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By email

7th October 2025

Dear Chair,

Public Hearing

Thank you for your letter of 30th September, in which you ask a number of questions which the Panel were unable to raise during our recent Quarterly Hearing. I have set out answers to each of these below:

Draft Harbours (Inshore Safety) (Jersey) Amendment Regulations

- 1. In the Panel's review of the draft Regulations, questions arise around the decision to give policing powers to a private commercial entity that is the Ports of Jersey. Can you advise if there seems to be any concern around a potential conflict of interest in a private company enforcing these draft Regulations?*

The decision of the States Assembly at incorporation in 2015 was that Ports of Jersey would act as the Island's Harbour Authority. This gives it two remits: (1) policing, safety and security matters under the Harbours (Administration) (Jersey) Law 1961, and (2) delivery of the public service obligation under the Air and Sea Ports (Incorporation) (Jersey) Law 2015.

This model is common in the UK, where private and commercial entities such as ABP, Forth Ports and Peel Ports act as both port operators and harbour authorities. Ports of Jersey is further distinguished by being wholly owned by the Government of Jersey. Compliance is externally assured through the Port Marine Safety Code, which requires independent audit and oversight by a Designated Person. For these reasons, I do not consider there to be a conflict of interest, nor do I doubt their ability to appropriately enforce the draft Regulations.

- 2. In your opinion, should the Harbour Authority not be independent of the Ports of Jersey?*

I am content with the current organisation of Ports of Jersey, including the position of the Harbour Authority within it. The decision of the Assembly was clear that Ports of Jersey, as a wholly owned public corporation, is to be the Island's harbour authority. Separation would undermine the ability of Ports of Jersey to manage its harbours safely as well dilute efficiency and expertise across different organisations. Further, the Harbour Authority has demonstrated an ability to appropriately discharge its duties and therefore I see no need for it to be separated from Ports of Jersey at this time.

- 3. As Ports of Jersey are not trained police officers, what training will be undertaken by individuals to ensure that skill levels are adequate to enforce the draft Regulations?*

Ports of Jersey staff exercising enforcement powers are not the same as police officers. They are trained specifically for their statutory duties, much like HSI Inspectors or Fisheries Officers. In

practice, this encompasses: formal training in the relevant legislation and arrest/detention powers; safe use of breath-testing equipment; evidence-gathering, chain-of-custody procedures and de-escalation training where appropriate.

4. What consideration was given around the policing powers being given to States of Jersey Police?

Under the proposed Regulations, it will be necessary for the States of Jersey Police to assist, and where necessary lead, on appropriate enforcement. The Justice & Home Affairs Department was consulted on the inclusion of these powers during the development of the draft Regulations. To coordinate the joint working between their organisations and the additional policing powers, Ports of Jersey is in the process of developing a MoU with the States of Jersey Police, which will aid how the two organisations approach maritime investigations, including general principles of cooperation.

5. Has any consideration been given to the creation of a Maritime Police unit in Jersey?

Consideration has been given, but the scale of the Island does not justify a stand-alone maritime police force. Effective enforcement delivered through Ports of Jersey as Harbour Authority, working closely with the States Police, is proportionate and appropriate for the level of offending.

6. In your opinion what should government's role in enforcement with regards to this type of regulations be?

As set out in 6(1)(d) of the Air and Sea Ports (Incorporation) (Jersey) Law 2015, Ports of Jersey are responsible for discharging the enforcement of shipping legislation in territorial waters. Government's role is to set the legislative framework, to hold Ports of Jersey to account for its statutory responsibilities, and to provide assurance that enforcement is carried out proportionately and consistently. This includes oversight of compliance with the Port Marine Safety Code and approval of the MoU with the States Police.

7. Earlier this year, Jersey Airport was put on under special attention by the aviation regulator the Office of the Director of Civil Aviation (OCDA). Can you outline is there an equivalent for Ports of Jersey in it's maritime capacity? And if not, why does this not exist?

The comparison with the airport is not direct. Jersey Airport is an aerodrome operator subject to oversight by the Office of the Director of Civil Aviation.

In contrast, the harbour's compliance with international obligations is assured through the International Maritime Organisation's III Code audit process. These audits take place on a five-year cycle, with Jersey achieving strong results at its most recent review.

In addition to the formal IMO process, Ports of Jersey undertakes peer reviews with UK counterparts, such as HM Coastguard and Trinity House. The aim is to review one of the core III Code areas annually, to provide ongoing external assurance between formal audits.

