

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 9th JULY 2025

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[9:30]

The Roll was called and the Dean led the Assembly in Prayer.

PERSONAL STATEMENT

1. Deputy P.F.C. Ozouf of St. Saviour will make a personal statement

The Bailiff:

Before we continue with the debate on the principles of P.24, there are 2 other matters to be dealt with before the Assembly. The first is a personal statement to be made by Deputy Ozouf, and I call on Deputy Ozouf to make that statement. Members, I believe, have had copies circulated.

1.1 Deputy P.F.C. Ozouf of St. Saviour:

As a courtesy to the Assembly, I wish to inform Members that I am due to appear in the Magistrate's Court this coming Friday. It is in connection with alleged offences under the Immigration Act as extended to Jersey, relating to the employment of Rwandan nationals. Given that this matter is now subject to judicial proceedings, I will not be making any further comment at this time except to confirm that I will co-operate fully with the process. As a longstanding Member of this Assembly, fully cognisant of the need to uphold the highest standards of conduct in both public and private life, I express regret that this matter has arisen and how it may reflect on this Assembly. I express a similar regret to my constituents in St. Saviour. I am grateful for the opportunity to make this personal statement.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Appointment of members of the Privileges and Procedures Committee

The Bailiff:

Thank you very much, Deputy. The next item, before we proceed with the debate, is the appointment of members of the P.P.C. (Privileges and Procedures Committee).

2.1 Deputy S.M. Ahier of St. Helier North (Chair, Privileges and Procedures Committee):

Which ones would you like me to start with, Sir?

The Bailiff:

Let us start with non-executive. I beg your pardon, I was not sure of the order. I thought you had agreed an order to take them, but non-executive.

Deputy S.M. Ahier:

So in alphabetical order, my 3 nominations are Deputy Tom Coles, Deputy Kristina Moore and Deputy Lucy Stephenson.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations? If there are no other nominations, I declare Deputies Cole, Moore and Stephenson duly elected to the committee. **[Approbation]**

Deputy M.E. Millar of St. John, St. Lawrence and Trinity

Sir, please may I raise the default on Deputy Farnham

The Bailiff:

Yes, the default is raised. Deputy Labey, did you have ...?

Deputy C.F. Labey of Grouville and St. Martin:

No, Sir.

The Bailiff:

Therefore, I now ask Deputy Ahier to nominate a further 2 members from Ministers and Assistant Ministers to the committee.

2.2 Deputy S.M. Ahier:

After consultation with the Chief Minister, I am selecting Carina Alves and Deputy Malcolm Ferey.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there other nominations? If there are no other nominations, then I declare Deputies Alves and Ferey duly appointed to the panel. **[Approbation]** Thirdly, then, Deputy Ahier, you are to nominate a further member from the Scrutiny Liaison Committee.

2.3 Deputy S.M. Ahier:

I would like to nominate the chair of the Economic and International Affairs Panel, Deputy Montfort Tadier.

The Bailiff:

Is that nomination seconded? **[Seconded]** Is there any other nomination?

2.3.1 Deputy I. Gardiner of St. Helier North:

Deputy Doublet, chair of the Health and Social Security Panel, was a representative from the Scrutiny Liaison Committee at the previous P.P.C. and yesterday we did have a vote and the Scrutiny Liaison Committee would like to nominate Deputy Doublet to P.P.C.

Deputy M. Tadier of St. Brelade:

Can I just raise a point of order? We did not have a vote yesterday and there was no meeting, just for the record.

Deputy I. Gardiner:

The vote was taken, I emailed to all ...

The Bailiff:

I am sorry, we do not have an exchange one to the other. You have sought to clarify the position and in your understanding there was no vote.

Deputy I. Gardiner:

I would like to clarify position.

The Bailiff:

Yes, please do.

Deputy I. Gardiner:

When I was made aware that the chair of P.P.C. decided to nominate other member without consulting with the Scrutiny Liaison Committee, I have emailed to all members of the Scrutiny Liaison Committee and asked them to respond to me personally who they would like to nominate. All chairs responded to me personally and the majority of the votes were for Deputy Doublet to be proposed.

The Bailiff:

Is Deputy Doublet's nomination seconded? [**Seconded**] Very well, there are 2. Are there any other nominations?

Deputy C.D. Curtis of St. Helier Central:

Sir, may I raise the défaut on Deputy Southern?

The Bailiff:

Of course, yes, Deputy Southern. There are no other nominations, then we proceed to a secret ballot.

Deputy M.R. Scott of St. Brelade:

Just a point of order. I would just like to understand that under Standing Orders, is it not the case that the Scrutiny Liaison Committee nominate somebody for the P.P.C. rather than the chair of the P.P.C. appoint somebody or just chooses? I am just confused because this is not what happened when I was on the S.L.C. (Scrutiny Liaison Committee).

The Bailiff:

The chair of P.P.C. nominates the member after consultation with the chair of S.L.C. and then it is open to Members to submit alternative nominations and that clearly, Deputy Ahier, is what has happened in this case. Right, very well, as I have said there is now a secret ballot and I invite the ushers to distribute the ballot papers. If Members have had the ballot papers, they should write in it the name of the individual who they wish to appoint to P.P.C. If Members have had the opportunity of casting their votes, then I ask the scrutineers to call in the ballot papers. The process we are adopting for those who are online, and therefore cannot participate in the ballot, is that they will communicate their choice directly to the Deputy Greffier and the Deputy Greffier will add the votes, as the case may be, but without declaring, obviously, what those votes are.

Deputy R.J. Ward of St. Helier Central:

Sir, can I just point out that the internet connection is incredibly slow today, so I do not know if there might be a delay for receiving any votes, just to point that out, because it has taken ages to log anything today. I do not know if you have ...

[9:45]

The Bailiff:

Thank you for that, Deputy. The position is that if someone who one would expect to vote has not voted, we will make inquiries as to whether they have had the opportunity to do so. You mean they have gone without taking a ... Greffier, if you would be so kind as to take the vote. Has everyone else handed their ballot papers in? Members of the public who have just entered the public gallery and then left after a minute must think this is the most boring Assembly that has ever existed. [**Laughter**] They have heard the Assembly at its very best, you mean, yes.

Connétable M. Labey of Grouville:

I was just wondering, we have seen a new usher attend yesterday, so I was wondering if we could have perhaps a less formal introduction to the new gentleman on duty?

The Bailiff:

What is a less formal introduction?

The Connétable of Grouville:

Not this gentleman, obviously.

