

Category:	Statutory	Due legislation:	Air and Sea Ports (Incorporation) (Jersey) Law 2015					
Full Title of meeting:	Harbours and Airport Authorities Committee (HAAC)							
Frequency of meetings:	3 per annum				Usual duration:		2 hours	
Distribution of record:	Restricted							
Record Type:	Agenda	x	Minutes	x	Action List	x	Notes	
Supporting Doc	Ports of Jersey General Committee Terms of Reference							

## TERMS OF REFERENCE

### 1. Purpose

1.1. Ports of Jersey Ltd (the Company) has been appointed:

- a) as the Harbour Authority pursuant to Article 2 (2) of the Harbours (Administration) (Jersey) Law 1961 as amended and
- b) as the Airport Authority by the Minister for Economic Development pursuant to MD-E- 2015-0083 in accordance with Article 2(1) of the Aerodromes (Administration) (Jersey) Law 1952 as amended

1.2. The Company has established the HAAC to assist in carrying out these functions. The Company exercises relevant powers and duties by virtue of the Minister's appointment, without the company (as a company) having those powers. Under the Air and Sea Ports (Incorporation) (Jersey) Law 2015 the Company must exercise its powers so as not to conflict with the interests of maritime and aviation safety and security.

1.3. The Company, as each of the Airport and Harbour Authority, appoints the Airport Director and Harbour Master, the holders of both of which posts are sworn officers. Both officers have direct access to the Minister as may be required from time to time.

2. HAAC is responsible for advising the Company as each of the Harbour and Airport Authority as to:

- policing, safety and security matters in and at the Harbours and Airport. For the avoidance of doubt 'Harbours' includes Jersey's territorial waters
- the Public Service Obligations entered by the company under Article 6 of the 2015 Law (with the exception of the Channel Islands Control Zone)
- acting as duty holder under relevant laws and in relation to the UK Port Marine Safety Code
- matters entrusted to the Company by the Minister under the Harbours (Administration) (Jersey) Law 1961 and the Aerodromes (Administration) (Jersey) Law 1952 and other such that the Minister may entrust to it from time, including for the purpose of giving effect to any legislation

Owner: Independent Chair	Last Reviewed: November 2022
Filename: HAAC Terms of Reference	Version: 2
Approved By: PoJ Board	
Review Date for TORs: January 2024	Page 1 of 4

relating to shipping, and sea and air navigation.

- any relevant matters or functions delegated to it by the Board of the Company or which the Board invites it to consider.
3. An important purpose of HAAC is to provide a governance structure for the decision making of the Airport Director and the Harbour Master, through and by which assurance can be given both to the Board and the Minister that all matters relating to safety, security and management of risk are being duly addressed at all levels in the organisation with expedition and strength. The Independent Chairman, the Harbour Master and the Airport Director will keep in regular communication as things go along.
  4. The Airport Director and Harbour Master will present to HAAC the operational risk picture for discussion and action as necessary. HAAC will, as appropriate, report key issues to the Board of the Company, whether or not 'risk-related'.

## 5. Membership of HAAC

Independent chair  
Chair of the Company  
Chief Executive Officer  
Chief Financial Officer  
Airport Director  
Harbour Master

The quorum is four persons, which must include the Independent Chairman, the Airport Director and the Harbour Master. If the Airport Director is unable to attend, the Assistant Airport Director or any officer who has been validly sworn in as Airport Director may attend as an alternate.

If the Harbour Master is unable to attend, the Assistant Harbour Master or any officer who has been validly sworn in as a Harbour Master may attend as an alternate.

Other members of the Company's staff may attend by invitation to present reports and join in discussion.

## 6. Notice of Meetings

- Meetings of the HAAC shall be called by the secretary of the HAAC at the request of any of its members with the agreement of the Independent Chairman if he or she considers it necessary.
- Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed, shall be forwarded to each member of the HAAC, any other person required to attend and all other non-executive directors, no later than five working days before the date of the meeting. Supporting papers shall be sent to HAAC members and to other attendees as appropriate, at the same time.

Owner: Independent Chair	Last Reviewed: November 2022
Filename: HAAC Terms of Reference	Version: 2
Approved By: PoJ Board	
Review Date for TORs: January 2024	Page 2 of 4

## **7. Minutes of Meetings**

- The secretary shall minute the proceedings of all meetings of the HAAC, including recording the names of those present and in attendance.
  - Draft minutes of HAAC meetings shall be circulated promptly to all members of the HAAC. Once approved, minutes should be circulated to all other members of the Board unless it would be inappropriate to do so.
8. HAAC will produce an annual report for inclusion in the Company's Annual Report & Accounts and may prepare reports for the Minister on behalf of the Company (acting as Harbour Authority or Airport Authority) from time to time or as need arises.
9. HAAC will convene three times per annum as a minimum. The dates for these will be set at the start of the year. Other meetings will be held as necessary. The Independent Chairman will have direct access to the Chairman of the Company at all times. The Independent Chairman will be invited to report directly to the Board from time to time.
10. HAAC will keep these terms of reference under regular review

Owner: Independent Chair Filename: HAAC Terms of Reference Approved By: PoJ Board	Last Reviewed: November 2022 Version: 2
Review Date for TORs: January 2024	Page 3 of 4

## Extract of Air and Sea Ports (Incorporation) (Jersey) Law 2015

### Article 6

#### Public service obligations of POJL

- (1) POJL shall be responsible for discharging, in accordance with this Article, the following functions (referred to collectively in this Law as “public service obligations”) –
  - (a) co-ordinating, or providing resources for co-ordinating, maritime search and rescue within the Jersey Search and Rescue Region;
  - (b) maintenance of aids to navigation in territorial waters;
  - (c) acting as custodian of Jersey harbours;
  - (d) enforcement of shipping legislation in territorial waters;
  - (e) carrying out certain port State control functions;
  - (f) management of the Channel Islands Control Area.
- (2) The functions listed in sub-paragraphs (a), (b), (d), (e) and (f) of paragraph (1) shall be discharged by POJL –
  - (a) in accordance with any agreement for the purpose between the Minister and POJL; or
  - (b) in the absence of any such agreement, as directed by the Minister.
- (3) The function listed in sub-paragraph (c) of paragraph (1) shall be discharged by POJL in accordance with any agreement for the purpose with the Minister for Treasury and Resources and, in relation to a particular harbour, in consultation with the Connétable of the Parish in which the harbour in question is situated.
- (4) The Minister may (following consultation with POJL, and with any other Minister concerned in respect of a particular function) by Order amend this Article to add, remove or modify a particular function and the manner of discharge of that function.
- (5) For the purpose of discharging its public service obligations, it is immaterial whether or not POJL is appointed as a harbour authority under the Harbours Administration (Jersey) Law 1961[13].
- (6) In this Article –
 

“Channel Islands Control Area” has the meaning given by Article 1 of the Civil Aviation (Jersey) Law 2008[14];

“port State control” means the procedures set out in the Annex to Resolution A.1052(27) adopted by the Assembly of the International Maritime Organization on 30th November 2011, as from time to time modified in their application in relation to Jersey by agreement with the Minister.

Owner: Independent Chair	Last Reviewed: November 2022
Filename: HAAC Terms of Reference	Version: 2
Approved By: PoJ Board	
Review Date for TORs: January 2024	Page 4 of 4