Ports of Jersey is also subject to external PMSC audits every two years, with the Harbour Authority reporting the outcome of each audit to the Minister.

8. *Has any consideration been given to the need for an independent regulator for the maritime space given the further inclusion of criminal offences within the proposed draft Regulations?*

The model adopted in 2015 was for Ports of Jersey to act as Harbour Authority with independent assurance under the Port Marine Safety Code. This is consistent with practice in the UK, where commercial ports such as ABP and Forth Ports hold similar responsibilities. Further, I hold no reservations regarding Ports of Jersey's ability to appropriately discharge their new enforcement duties, however I shall continue to monitor the performance of enforcement activities through regular meetings with the Harbour Authority.

9. *Can you advise the Panel Jersey what is the complaints process if an individuals wish to lodge a formal complaint against the Harbourmaster or Ports of Jersey?*

Any individual may lodge a formal complaint against Ports of Jersey or the Harbourmaster through the published complaints procedure. Complaints are handled under the Ports' Enforcement Policy and can be escalated to the Minister for Sustainable Economic Development if necessary.

10. *As part of the Panel's review, it received in confidence the draft MOU between Ports of Jersey and States of Jersey Police. Can you confirm if this has now been finalised and signed? If not, when will this be finalised?*

The draft Memorandum of Understanding has not yet been signed. PoJ and SoJP are awaiting completion of the EIA Panel's ongoing review processes before signing.

11. *The Ports of Jersey Enforcement policy is not currently updated to reflect the draft regulations (if adopted), will this be updated and if so has work begun to finalise the updated version?*

The Enforcement Policy outlines Ports of Jersey's enforcement principles and responsibilities, which clearly cover all relevant subordinate legislation under several pieces of primary maritime legislation. This subordinate legislation includes the Harbours (Inshore Safety) Regulations. The policy also details Ports of Jersey's procedures for investigation and the criteria used to determine appropriate enforcement action. The policy does not require updating at this time as the approach detailed within will remain applicable to the draft Regulations.

12. *What consideration has been given to random breathalysing of ship operators?*

Random testing is not considered proportionate to the risks identified. Ports of Jersey will enforce the Regulations proportionately and consistently, focusing on reasonable grounds for testing. This approach mirrors that of many other jurisdictions, such as the UK and Guernsey, where random breath testing for vessel operators does not occur. Furthermore, the current draft of the Regulations does not permit random testing. A breath test can only be requested if there is at least a suspicion of careless or dangerous operation of a vessel. As operating a vessel under the influence without suspicion or evidence of a further related crime is not an offence under the current drafting, there is no legal basis for random tests to occur. This is consistent with road traffic law, where Police officers also cannot randomly breath test drivers.

13. Should the draft Regulations be adopted, what processes are in place around the collection of and sharing of maritime data around incidents and occurrences where alcohol or drugs has been tested for?

All testing incidents will be documented and recorded by Ports of Jersey in accordance with its enforcement procedures. Data will be shared with the States Police under the MoU and reported through compliance mechanisms with government, ensuring proper handling under data protection law.

14. Has the Health and Safety Inspectorate been consulted about the proposed offences and their implications, and about working together with the other agencies involved?

Economy Officers engaged with the Justice & Home Affairs Department, under which the Health and Safety Inspectorate sit, throughout the development of the legislative amendments. The proposition also underwent public consultation in June 2023 to ensure sea users and the wider community had the opportunity to feedback.

Ports of Jersey has joined the Health and Safety Inspectorate in becoming a signatory to the Work Related Death Protocol. The Protocol establishes an approach to effective, joint investigations for involved agencies in the event of a work-related death. Other signatories include the States of Jersey Police, Jersey Care Commission, the Fire and Rescue Service, and the Government of Jersey Regulation Directorate.

Supply Chain Resilience

15. The Panel notes reports of Guernsey exploring direct imports of produce from Brittany. Has your department also explored this option, and what progress has been made?

Freight policy development is now being actively scoped by the PPMG, including consideration of the southern route. Alongside this, discrete projects are already testing and developing southern connectivity, for example the export of inert waste for recycling and recovery in France, occasional trial consignments of perishable produce, and work to establish southern options as a contingency in the event of disruption on the northern route.

16. The Comptroller and Auditor General has highlighted the Island's reliance on the Northern route. Why has there not been a policy focus on developing a southern supply route, and are there plans to do so?