Deputy R.J. Ward:

Perhaps a speech, sir? [**Laughter**]

The Bailiff:

There will not be any others. The results of the secret ballot are as follows. In order of nomination, Deputy Tadier, 34 votes; Deputy Doublet, 11 votes. Accordingly, Deputy Tadier is appointed to the P.P.C. [Approbation]

PUBLIC BUSINESS - resumption

3. Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025) - resumption

The Bailiff:

The debate on P.24, the debate is on ... yes, Deputy.

Deputy I. Gardiner of St. Helier North:

Before we are proceeding with the debate, I would like to ask a point of clarification from yourself because it was not clear and public approach ... we are debating principles, if principles are adopted Scrutiny indicated that it will be called in.

The Bailiff:

Yes.

Deputy I. Gardiner:

When the amendment from Deputy Bailhache would be debated and when the formal amendments that might be proposed by the Scrutiny would be debated; can you just please explain the order?

The Bailiff:

Yes, indeed. The individual Articles are, of course, only debated in the event the Assembly approves the principles of the law. On the assumption that the principles are approved, Scrutiny has the opportunity to call it in. If indeed the case that Scrutiny is calling the matter in, then it must return before the Assembly within, off the top of my head, 3 I think sittings, possibly 4, but within the next 3 sittings, and Scrutiny must specify when it is coming back. It is at that point that the individual Articles will be debated, and those will include the amendments lodged by Deputy Bailhache. So the Articles will be debated after Scrutiny has had the opportunity to consider the matter and report back to the Assembly. So the Articles have not been lost in any form. They are simply now abiding the outcome of Scrutiny's deliberations on it, if it is called into Scrutiny after the principles have been adopted. I may have taken rather a long time to say that. Hopefully it is reasonably clear, however.

Deputy I. Gardiner:

One more quick question. If, when it is coming back and Scrutiny bringing amendments would Deputy Bailhache's amendment be debated first or after Scrutiny amendments? If it would revise the order.

The Bailiff:

The normal way is that amendments are, if there is no other reason to do otherwise, debated in the order that they are proposed. However obviously things are taken in order of the Articles as and when they appear. So if there is an amendment to Article 1, for example, then that will be debated before the amendments to Article 2 or 3 or whatever it may be. I use those without specific reference to this proposed legislation, merely in principle. It will be taken in the order that it applies to the Articles that are seeking to be amended. That would be the normal way. The Greffe normally exercises an enormously keen judgment as to the appropriate order in which that happens to make sense of the outcome. Is that all right for you, Deputy?

Deputy I. Gardiner:

Thank you, that was very helpful.

The Bailiff:

Members, joining us is Mr. Brian Standing who has joined the team of ushers for this Assembly. So if you would like to welcome him in the usual way. **[Approbation]** You will be seeing much, much more of him in time to come, and he, indeed, of Members. Thank you very much. We now continue with the debate on the principles of P.24. Although I have noted who is next to speak, because the Deputy Bailiff informed me of that, I do not have a note if anyone had put their names out for being subsequently called. After the next speaker, no one will be called unless they put their light on.

3.1 Deputy B. Ward of St. Clement:

Before I present my speech, may I extend my thanks to the Chief Minister for his understanding and his respect following my declaration not to support this proposition. My reasons for rejecting are as follows. The 5 per cent capping of rent increases: one must ask what happens if the cost of living rises above 5 per cent? Repairs, maintenance and service costs are not capped, which means the landlord absorbs the extra costs, which will impact on their rental return. Private rental charges have not spiralled but fallen in fact by some 7 per cent, therefore I am unable to find the evidence to the contrary, to justify the need to cap rental increases. Secondly, the changes in tenancy contracts: renewal agreements benefit both the landlord and the tenant, so they know exactly where they stand. This approach has worked very well for years. Many landlords can demonstrate that they do show flexibility for an early exit for a tenant in special circumstances. Landlords are reasonable people and want the best for their tenants. It is alleged that changes are being proposed due to revenge evictions. To date there is not evidence that private landlords have breached and have been fined in the courts to support this claim. I do not condone bad landlords or bad tenants, which can and are dealt with under the existing law and regulations. Therefore, I cannot see the need to make any more changes at this time. Notice periods, I find it inequitable that the notice periods are different; 3 months for landlords and one month for a tenant. Notice periods should be balanced and equitable. As I have previously stated, landlords are reasonable people and cognisant of people's special circumstances and can and do vary notice periods. I am extremely concerned that these changes may have an impact on the Island's economic stability. The rental sector attracts some 11 per cent towards our economical position. From the 45 per cent of rentals, the private sector provides a large proportion of rentals, some 32 per cent. Any downward trend by these proposed changes may affect the economic percentage, especially if private landlords leave the industry. The downturn will automatically place pressure on other areas to make up the shortfall. What I do find interesting is that previously the Assembly agreed to hold back some £20 million from our States grant into the Social Security Fund to help bolster businesses, increase employees' income towards the living wage, to support improvements in Jersey's economical position. Why are we risking countering this? To me it does not make sense without the clear evidence to make these changes. We currently have the necessary laws and enforcement regulations. In my view, may I encourage the Assembly to reject any move to put our economical position at risk and leave well alone in these uncertain, volatile, fiscal times? Please, may I note that the moves likened to this proposition introduced in other jurisdictions has had adverse effects? For one example, in the Republic of Ireland provides a sobering example of unintended consequences. Controls there led to a collapse in the private rental investment market and difficulties to attract landlords back to the sector. Members need to be cognisant of other people's and jurisdictions' mistakes, as to ignore it may be costly to Jersey in more ways than one. I feel this proposition is a short-sighted gain which may result in a long-term pain. These proposals may impact tenants as well. Landlords, due to more red tape, may consider exiting the market by either selling or wanting their properties back for family members or themselves. If this happens tenants will have to find other homes, especially the 3-bedroom homes, which we all agree are in short supply. This market reduction could make rents higher due to the demand. Properties are an

owner's asset, whether it be owner-occupied or a rental property. More legislation is unnecessary at this time.

[10:00]

The Minister considers there is a housing crisis, which is not going to magically disappear overnight, as more family homes are needed. But these proposals could further increase the housing crisis by creating a short supply. Members, overall landlords do act reasonably by way of notice and management of their properties. These proposals, in my view, interfere and places barriers for the owner to retain their properties back due to the proposed hoops and increased bureaucracy being suggested. This cannot be right or fair. Members, on these aspects expressed I cannot support the principles in the proposition at this time. Please, may I encourage Members to reject also? Thank you very much, Members, for listening.

