



28 February 2019

## REQUEST

1. Will you please verify that the road known as La Breque du Nord is in full parish ownership and control? The road referred to is that above the Rozel slipway and extending as far as the Hungry Man kiosk.
2. If the answer to the above query is affirmative, by actually what article of which law is the Ports of Jersey suddenly and legally empowered to demand fees from the boat owners for boat parking along that road?

It is to my knowledge that fees have never been sought before, for this stretch of road. Further more, I recall that in 2002, Jersey Harbours [under the Harbour Master and Director of Finance and Information] proclaimed to the Rozel Boat Owners Association that the reason why only boat owners actually on the quay were charged and not along the road, was that Jersey Harbours held no jurisdiction for the road! So what has changed?

3. Is the parish of Trinity aware of this situation? Being that there are no charges or restriction applicable on vehicles parking along this section of road, it is my strongly held belief that Ports of Jersey are acting Ultra Vires in this matter.

## RESPONSE

Questions 1, 2 and 3: The road is not in the parish ownership or control. "La Breque du Nord", Trinity, is identified on the map (below) which is Schedule 9 to the 150 year contract lease passed before the Royal Court on 6 November 2015 between the Public of the Island of Jersey, as the "Landlord", and the Ports of Jersey Limited, as the "Tenant".

The lease was passed to give effect to the provisions of the Air and Sea Ports (Incorporation) (Jersey) Law 2015.

The lease and legislation information is exempt under Article 23 of the Freedom of Information (Jersey) Law 2011. See exemption details below.

### **FOI exemption applied:**

Article 23 Information accessible to applicant by other means

- (1) Information is absolutely exempt information if it is reasonably available to the applicant, otherwise than under this Law, whether or not free of charge.
- (2) A scheduled public authority that refuses an application for information on this ground must make reasonable efforts to inform the applicant where the applicant may obtain the information.

### **Justification for exemption**

#### **Property deeds**

Deeds of property date back as far as 1602. Books prior to 1800 are now held at the Jersey Archive Centre. Records from 1800 onwards can be found by searching on the Public Registry Online system which is based in the Judicial Greffe Registry. For contact details for the Judicial Greffe see <http://www.gov.je/Home/RentingBuying/BuyersGuide/Pages/RecsKeptPubReg.aspx>

**Jersey law**

Jersey legislation is available on the Jerseylaw website <https://www.jerseylaw.je/Pages/default.aspx>

**States Assembly**

Decisions of the States Assembly are available to view on <https://statesassembly.gov.je/Pages/default.aspx>