Direct imports from France already form part of Jersey's supply chain. Each year, around 8,000 tonnes of freight (equivalent to approximately 11,500 lane metres) are imported via the southern route. While southern volumes are modest compared to the northern route, the option is already utilised, and broader consideration of the role of southern connectivity is being taken forward as part of the freight policy work currently scoped by the Ports Policy and Maritime Group (PPMG).

The Caesarea Trader provides one southern rotation per week, supplemented by limited freight capacity on the high-speed passenger vessel, which operates daily in summer and four times a week in winter. This capacity is typically used for small, time-sensitive consignments.

17. Have any capital investments been earmarked for upgrading port related infrastructure, and if not, why?

Yes. Ports of Jersey secured planning permission for the Elizabeth Harbour Redevelopment Plan in November 2024. Work is now progressing through the 36 planning conditions attached to the approval, alongside preparation of a FEPA dredge licence application with the Government's Environment Department. The redevelopment is a central commitment within the Ports of Jersey Strategic Business Plan and will set out the sequencing of capital investments needed to modernise and future-proof the Island's freight infrastructure.

Elizabeth Harbour is the Island's primary freight gateway and lifeline for essential supplies including food, medicines, mail and clothing.

The redevelopment will consolidate all freight operations at Elizabeth Harbour. The Lift On Lift Off (LoLo) crane operation will be relocated from New North Quay and co-located with RoRo services. To enable this, new operational land will be created through a combination of suspended deck and reclamation, alongside the construction of a dedicated LoLo berth and wider harbour reconfiguration.

This investment will deliver a substantial increase in usable freight area, create operational efficiencies, and safeguard the Island's supply chain by providing the flexibility and resilience needed to meet the Island's needs.

Proposed Budget 2026–2029

18. What are your priorities within the Proposed Budget 2026–2029, and are you satisfied with the level of funding allocated to your department?

The Proposed Budget 2026-2029 is centred around the Council of Minister's Common Strategic Policies which were approved by the Assembly in May 2024.

The priorities of *Reducing Red Tape*, *enhancing opportunities for business and strengthening Jersey's International Reputation* and *managing the transition to a Living Wage* are the primary objectives within my area of responsibility.

The Panel will be aware of a number of initiatives relating to the former which have recently been delivered or are near completion. These include, amongst others:

- A new Planning Portal, run by Jersey Business
- Rescindment of the Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010
- Replacement of the Licensing (Jersey) Law 1974
- Amendments to the Tourism Order
- The re-capitalised Agricultural Loans scheme

These priorities will continue in 2026 and have been financed through the Department's core budget, with the exception of the Agricultural Loans scheme which is managed via a dedicated Fund.

My role in supporting the transition to the Living Wage has been focused on the Better Business Support Package which will be familiar to the Panel. This scheme has £10m allocated in 2026 which will again focus on supporting businesses and employers to make productivity improvements and reinvest in their product. In particular, I hope we can build on the success of the 2025 productivity grants which saw a multiplier effect of every £1 of public investment generating a further £1.90 in private spend.

19. Which areas of work have been reprioritised or significantly reduced in funding, and are any savings required in areas under your remit?

My Department's growth reduction was fully delivered for 2025. The staffing costs reductions proposed in 2026 will be fully implemented with no redeployments or redundancies being required as we have already prepared for this in advance and can fully deliver the savings target in January 2026.

As Minister, I will be considering the allocation of the Department's 2026 budget in due course. For 2026 the total budget for my service area is **£37,816,000**.

This figure excludes financial services and the BBSP £10m support package but does include Intellectual Property which falls under the Minister for External Relations' remit.

20. Will any changes in funding impact the services your department delivers, and if so, could you provide details?

As noted above, no redeployments or redundancies are envisaged in my Department during 2026. Prioritisation of work remains important, particularly given the constraints on available law drafting time, and this will continue but we do not envisage any reductions in activity as a result of the budget.

Proposed Amendment to the Licensing (Jersey) Law 1974

21. Could you provide an update on the proposed amendment to the Licensing Law and how consultation feedback has influenced its development?

The Draft Alcohol Licensing (Jersey) Law 202- ('the Draft Law') is now in a mature form and has been shared with the Panel. Further comments are expected from key stakeholders in the coming weeks ahead of the Draft Law being lodged at the end of October.

The Draft Law builds on previous attempts at reforming the Islands licensing regime and seeks to ensure that enforcement is both agile and proportionate, allowing for issues to be dealt with quickly and at the appropriate level. It will also simplify the licence categories, reducing these from 7 to 3 and removing the need for licenced premises to hold multiple, sometimes conflicting, licences. Under the Draft Law, licenced premises will have their licence conditions tailored to their individual operating environment and this will be informed by feedback from the relevant Parish, public health, fire and rescue service and Regulation Directorate as well as the businesses themselves. The Draft

Law will, for the first time, bring licensing policy under the remit of Government and the States Assembly rather than the Royal Court.