3.1.1 Connétable R.D. Johnson of St. Mary:

Had I spoken yesterday I would have begun by thanking the Deputy Bailiff for his clarification as to what we were debating, which is the principles and a favourable debate. Voting in favour of this, simply enables the matter to proceed to a further debate, by which time the Scrutiny Panel would have completed its work. It is not, therefore, I submit, a time to debate the main thrust of the arguments but they are to be left for a later date. For those Members who do not know, I am a member of the Environment, Housing and Infrastructure Scrutiny Panel and I align myself with the comments made by the chair of that panel yesterday evening. She went to great lengths to explain exactly what the panel was doing, that we have commenced our work, there is a great deal more to do and that we would have our review completed by the next Assembly meeting in September, by which time we would report it fully. She also mentioned one person, the fact that our expert witness was one, the Right Honourable Sir Michael Tomlinson. What perhaps was not emphasised enough was that he is not only a Privy Councillor but he is a King's Counsel, experienced barrister and he is well acquainted with the Scrutiny machinery operating at Westminster. He was at great pains from the outset to explain that some of the matters we were discussing were matters of policy that were not within the ambit of Scrutiny and that his report would be very much based on identifying what were the options, leaving it to the Members to decide how they should vote. Scrutiny is very much on the same page of that argument. This is not a matter where the report will simply say we support the application. We wish to carry out a detailed review of all the points made. Indeed, some panel members may vote against some of those but that is not for now. But the function of Scrutiny is to identify the problems to better inform the Members to make a decision. I submit that to deny Members the opportunity of seeing the Scrutiny report is a grave injustice and not something we were elected to do. I think it is fair to say that the recent sittings are not showing the Assembly at their best and this is an opportunity to show that the Assembly, as a whole, not with so many different views on principles like this, are able to come together, to respect each other and to come up with a consensual result. I conclude by, again, repeating that this debate is not on the detail of the arguments, it is on the principles. Please vote in favour of it to enable Scrutiny to complete their work, which will be a major piece of work, well informed, particularly with our expert witness and then take a vote. By doing so demonstrate to the public that we are taking their concerns very much on board.

3.1.2 Deputy R.J. Ward of St. Helier Central:

I am always very pleased to follow the Constable, he gives very clear-headed and a sober approach to what we are doing in this Assembly today and I think it is a really important part. I thank the Scrutiny Panel and I congratulate the chair of the Scrutiny Panel for her speech yesterday because that is what Scrutiny is about. Let us talk carefully today, this debate is on the principles. This is the process we have been through many, many times in this Assembly. You talk about the principles of a piece of legislation and then in Second Reading, there can be amendments, you debate those amendments, you make your decisions on what you are voting for. They are agreed or they are not

and then they go to Third Reading. Just because principles are agreed does not mean legislation will go through. I have an absolute case of that myself. In the last iteration of this Assembly I brought forward the Landlord Licensing Regulations, they were agreed in principle and then they lost in the legislative process. We have a history of making change. But those debates over the definite Articles and the detail of them are not for this debate and it seems to me that we are slipping into that second debate before we go for the principles. I must talk about a principle that I have, this is a personal thing. My party colleagues, in particular, will be probably raising their eyes to the ceiling again when I say this. But we talk about properties and I talk about homes. I understand that if you own a flat or a house and you have the deeds, whatever ownership is - I have a mortgage, I am not entirely sure whether I do own it or whether the bank own it but there we go - you have a property, I get that. It is your property and you have a right in our law to protect your property. We all have to agree with that because we all own things. But when you rent a home you do not own that property, you rent it to form a home, to make a home for yourself, as a unit or a couple, as a family, as whatever. There is a distinction between the 2. You have very little rights over that property if you rent. You are reliant upon us, as an Assembly and our laws, to give you some protections, as much as the property has protections itself. Our rental laws have not been updated for a number of years and they are outdated. The detail of how they should be updated is for the Second Reading. It is not for today. But the principle of will we have that debate is what we are talking about today. I want to make really clear, and I think the clarity of what Scrutiny are doing is very important for this debate, knowing that if we agree the principles today it goes away from the Assembly to that Scrutiny Panel. I have a great deal of faith in the work of that Scrutiny Panel, seeing the members of it and the fact that a lot of work has already happened. We will then have the opportunity to come back and every single Member of this Assembly has the opportunity - and I will go further and say something that is so important for this Island - has the duty to stand up in this Assembly and explain why they do or they do not accept the Articles as they are or as they are amended, to explain why they do or do not accept them, to explain their understanding, the genuine understanding or the implications of that Article or that amendment. That is a duty we have, as States Members. We need to read every word, we need to understand every word and then bring that to the Assembly and speak about that. But today it seems that too many people are saying we will not even get to that debate. I do not want to have this argument, I do not want to do that, I want to just dismiss this from day one and that is what we cannot do. Another reason we cannot do that is because this Assembly, yes, the Government brought a Common Strategic Policy and, yes, this Assembly voted almost unanimously I believe - I cannot remember, I think there were a few dissenters, good on you, dissenters, by the way, always have the courage of a dissenter - and voted for that C.S.P. (Common Strategic Policy). One of the things in that C.S.P. that we all voted for was to update the Rental Tenancy Law. We said we were going to do it but as soon as we get to the actual process of undertaking that, at the very first stage of the principles, some seem to have changed their principles and now said: "No, no, no, no, we do not really want to do that." That to me is a real concern because we talk about trusting necessarily, and somebody who sat behind me yesterday spoke about the trust of this Assembly. How can this Assembly take trust from the people who vote on this Island and encourage people to vote when we say we are going to put a strategic policy together that we agreed across this Assembly and we are going to really try to agree to these things, but as soon as we get to one of them, the very principle of saying, yes, go and do the work as to how this will work, each Article, the effect that will have, let Scrutiny do their work, come back and speak about it, no, no, we are going to stop it there. That is the end of the democratic process for us on that one; we are not even going to discuss it. That is one of the reasons why we lack trust in this Assembly. That is one of the reasons why people who come and speak to us will say: "You are not changing anything, nothing is happening; you do not even want to talk about it." That is one of the key reasons why I urge Members to support the principles. Because the principle is that we will now move forward and talk about each detail of our rental law and the changes suggested by the Deputy. I wrote a speech and I am just losing all of my speech because I was drawn into the Articles in my speech; that will come later. If we agree these principles

