

31st July 2025

Deputy Montfort Tadier
Chair, Economic and International Affairs Scrutiny Panel
States Greffe
Morier House
St. Helier
JE1 1DD

By email: r.sharp@gov.je

Dear Deputy Tadier,

**Re: Draft Harbours (Inshore Safety) (Jersey) Amendment Regulations 202– (P.3/2025)
Response to Scrutiny Panel Inquiry**

Thank you for your letter dated 25th July 2025 regarding the Panel's ongoing review of the Draft Harbours (Inshore Safety) (Jersey) Amendment Regulations. I welcome the opportunity to provide clarification on the role of the States of Jersey Police (SoJP) in relation to the enforcement of the proposed Regulations and to respond to the Panel's specific queries.

- 1. The Panel understands from the public Hearing held on 5th June 2025 that an M.O.U. (Memorandum of Understanding) was being finalised between the States of Jersey Police and Ports of Jersey aiming to clarify roles and responsibilities with regards to enforcement of these draft Regulations and maritime safety. Are you able to provide an update on the status of this policy? Can you detail how this M.O.U will work in practice?**

The final draft of the Memorandum of Understanding (M.O.U.) between the States of Jersey Police and Ports of Jersey is currently with Ports of Jersey for final consideration. It is our understanding that this draft has already been shared with the Panel. The draft M.O.U. clearly outlines the respective responsibilities of each agency, particularly in relation to investigative primacy. In practice, this agreement ensures that each agency understands its role in responding to incidents, with Ports of Jersey generally taking the lead on maritime safety matters unless a serious criminal investigation falls within the remit of the SoJP.

- 2. If the M.O.U between the States of Jersey Police and Ports of Jersey has been finalised, can you provide feedback as to whether States of Jersey Police is still concerned with the potential increase in resource implications that the adoption of the draft Regulations will have on the SoJP? If so, how are you preparing for this?**



While the M.O.U. provides clarity on roles, the concern for the States of Jersey Police is not solely about demand, but rather the potential demand and the complexity of investigations that may fall under our remit. While Ports of Jersey will retain responsibility for the majority of

investigations under the draft Regulations, SoJP may be required to lead on more serious or complex cases. This Regulation is one of several legislative changes, e.g. Violence Against Women and Girls (VAWG), that will impact the SoJP, and we continue to operate within a constrained financial envelope. Where investigations are transferred to SoJP, cost recovery will be necessary. Should we lack the capacity to manage a particular investigation, e.g. very serious crime/incident, specialist resources may need to be sourced from the UK, with associated costs to be borne by Ports of Jersey.

3. In anticipation of the draft Regulations being adopted, has the States of Jersey Police begun the preparation of any policy or procedural process? If so could you outline what these are?

At this stage, no additional internal policies or procedures have been developed by SoJP in anticipation of the Regulations. The M.O.U. sufficiently addresses the matter of primacy, and no further documentation is deemed necessary at this time.

4. Does States of Jersey Police anticipate the provision of any additional training in preparation for the potential adoption of the draft Regulations?

We do not anticipate the need for additional training for SoJP officers. Our detectives are already trained to PIP 2 (Professionalising Investigation Programme Level 2) standards. However, should an investigation require additional specialist expertise, expert evidence may be commissioned on a case-by-case basis.

5. Should the Panel be minded to lodge an amendment to introduce into the draft Regulations an offence for operation of a ship when under the influence of drink or drugs, could you detail the resource implications you anticipate this would have? penalties be introduced if an individual is found to have consumed alcohol or drugs whilst in charge of a vessel?

This would be managed by Ports of Jersey, who under the proposed legislation have the necessary powers to obtain a specimen of breath and arrest the individual. However, in accordance with the M.O.U., the States of Jersey Police would provide assistance where required—specifically, by facilitating the collection of an evidential breath sample at Police Headquarters, ensuring that evidentiary standards are met for any potential prosecution.

6. Should The Panel has recently written to the Minister requesting how the response to a range of practical scenarios would be handled, we would value any comments you may have on these.

We welcome the opportunity to comment on the scenarios outlined in your correspondence to the Minister:

a) An individual is operating a jetski carelessly and comes onto land parking the jetski. A member of the public has called the coastguard alerting the coastguard of the erratic behaviour on the water of the jetski operator.

Primacy in these circumstances would lie with Ports of Jersey under the M.O.U. to enforce and investigate any offences.

b) A sailing boat has been noticed acting erratically, coming close to impacting other vessels. It is now moored in a local bay for the evening

Ports of Jersey would lead the investigation in this scenario.

c) A heavily intoxicated individual has left a local restaurant and returned to their vessel, management of the restaurant have reported this to the States of Jersey Police.

In the circumstances outlined this would not constitute an offence under the proposed law. A report would be forwarded to Ports of Jersey/Coastguard for situational awareness.

d) A kayaker has impacted a surfer who wants to report the incident when returning home.

Ports of Jersey would have primacy to enforce and investigate any offences.

e) A paddle boarder who has been drinking with friends on the beach narrowly misses other water users repeatedly, this is witnessed by on duty lifeguards – a second day passes and the same occurs however this time a swimmer is injured.

Under the M.O.U., Ports of Jersey would have primacy for this investigation. However, it is important to note that where an incident results in serious injury or death, the States of Jersey Police would assume investigative responsibility.



STATES OF JERSEY
POLICE

Police Headquarters
La Route du Fort
St Helier, Jersey
JE2 4HQ

I trust this response provides the clarity the Panel requires. Should the panel require any further information or wish to discuss these matters in more detail, we would be happy to engage further.

Yours sincerely,

Robin Smith
Chief Officer
States of Jersey Police
Chief Officer