Throughout the law drafting process, officers have engaged with a number of interest groups whose feedback has been used to shape the proposals. These groups are listed below:

- Justice and Home Affairs policy team
- Jersey Fire and Rescue service
- States of Jersey Police
- Law Officers Department
- The Royal Court
- Public Health
- Government Economic Analysis Team
- Jersey Gambling Commission
- Comité des Connétables
- Regulation Directorate
- Bailiff's Chambers
- Jersey Hospitality Association
- Chamber of Commerce
- Jersey Competition Regulatory Authority
- Jersey Children's Commissioner

Additionally, a public consultation on the proposals was undertaken between December 2024 and January 2025, receiving a total of 103 responses from individuals, organisations and businesses.

This consultation noted broad agreement in the need to update the existing Licensing (Jersey) Law 1974 ('the existing Law') with 89% of respondents agreeing that the Law required updating.

A further 74% of respondents agreed that the licensing process should be run by a Regulatory Authority, noting that this would speed up the process and allow for more agile enforcement of the Law.

65% of respondents agreed with the proposals to retain a role for the Parishes although some felt this was unnecessary and could cause discrepancies with different Parishes discharging their roles in different ways.

Following feedback from stakeholders a number of changes have been made to the initial policy proposals including:

- Retaining a requirement that prices should be made readily available to customers
- Clarifying the conditions under which a Temporary Closure Order may be issued
- Establishing a clear and transparent appeals mechanism
- Creating a simplified and more equitable fee structure

22. In the Assembly you noted your intention for one authority to undertake both alcohol licensing and Gambling Commission functions. What additional resources would this require, and has this been budgeted for?

No additional resourcing requirements are envisaged as part of this change.

The existing Licensing (Jersey) Law 1974 imposes a fee structure which was set by Regulations in 2007 and has not been amended since then. These are set out in the Annex and, as the Panel will appreciate, cause some discrepancies with individual on-licensed premises often possessing multiple licences which are calculated in different ways and charged simultaneously. Conversely, off-licences are charged a flat fee regardless of size.

Under the new Law, fees will be set by Ministerial Order and fee income will be transferred to the Commission to cover the costs of regulating the sector. The fee model will also be simplified, alongside licence categories meaning on-licensed premises will be required to hold a single licence with conditions tailored to the needs of their operating environment. Bolt-on fees or deductions could also be applied for activities such as extended opening hours or conversely a discount on fees for charitable organisations.

The current fees generate C.£250,000 per annum and the new fee model will not seek to increase this figure but will simplify the licence types and process for licensees.

The new fee model will need to be consulted upon and finalised with stakeholder input as part of the transition process, should the Draft Law be adopted.

23. Can you provide the Panel with detail on how drinks promotions and minimum pricing will be dealt with and what process and evidence will guide any future policy decisions on these matters?

It is important to note that the existing Law is silent on the subject of drinks promotions.

Historically these have been controlled via the Law's requirement that alcohol licences be issued only to individuals considered 'fit and proper persons' and the interpretation, by subsequent Attorneys General of this as being persons who would not engage in drinks promotions.

Under the new Law, drinks promotions and the fit and proper persons definition will both be defined by Government Policy. This will allow definitions to change and be updated depending on available evidence and the political decisions of future Council of Ministers. This is in accordance with [P.105/2020](#) which was adopted by the States Assembly.

The *Fit and Proper Persons* definition will be updated in Government guidance to require that License Managers are registered in the same way as Door Staff are under the existing Law. In practice, this will require a DBS check, evidence of relevant training and industry experience and could also include a first aid course.

An Alcohol Policy Ministerial Group will be established to oversee the work of the Alcohol and Gambling Commission and to issue general guidance on the sale of alcohol in Jersey.

This means that future Governments could choose to alter the restrictions on the sale of alcohol, marketing and price promotions depending on policy.

For example, a future Government could wish to restrict the visibility of alcohol within off-licences in the same way as tobacco products. Alternatively, a new Government could propose extending opening hours for nightclubs. Neither example would be possible under existing Law but would be available levers to Government under the new Draft Law.

24. What role will the Parishes and their Honorary Police have under the proposed Amendment?

Parishes will retain their existing powers under the Draft Law but will also be granted further levers to ensure the interests of their municipality are represented.