I will stand up and talk about the Articles and what I agree with. I will put my beliefs and my views on the line publicly to the people who vote on this Island and say I agree with this, I agree with this, I do not agree with that. I am not going to hide behind we are not going to even debate this. This is too important. I have children, my son does not live here, my daughter rents here, she will probably get really annoyed that I am talking about it. Her friends often go to her and say: "I have got this with my rental accommodation" and they have questions, she comes to me. I say to her obviously: "Contact Deputy Mézec." I just pass it on, it is great. I often say: "Contact your mother" as well but I do take on some responsibility obviously in being a parent, mainly around cash but let us not go into that. But these are real problems. We keep getting this point about we want data, we want data but there is qualitative data that is out there; the reality of people's lives. People do not have the time to go and fill in a survey and say, yes, this, this, this and this. However, I will say 249 tenants have already replied to the Scrutiny Panel; that was the Scrutiny Chair. If 249 people replied I would have been really pleased with that response, that they had taken the time to reply to a survey, plus 60-something landlords and other organisations have replied. There is a voice there that needs to be listened to and debated in this Chamber. Every individual in this Chamber needs to explain to all of those voices what their views are on each of the parts of the law of rental on this Island. If we do not do that we are foregoing our responsibility in this Assembly. That might be tiresome for some, so many words, it will up people's word average; that would be great. At the time that they are speaking it is an opportunity for everybody. That is unfair, there is a little smile there from across the Assembly. It is always nice to see some smiles in this place. But this is vital that we are not fearful of doing that, that we do not want to avoid doing that, that we do not want to say we are not even going to enter into the debate. There is a backstop for those who do not want to see any change at all. There is an amendment from Deputy Bailhache, which almost negates the entire law. I am surprised, to be quite frank, that it is allowed but there we are, that is where we are and we will have to debate that. There is an opportunity for you to give support to something that makes a significant change to the law or just not vote for the Articles entirely when they come to it but let us not stop that debate. I will finish by reminding people we voted for a C.S.P. to update tenancy law. This is the opportunity to have the wide-ranging debate on that. There is an irony there, there has been criticism of the balloting system. I cannot remember the words, where people, if you get 1,000 votes, you have to reply. Petition system, I can never remember that word. There has been criticism of the petition system about it not being effective and we want to make it more powerful. What is the point of doing that if at the first point we get a set of principles, we vote against the principles and never get into debate over Articles that so much time has been spent on? That is not a congruent position to take for this Assembly.

[10:15]

I urge Members and I would urge everybody involved in lobbying in this on any side, what we should have got is lobbying to say, please, support the principles and then clearly explain your beliefs on all of the Articles as they come forward, so we know where you stand, people know where you stand and they know what they are voting for in the next election; that is the key to this. I urge Members to support the principles, to not be fearful of the coming debate on the Articles and limit speeches to the principles and not go into a debate over Articles that we have not even seen entirely yet and we do not know if there will be any more amendments too. This is important today that we vote for the principles, so that we can come back and have a meaningful debate over something that is so important to people across our Island.

3.1.3 Deputy C.D. Curtis of St. Helier Central:

This proposition has the potential for much greater impact than on rental housing only. Our whole Island's economy has been and is being affected by insecure and unaffordable accommodation. Today the States Assembly has the opportunity to start to reverse some of the main concerns affecting our Island. I am going to list major issues affecting the Island, which are all connected to high rents

and insecure housing. These are young people leaving; the number of Jersey residents in their 20s and 30s just keeps dropping. Many young people who leave say they cannot afford to live here. People in their 20s who want to move out of the parental home are private renters, and renting in Jersey is insecure and unaffordable for the majority of young people. Next, a lack of essential staff coming to the Island. There are difficulties for all businesses in recruiting and retaining staff. This affects the profitability of our economy and the standards that businesses can offer. There is a difficulty in recruiting staff in the education sector, affecting our children's education, well-being and skills development. Top professionals from the U.K. (United Kingdom) are not joining our emergency services due to high cost of living and housing. As a Scrutiny Chair, I get to visit schools, emergency services, other essential services, and one thing I hear every time is that it is impossible to recruit and retain the right staff because the private rental market is expensive and insecure. The struggle to recruit and retain social workers, affecting the experience of children in care and other vulnerable children, is in fact affecting their whole childhood. Large amounts of taxpayers' money paying for the higher cost of agency staff in essential services due to difficulties in staff retainment. Large amounts of taxpayers' money spent on the rental component for low-paid workers claiming income support. The likelihood of an older population with insufficient younger people to support them, creating future well-being concerns and a potential huge gap in revenues. Poverty: after housing costs, 29 per cent of children live in households which are below the relative low income threshold and that is unacceptable. Families with no disposable income. Statistics Jersey shows a high proportion of people living in private rentals are in rental stress, that is even less money spent on the local economy. What goes without saying really is the quality of life for people. Does the States Assembly care about the tens of thousands of people in private rentals? Do some States Members have any idea what it is like to know that you may no longer have your home in 2 or 3 months' time or that you may need to find another £200 or £300 per month like magic or that you may need to move your children miles away from their schools? It seems not, which leads me to the next point, low trust in the States Assembly and Government. Surveys show that there is not a high opinion of States Members. Many people say that we do not focus on the big issues like this one. Finally, low voter turnout, why vote when your needs are ignored? Everything I have just listed could be improved to a greater or lesser extent by making rentals more secure and more affordable. The proposition before us will do that. To not vote for this is to vote to leave things as they are and that is, in my view, a dereliction of duty. It is a priority in this Government's Common Strategic Policy to provide more affordable homes for Islanders and more confidence for the rented sector, as Deputy Jeune pointed out in her speech. It would be surprising, to say the least, if there was not unity among Ministers to support this proposition and a poor reflection on the leadership of this Government. The Jersey Landlords Association makes a case against this proposition. They are making a case for their members, and that is what they are supposed to do. They are a lobby group; States Members are not here to support lobby groups. We listen to them but we are here to do what is best for the Island as a whole. There is overwhelming evidence that high cost and insecure housing is damaging our Island in many different ways. I think this is one of the most important propositions to come before us and I urge Members to support the proposition.

