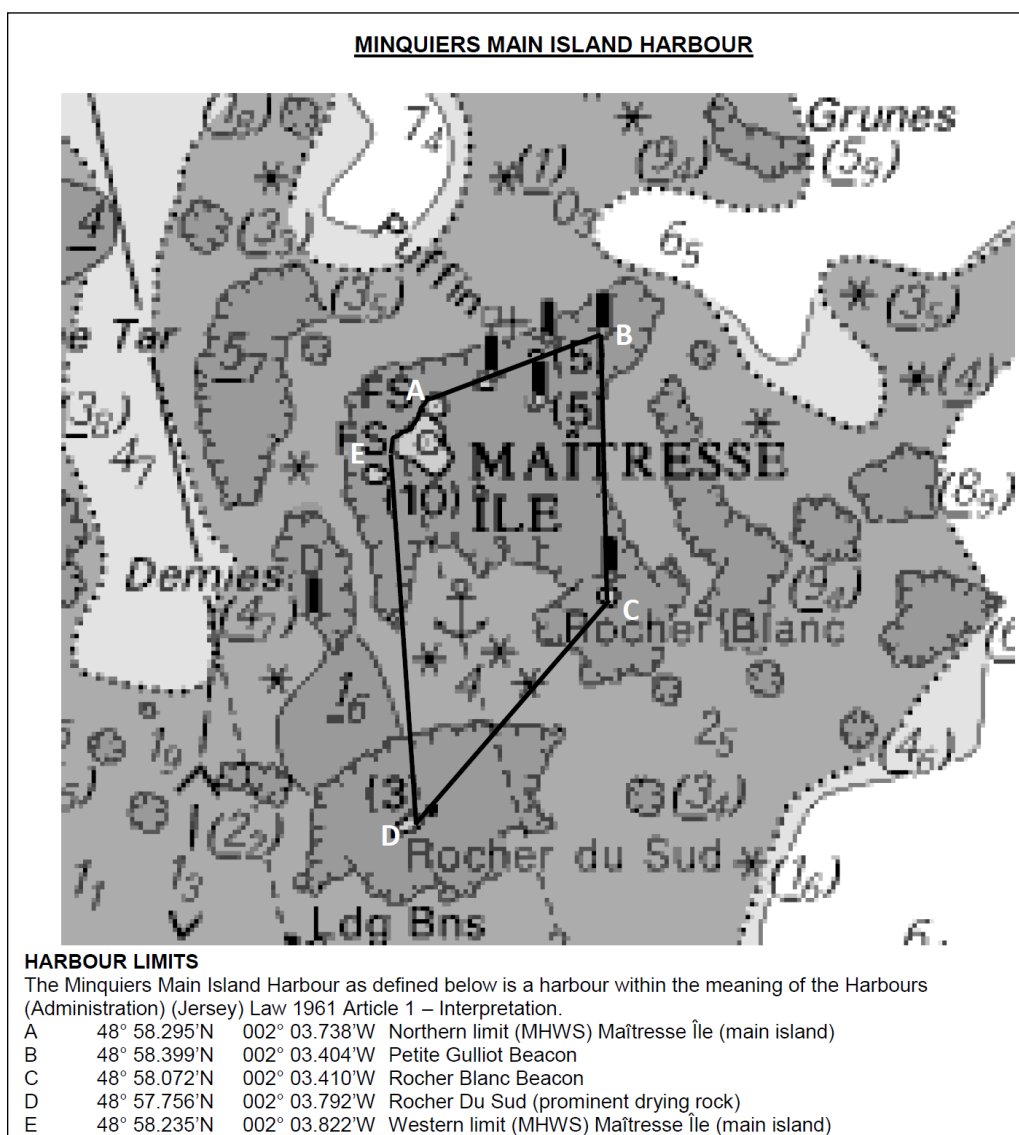
**GREVE DE LECQ HARBOUR LIMITS**

- A - 49° 14.945'N 002° 12.209'W N angle of intact pier
- B - 49° 14.942'N 002° 12.085'W NE extremity of pier to NE outcrop of ruined pier
- C - 49° 14.902'N 002° 12.072'W NE outcrop of ruined pier to E extremity of launching area
- D - 49° 14.883'N 002° 12.165'W E extremity of launching area to rock outcrop
- E - 49° 14.895'W 002° 12.205'W Rock outcrop to Corner of Car Park









## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Harbours (Administration) (Jersey) Law 1961	<a href="#">L.23/1961</a>	17 June 1961
Harbours (Administration) (Amendment) (Jersey) Law 1977	<a href="#">L.7/1977</a>	9 September 1977
Harbours (Administration) (Amendment No. 2) (Jersey) Law 1982	<a href="#">L.9/1982</a>	9 July 1982
Harbours (Administration) (Amendment No. 3) (Jersey) Law 1992	<a href="#">L.3/1992</a>	24 January 1992
Harbours (Administration) (Amendment No. 4) (Jersey) Law 1998	<a href="#">L.25/1998</a>	1 January 1999 ( <a href="#">R&amp;O.9341</a> )
Harbours (Administration) (Amendment No. 5) (Jersey) Law 2000	<a href="#">L.40/2000</a>	1 December 2000
Harbours (Administration) (Amendment No. 6) (Jersey) Law 2002	<a href="#">L.32/2002</a>	15 November 2002
States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 2005	<a href="#">R&amp;O.50/2005</a>	9 December 2005
Employment of States of Jersey Employees (Jersey) Law 2005	<a href="#">L.26/2005</a>	9 December 2005 ( <a href="#">R&amp;O.156/2005</a> )
Harbours (Administration) (Amendment No. 7) (Jersey) Law 2008	<a href="#">L.7/2008</a>	29 February 2008
Criminal Procedure (Connétables and Centeniers) (Amendment) (Jersey) Law 2009	<a href="#">L.2/2009</a>	9 January 2009
Summary Fines (Miscellaneous Amendments) (Jersey) Law 2010	<a href="#">L.2/2010</a>	15 January 2010
Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 2014	<a href="#">R&amp;O.81/2014</a>	1 August 2014 ( <a href="#">R&amp;O.80/2014</a> )
Air and Sea Ports (Incorporation) (Jersey) Law 2015	<a href="#">L.9/2015</a>	1 October 2015 ( <a href="#">R&amp;O.105/2015</a> )
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )

Legislation	Year and No	Commencement
States of Jersey (Ministerial Offices – Minister for Sustainable Economic Development) Order 2023	<a href="#">R&amp;O.102/2023</a>	24 November 2023

### 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

- <sup>1</sup> *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*
- <sup>2</sup> *Long title* substituted by L.7/2008
- <sup>3</sup> *Article 1* amended by L.25/1998, L.26/2005, L.7/2008, L.9/2015, R&O.158/2015, R&O.102/2023
- <sup>4</sup> *Article 2* substituted by L.9/2015
- <sup>5</sup> *Article 2A* inserted by L.26/2005
- <sup>6</sup> *Article 2A(1)* amended by L.9/2015
- <sup>7</sup> *Article 2B* inserted by L.26/2005
- <sup>8</sup> *Article 3(2)* substituted by R&O.81/2014
- <sup>9</sup> *Article 4* substituted by L.7/2008
- <sup>10</sup> *Article 4(4)* added by L.9/2015
- <sup>11</sup> *Article 4(5)* added by L.9/2015
- <sup>12</sup> *Article 4A* inserted by L.7/2008
- <sup>13</sup> *Article 4B* inserted by L.9/2015
- <sup>14</sup> *Article 4C* inserted by L.9/2015
- <sup>15</sup> *Article 4C(4)* revised on 11 January 2024 by Law Revision Board item [2023/1](#)
- <sup>16</sup> *Article 5* inserted by L.7/1977
- <sup>17</sup> *Article 5(1)* substituted by L.40/2000, amended by L.2/2009, L.2/2010, R&O.81/2014, L.1/2016
- <sup>18</sup> *Article 5(2)* amended by R&O.81/2014
- <sup>19</sup> *Article 5(3)* inserted by L.7/2008
- <sup>20</sup> *Article 5A* inserted by L.9/2015
- <sup>21</sup> *Article 6* repealed by L.7/2008
- <sup>22</sup> *Article 7* repealed by L.7/2008
- <sup>23</sup> *Schedule* inserted by L.9/2015