Connétables will continue to have the ability to call Parish Assemblies for each licence application (as they do now) but will also be able, as an alternative, to provide their recommendations based on input from their honorary police and municipal administration.

Under the [Loi \(1804\) au sujet des assemblées paroissiales](#) Parishioners retain the ability to call a Parish Assembly, regardless of the Connétable's judgement, via a requête (requiring ten signatures to call), this will not change and notices of draft decisions will be given on the Alcohol and Gambling Commission's website, a brief notice period will be allowed for, to provide for this arrangement.

The powers of Parishes have also been expanded to include the ability to issue a Temporary Closure Order (following consultation with the SOJP) and a representative of the Comité des Connétable will also be included as a member of the Alcohol Policy Ministerial Group mentioned above.

Furthermore, the enforcement provisions of the Draft Law allow for action to be taken without the need to take a licensee to Court. For example, a Parish could request the Alcohol and Gambling Commission to review the licence conditions and, if necessary, alter the conditions of a licence, such as opening hours or maximum capacity. This could be done in real time and without the need to wait for the next quarterly meeting of the Licensing Assembly as is the case under the existing Law.

Telecommunications Law (Jersey) Amendment Regulations

25. Following Ofcom's April 2025 ban on Global Titles Leasing, could you provide an overview of the economic impact this has had on Jersey telecoms providers?

In April 2025, Ofcom published a statement on Global Titles which set out, amongst other things, its decision to ban the leasing of Global Titles to third parties by operators that hold UK mobile numbers. The ban on new Global Title leasing took effect immediately, whilst the ban on existing Global Title leasing arrangements does not come into force until April 2026.

Ofcom cannot issue or enforce new rules on the use of Global Titles in Jersey, as this responsibility sits with the Jersey Competition Regulatory Authority (JCRA). In September 2024, the JCRA published a 'letter to mobile operators'¹ and an Information Note², where the JCRA stated that it was 'minded to modify the existing Licences' to impose the same prohibition in Jersey.

¹ <https://www.jcra.je/media/599022/t-076-global-titles-letter-to-mobile-operators.pdf>

² <https://www.jcra.je/media/599021/t-076-global-titles-information-note.pdf>

Though the JCRA is yet to make its final decision, the JCRA initial notice³ in July 2025 sets out the JCRA's intention to prohibit the creation of new leases of Global Titles immediately and to prohibit the use of existing leases of Global Titles by 1 January 2027.

We understand that Jersey telecoms operators were involved in Global Title leasing and that there may be an impact, but we cannot advise on the specific commercial impact for each telecoms operator. Jersey telecoms operators have a transition period for phasing out existing leases of Global Titles, which gives them time to make alternative arrangements.

Global Title leasing is viewed as a major security threat to mobile networks and it is vital that Jersey acts to prevent such activities. Whilst there may be a commercial impact for Jersey telecoms operators, the security interests of Jersey and the UK, as well as Jersey's international reputation must be protected and prioritised.

26. Has any assessment of this impact been carried out, and can it be shared with the Panel?

No. Individual telecoms operators in Jersey will be carrying out their own assessments of the commercial impact on their business. Whilst Government understands there may be a commercial impact, we do not think it is appropriate for Government to request access to those individual commercial assessments.

27. Are you aware of what alternative income streams local telecoms providers are pursuing to mitigate the loss from Global Titles Leasing?

The JCRA initial notice provides an implementation period for the removal of existing leases of Global Titles, with a deadline of 1 January 2027. This provides legitimate businesses with the time to make alternative arrangements and the Government is in regular contact with the Island's telecoms providers as they navigate this transition.

I hope the above information provides clarity to the areas you have raised.

Yours sincerely,



Deputy Kirsten Morel
Minister for Sustainable Economic Development

³ [2025-07-15-initial-notice-to-licensees-global-titles.pdf](#)

Annex 1 – Current Licensing Law fee structure

Licence type	Fee
Taverner's	£434 plus £1.07 multiplied by the maximum number of persons allowed on your premises at any one time
Residential	£1.07 multiplied by the number of approved residents (£136 minimum fee)
Restaurant	£434
Comprehensive	£1,082 plus £2.15 multiplied by the number of approved residents
Club licence	£324
Off-licence	£114
Entertainment (a) (cinemas and theatres)	£434
Entertainment (b) (places other than cinemas and theatres)	£1.07 multiplied by the number of persons mentioned on the permit in respect of the premises (£434) minimum fee)