3.1.4 Deputy S.M. Ahier of of St. Helier North:

This is not the first occasion that Deputy Mézec has attempted to reform the Residential Tenancy Law. It is a road well-trodden. In his proposition P.18/2023 the Deputy attempted to bring in rent control measures, including banning rent increases for 3 years of tenancy, requiring a 3 months' notice before a rent review, capping the amount that rent may be increased and also provide for the abolition of so-called no-fault evictions by establishing open-ended tenancies as the default. We are aware of where the Minister's intentions lie. All these suggestions were rejected by the Assembly and, rather bizarrely in my eyes, part (c) of P.18, to provide the establishment of a rent tribunal was the only part that was adopted by the slender vote of 22 votes in favour against 22. I was one of those who voted against. Today we are being asked to consider very similar proposals by the Deputy but

on this occasion he is presenting them as the Minister for Housing rather than as a Back-Bencher. Should we accept the principles today or should we reject them in their entirety for reconsideration? It will be argued that we should accept the principles now and allow the Scrutiny Panel to review the proposition before debating the Articles in greater detail later in the year. At this point I must mention that I am most appreciative of the work that Deputy Bailhache has done in bringing forward his amendment, which deserves serious consideration when the time comes. But I am of the opinion there are too many points of concern within these proposals to allow them to progress. The introduction of further restrictions will in all likelihood lead to some landlords exiting the market and this, I am sure, will be perceived as a good thing by the proposer. But who will take on these properties? It will certainly not be landlords buying them because of the extra 3 per cent stamp duty that has now been implemented and there are a good number of first-time buyer houses coming to the market. I believe that the Minister may be hoping that Andium will pick up some of the slack. We have seen them increase their housing stock quite dramatically over the last few years, including the purchase of 174 homes in the Christians Together in Jersey (Housing Trust). This acquisition received very little attention, even though it was a major investment by Andium. Yesterday, in the Minister's opening speech, he stated that he wanted to prevent rents going up by above inflation. But of course the first thing that this Reform Jersey Government did when they came to power was to bow to their union supporters and raise wages in the civil service by above inflation in 2024 and then they raised all wages by more than inflation in 2025 and they will do the same in 2026. In my eyes, what is good for the goose must be good for the gander. I mention their union ties because of the number of emails that we have received on this issue and the majority of them do not request us to support the Minister for Housing. They ask us to either support Reform Jersey or Unite the Union. What we should be doing is enforcing current laws and the existing protections that are already in place, without reviving the rent tribunal, which in my eyes is a retrograde step. Whoever gets to be on the rent tribunal will have a very onerous task. There will be a huge number of complaints, irrespective of whether they have a case or not. The rent tribunal will immediately become the quickest route to trying to reduce anybody's rent but with what consequences to the housing market. We have seen this approach before here and in other countries and it always seems doomed to failure. With such a fragile housing market at this time I believe that it would be imprudent to bring back the rent tribunal, and for that reason I will not be supporting this proposition today.

3.1.5 Deputy T.A. Coles of St. Helier South:

I am a member of the E.H.I. (Environment, Housing and Infrastructure) Scrutiny Panel, also a member of Reform Jersey and the Minister for Housing is our party leader. I say this because obviously it put me into a very interesting position being on the Scrutiny Panel to look at the work that is being brought by the Minister, as well as trying to keep the panel to work to a reasonable timeline, so the work to be presented at this debate in full. Unfortunately, as we heard from the chair of the panel, Deputy Jeune, and from the Connétable of St. Mary, that we received quite a large amount of submissions for this, which meant that there is a huge amount of work to go through to make sure that we are presenting all of the information as factually as possible. It is at this point that I mention that obviously we have Deputy David Warr, who is also on that panel, the former Minister for Housing, which gave us quite a good bit of balance I think in the panel. Because I sit one side and the Deputy sits on another side of the political spectrum, and so it made us engage in these conversations properly. I am standing here now because we have put in a lot of work as a Scrutiny Panel in this. We are 12 weeks into the work that we have been doing and we are so close to finishing off that work to be able to present a report to the Assembly that will present the information that we have heard, the questions, the queries and the concerns raised by Deputy Ahier just then and by Deputy Barbara Ward before. There is part of me that wants to try and rebut all of this but I think our report will make the evidence that we have gathered from all sides on this clear for everybody to read what is needed, what is not needed, where it can be improved and what can be done. It almost feels like a personal plea in a way, that I am sat there, that we did drop-in sessions along the streets,

I sat in Portuguese cafés to try to engage with people. Many bits of evidence that we have read through, I feel that we are really, really close to being able to present a comprehensive report that will make this discussion and the debate on the Articles that will come so much more balanced and so much more accurate that I feel that it will be snatched away on misinformation. Where, if people could agree to the principles, we will be able to finish our report, present it to the Assembly so that the Assembly can make the informed decision. Amendments can still be brought both by the panel and individual Members; that will all be debated. Then when we get to Second Reading, if people are still unhappy and uncomfortable they have evidence in front of them that will say you can either vote in favour of the Articles or against the Articles, because that is how the process is supposed to work. There have been in the submissions clear evidence from all sides that there are changes that can be made to the 2011 law. Even if it is a minute thing about data-gathering, because we hear about the lack of data being gathered and an amendment to the law may allow us to gather enough data that says in the future that there is more that needs to be done. Our report could say that we have all the evidence that we need, that there are changes that need to be done now. But of course until that is presented to you, as the Assembly, then it just sits as conjecture. I urge Members to vote for the principles so that we can finish our reports, we do not waste 12 weeks of work that we have done so far and so that we can have the informed debate.

[10:30]

I would just like to make another comment about the independent adviser that we had, Michael Tomlinson not only is a current K.C. (King's Counsel) but he was the Conservatives' Solicitor General in the House of Commons. Again, an individual who sits on the opposite political spectrum to the Minister who is bringing these Articles to the Assembly. Reading his report, which is very, very thorough, very, very in depth, with some really very well-balanced recommendations, again, it would be feeling like a waste of that man's time and effort to just dismiss it now when we have a C.S.P. commitment that this law should be reviewed. Scrutiny have done balanced work and so I believe that work needs to be aired. If the principles are not accepted that work will just go to waste.

3.1.6 Connétable M.A. Labey of Grouville:

I stand to dispel a myth, a myth that was expounded by the Minister for Housing, a myth about landlords and landladies selling up as a result of this legislation coming forward. My daughter is not a myth, if she is indeed a myth - and the Minister for Housing knows my daughter - I do not have any grandchildren and I certainly will not getting the grief that I will after this Assembly. But my daughter bought a flat when returned from qualifying as a midwife and she bought a flat to live in. Her circumstances changed and she was then able to rent that flat out. My daughter recently sold this apartment to a first-home buyer incidentally because that flat was no longer covering cost. She is an example of the single-unit owners all around the Island who are a big part of our housing market. She sold that apartment because her insurance had gone up by 30 per cent, her landlord insurance had gone up in a similar fashion and even to get subcontractors on to site to do the repairs, again, was costing her 40 per cent more than she had paid before. She sold up quite recently, sadly, in a very doldrum market, a very suppressed market because she had no choice because her flat was going to become a liability. The Minister said that is nothing but a myth and I had no way of supporting what I am about to say; it is pure conjecture but I would say that many landlords are in a similar situation. The very principles within this proposal are the principles that I oppose because I think if we send the wrong message out to the rental sector and to landlords around the Island, most of whom are perfectly reasonable people and doing their very best for their tenants, then I think we are sending a totally wrong message and a lot of them will be considering what my daughter has already done. I oppose the principles of this and I hope the rest of the Chamber does so as well.

3.1.7 Deputy L.V. Feltham of St. Helier Central:

I am pleased to follow the previous speaker, talking about messages that we are sending out to the population in our community. Because one of the things that we know is that housing is a real issue for many Islanders. For me, this vote on the principles is about a vote on us wanting fair protections for both landlords and renters. The question for me that I think we need to answer today is: do we think the legislation is in the right place right now and can we do better? Do we think the current legislation can be improved? To respond back to Deputy Ahier, I am very proud that I stand here to represent working people. I am very proud that I stand here to represent the people of St. Helier Central, most of whom, I would hazard a guess, are renters. I am also proud to stand here and represent our younger people, and I was minded to have a look back at the *Life on the Rock* publication from the Children's Commissioner and what young people had to say about the effect of high rent increases and insecurity and instability when they had to move from rental home to rental home. I really do encourage Members to look back at that publication. That publication is a couple of years old now and it would not surprise me if those children as then that were making those comments will be of voting age next year when the Island returns to the polls. To come back to what people say about confidence in this Assembly, what are we saying to those young people that gave their time and effort to respond to the Children's Commissioner, to tell us what life is really like for them on the Island, if we then leave the current legislation as it is and say that we do not agree with the principle that we can do better, we can make things better for them? Within my Ministerial duties, I work to support people on low incomes, and I think Deputy Catherine Curtis made the point really well about how high rent rises and instability comes at a cost. It not only comes at a cost to those families that face those things, it comes at a cost to us as Government. I am also responsible for the employment legislation and speak to employers, and one thing that employers say to me very often is one of the things that they struggle with is recruitment and retention and the high housing costs that face people that come and live on the Island. I myself have experienced some of that, when I returned back to live in the Island after a period away. When you are, first, newly coming to the Island, very often I think most people would not jump straight into purchasing a property, they will go and rent a property. They will look at our housing market, the protections that are available to them before taking the decision to come and live on the Island. To me, dealing with the residential tenancy legislation, being an Island that keeps its residential tenancy legislation up to date and fit for purpose, which it currently is not, is really important as we face our population issues going forward. I would urge Members to support the principles today, to listen to average ordinary Islanders and not to reject the emails that we have had in from working people of this Island that are asking us to support the principles of the residential tenancy legislation today. Also, to take notice of what the work that the Scrutiny Panel has done as well, so that we can, when we come to the debates on the full legislation and amendments, take a really informed approach. Because I do fear Members are really very entrenched in their views and are not listening to the needs of ordinary Islanders. But I urge people to accept the principles today.

3.1.8 Connétable R.P. Vibert of St. Peter:

I will be fairly brief but wish to put forward my position. I certainly do not support bad landlords and those of you who know my work as Constable know that I have worked on a number of cases to support parishioners and some non-parishioners where they found themselves in the position of a bad landlord and properties that were less than the required standard. For the avoidance of doubt, I do know the difference between voting for the propositions and later voting for the Articles. I am certainly not against change. However, I need to see a more flexible approach to the cap that allows for periods of sustained high inflation. Likewise, under the law the indication is that we all have a regime of one size fits all in respect of leases. Most of the parishioners who contacted me have one house and they have acquired that house either through inheritance or as a pension in their later years, as a possibly self-employed or are not in a job that provides for a pension. I think that is a special category that should be recognised. I think something like 85 per cent of our landlords have a single house. Like others, I have too many points of concern to support the proposition and I do not believe

that it would necessarily have a positive impact on Jersey's housing crisis. That is really what I have to say and I will not be supporting the proposition.

3.1.9 Deputy G.P. Southern of St. Helier Central:

What I am going to do today is to remind people what the Chief Minister in particular said yesterday, and it gets hotter than that in terms of press. He was asked during question time: "Will the Chief Minister advise what measures, if any, are being introduced in the incoming months to reverse the continuing trend of more people leaving Jersey than moving to the Island, particularly in relation to 20 to 29 year-olds?" This is our core electorate, these are the people who will have discussed with people, representatives, on the hustings, on the doorstep, what is the biggest problem facing Jersey? I almost guarantee that most of the people in this room will say it is the high cost of living kick-started by the high cost of accommodation; that is the reality. Those who deny it suggest they are living in a different world I think. But what did the Chief Minister say yesterday? He said: "Thank you, Sir. One of the greatest challenges facing our Island today is ensuring that young people not only see a future for themselves in Jersey but can afford to build that future here. One of the greatest challenges. It is no time to try and duck that challenge, we have got to face up to it." That is the Chief Minister. The high cost of housing, both to buy and to rent, is a serious concern that directly affects the choices young Islanders make about where they live, where they work and where they raise families and that, again, absolutely clear as a bell to anyone in this room, that is the issue. The words there is a serious concern. We have got a serious concern, we must address it. If we are to retain them, the workers, we must take meaningful sustained action and that is why this Government is delivering real practical measures and solutions to meet the challenge. We have got a challenge and we are introducing something. The Chief Minister says to you: "I have a housing policy, it has been devised by our Minister." This is, I believe, verging on a sack me or back me principle. We have got a serious problem which we must address. Elsewhere in the same answer, from Deputy Doublet I believe, yes: "The cost of living will be one of the biggest issues facing young Islanders, housing and groceries being, I believe, the 2 main costs. What is the Government doing to address these?" Again, the focus is on the serious challenge; housing and groceries being the 2 main costs. We cannot duck it, we have got to face it up. Finally, just briefly, back to the Chief Minister saying this, I think the biggest impact we can make is on housing, both to buy and to rent; that is probably at the forefront of our priorities at the moment. There is the Chief Minister at the head of his priorities, housing prices and food prices. Let us back this Chief Minister and make sure that we address properly this issue on housing.

3.1.10 Deputy A.F. Curtis of St. Clement:

We have heard clearly from Members and from the ruling from the Deputy Bailiff that we are debating the principles. Today I would like to make a short speech, but I do not think it will be, to pitch why I think we should be supporting them.

[10:45]

We heard the principles can be gleaned from the title of the law, the thrust of the amendments from all manner of locations. Let me be clear as to how I interpret the principles in this instance. I would appreciate any Member who speaks to give me their definition as well, so we know why they vote the way they do, not just how. These are draft amendments plural, not one block that we have to take or give and they can be debated piece by piece and they are amendments to well-established law. We are, therefore, in essence, asking: is the existing Residential Tenancy Law perfect? Is it absolutely perfect or are we sure without any doubt that there is no need to change it? I would hope that Members agree the law is not perfect, but to some Members who spoke the law is pretty good already, and that is an entirely valid position to have. It may be one I have that I will air in Second Reading, should we get there. I think it certainly serves very good work already. But, therefore, voting for the principles is not to signal whether a Member supports the Minister for Housing, Deputy Mézec's rent

stabilisation measures and a rent tribunal and a move to ban multiple fixed-term tenancies. It purely signals that a debate should happen and that there is scope to change the law in some areas. Again, I hope Members agree that there is positive change to make to the law, as among the headline and controversial items there are some more benign or even completely supported Articles by everyone. These range from ensuring landlords have insurance for their properties, transparency on fees and charges, all the way through to collecting of rental data, the 3 of which I will touch on later. To be clear, the changes that we can debate in the Articles are not limited to what the Minister has proposed in front of us now. They can also cover amendments brought by Scrutiny found from its work. It can be based on what other Members wish to bring, who want to use a passage of these draft amendments as a way to change the law itself. That is why I must stress if Members or stakeholders believe we should vote against the principles, I clearly ask why? Why; is the law perfect? To reiterate this, Members received an email on behalf of the committee of the Jersey Landlords Association highlighting their comments and ended by urging Members to reject the principles. I, for one, as a Scrutiny Panel member of the E.H.I. panel, think the comprehensive submissions by the J.L.A. (Jersey Landlords Association) have been really useful. However, it confuses me because I asked for a request as to why they believe to reject the principles Monday morning, and I have not had a response. Because I highlighted the following: “The J.L.A. [and other stakeholders, I should say] support the need for data collection on the rental market.” In fact to quote the Scrutiny transcript I highlighted just staying on a comment about data: “Does this mean that the members of the J.L.A. would support legislation to improve data collection for the Government?” The chair of the J.L.A.: “Very much so.” Also, it has been highlighted that the introduction of a specific insurance requirement are acceptable, in page 24 of submissions to Scrutiny, as were the support for transparency in fees and charges. I thought this was a very nuanced and sensible position to take. It said: “We are supportive of efforts to increase the transparency of fees in lease agreements. This will create more initial work for landlords but we believe that it would be in the long-term interest of landlords and tenants.” A brilliant point of nuance we can debate in the Articles but we have to get there to debate even the most benign of changes. I have only heard 2 reasons or perhaps one why we should reject the principles. I think they are both valid reasons but they are also very political reasons why we should vote against it. The first, in essence, explained that politics is not a purely technical system, it is a conversation, a compromise and a give and take and that there is deep frustration that there was no give in making this law and, therefore, this is a way to signal that. The second, similar to the first, was mentioned in Deputy Ahier’s speech. He suggested that too many of the amendments were fundamentally wrong to warrant moving to the first step. This, again, I think is very valid political signalling but, I would say, in doing so it loses Members the opportunity to tweak the law, even in those benign or less controversial ways. I may even sometimes find myself even supporting that political signalling. It is my personal opinion as well that I agree with the frustration about engagement and compromise at the Minister’s level of bringing this legislation. I really feel for those who would have liked to see that before obviously Scrutiny got their hands on it; that would have been far better. But I am a member of the E.H.I. Panel and we have not finished our work and I think there is work to be done. Lastly, I would like to close by reminding Members that when we debate, in particular primary legislation, we often group several amendments in one place and then debate each Article. But after all we would not want to have many debates lodged on primary legislation or to go for Royal Assent and then come back to us at once. Members will have in their minds, in their respective areas of expertise, examples of this. One I would draw on would be how successive Ministers for the Environment amend the Planning and Building (Jersey) Law 2002. There have been 8 substantive amendments to that, each one wide-ranging. In fact the last one debated by the last Assembly covered 20 amendments over a dozen different areas. These covered anything from conservation areas to handling application of case law, appeals, determining panels, all sorts of minutiae and some other elements. It was done so because we did not want to have 20 debates on the Planning and Building Law, we wanted one and Members knew that the time to decide pour or contre on each part was in the Articles, not the principles. What is the difference with this legislation?

I think the difference is that it has been so heavily politicised we are no longer debating the detail. It is fair to say a lot of the politicisation may sit with the Minister himself but we are where we are. I will now come out and clearly state I do not see evidence for everything the Minister wants; that is my personal view, not a Scrutiny view. I would even contend that some of the changes will negatively impact tenants. However, the time to air that and reject those parts, which I will have no fear in doing, as I have reassured parishioners who I have had nuanced and detailed discussions with, is in Second Reading. Likewise, parts of the law I urge Members to support, including vital data collection that we lost in previous laws is also when we will debate that. I urge Members to support the principles and be ready for thorough debate in Second Reading.

3.1.11 Deputy D.J. Warr of St. Helier South:

It is a pleasure to follow Deputy Curtis because his analysis of the current situation is so good and 2 things I want to say. First of all, I am a member of the E.H.I. Panel as well. I also had waddled on this topic. It is a shame that Deputy Bailhache is not here today because I think he would have swayed my thinking on this. But to come back to Deputy Curtis's point about politicising, I just want to quote a 29th June email which has been forwarded to me, and this is from Deputy Mézec to his Jersey Reform members. It says: "On 8th July we are proposing a new Residential Tenancy Law in the States Assembly." This is not a new Residential Tenancy Law, this is an amendment to the Tenancy Law. That is really unhelpful in terms of trying to be straightforward and not mess with the wording, please. This is why we end up in debates like this. This is why we end up in controversial situations like that when we have the membership of Reform not being told exactly what the Deputy is doing. I just bring that to the attention of the Assembly Members here.

3.1.12 Deputy J. Renouf of St. Brelade:

I mentioned in my declaration of interest that I will shortly become a landlord. I did say to a senior member of a well-known landlords' organisation that I would be applying to become a member of their august body. They replied that: "We only accept good landlords you know", which I guess was fair enough but perhaps was not the welcome I was hoping for. I think it was tongue in cheek. If we go back in time, there were, as I recall, 3 major issues that generated real anger in the last election; housing, the hospital and COVID. Of those the hospital is on a glide path that suggests it will be built and I would say weariness has replaced anger. COVID has faded from view. But housing remains as arguably the single biggest issue in the Island and a key component, arguably the key component in the continuing cost of living pressures. Of course housing is a complex issue; under-occupation, empty homes, quality and safety of housing and so on. The tenancy arrangements and affordability, the key items in this proposition, are absolutely critical for many people. They may not be the most visible with people. They may not have the time or energy to speak out. They may feel there is no point. But we all know this is a problem, a running sore. Too many people in this Island feel insecure in their home and are barely able to afford the roof over their head. There is, in short, a widespread cry of pain from a significant portion of the renting public. That pain is felt in insecurity and cost. There is no control at all on rent increases; there should be. A landlord can end a tenancy without good reason; that is wrong. Going on about a lack of data, I think this is the point. You would have to be politically, not just tone deaf, but entirely deaf not to hear that cry of pain. As an Assembly I think we have a duty to recognise that plea for help and act on it. The question of course is how. The previous Government responded to the demand for change with its own plans for reform of the Residential Tenancy Law. My point is not whether you agree with those proposals, it is that both the previous Government and the current Government have recognised the seriousness of the problem and set out to tackle it. It therefore feels to me essential that we at least approve the principles. We know this stuff needs to be debated and 2 different Governments have made commitments for change. There is a fundamental point I want to make that sits behind my views on this proposition. It relates to a point that was made to me by some landlords. They said that the proposals are unbalanced but that is to assume that the current situation is balanced. I do not think

that it is. There is at heart an inherent inequality in the contractual relationship between tenant and landlord. The tenant can deprive the landlord of an income or damage an investment but the landlord can deprive the tenant of their home. That is an inequality of outcome which means the stakes are higher for the tenant. I do know that landlords are themselves vulnerable to bad tenants and that is a significant issue which I do not downplay. In the U.K. I have had non-paying tenants to deal with so I know what it is like. But that vulnerability is not as great as the vulnerability of someone who stands to lose their home at short notice or who feels compelled to agree to a huge rent rise or put up with bad housing because their only alternative is a rapid countdown to homelessness. We have certainly all heard stories from constituents of people whose notice period is expiring as they desperately search for somewhere to live, putting them in a position of extreme vulnerability when it comes to securing a new tenancy agreement. Tenants are in a position of weakness that can be exploited by unscrupulous or greedy landlords. It is all very well for Deputy Ferey to talk about relying on relationships of trust but it is naïve to say that trust can be relied upon in all cases. The proposed law is a safety net when trust breaks down. It is also true that losing a home because of an unaffordable rent increase, for example, is more than just losing a roof over your head, it may mean losing a place you love. You may be close to amenities on which you depend. You may be embedded in a local community. Your child may be deeply attached to their school. Your life may indeed be organised around that home. At heart, one of the principles at stake for me is a recognition, as I said in my manifesto, that a house or flat is primarily a home. It can be an investment as well, of course, but our legislation should be built around protecting people in their home. That is why I was proud to bring forward the licensing of private rented dwellings and proud to be the Minister who got it over the line, building on work that had of course gone before. What are the opposing arguments? We are asked not to interfere in the contractual right of parties to agree to a fixed-term tenancy if they so wish. The problem is that the freedom to enter into a fixed-term tenancy that currently exists is, in reality, one that in some circumstances is likely to be dictated by a landlord: “If you want this property, these are my terms.” The choice for the tenant is not a real choice; private property rights need reasonable limits.

[11:00]

Landlords have complained about the asymmetry in these proposals. A tenant can give one-month’s notice; they have to give longer. We can quibble about those particular time periods but the principle that a person who is being asked to find a new home should have longer notice periods than a landlord and that those notice periods should be longer the longer a tenant has lived in a property, does not seem to me to be unreasonable. We have heard about single property landlords with the implication that they fit into a different category and the proposals are perhaps not proportionate to them, but from the point of view of a tenant there is no difference. The property they rent is still their home and for this simple reason I think the same rules should apply to all landlords. The bottom line is that all of what a landlord would reasonably want to do is still going to be possible under these amendments to the law. The overarching difference is that they will have to justify what they could previously do without restraint. Over the last few years we have seen a very large growth in the private rented sector. In fact, between 2011 and 2021 - these figures are from the census - the number of new homes in the Island increased by just under 3,000; 3,000 new homes were built in that period. In that same period the number of rental properties also increased by around 3,000. In other words, the entire growth of the housing market in that 10-year period was accounted for by a growth in the private rental sector. We have turned property into an asset class. What happened in Jersey was of course matched elsewhere. It followed the financial crash, near zero interest rates, the rise of quantitative easing, and the drive to chase investment returns when conventional assets were flatlining. Property became a significant investment opportunity. That is why we had those cash buyers buying 3 or 4 properties in new developments. Now, of course, the private rental sector meets an important social need for people who do not want to buy for a variety of reasons, and not just because they cannot afford to buy. But it seems incontrovertible that the attractiveness in Jersey of

property as a tax-free capital investment over the medium to long term, backed up by relatively lax rental controls, has driven up demand, increased house prices and therefore rents. That is all notwithstanding the recent correction in the market which, by the way, still has a long way to go to reach previous levels of affordability. Regulation to deal with those pricing pressures feels important. Of course, one of the hardest points to make when introducing any new form of regulation is why it is necessary when so many landlords are good landlords, as they are, and cannot see why they should have to submit to controls that are designed to deal with a few rogue operators. The Minister had one answer to this, which is that the supposed regulatory burden does not amount to much at all. But I would also say I heard the same arguments when I brought the licensing of rented dwellings before this Assembly. The truth is regulation is necessary because there are bad actors. I do think that, just as with licensing of rented dwellings, there is a degree of exaggeration in the supposed negative impact of these measures. We have heard wolf being cried before. These measures, or at least versions of them - and as I say we can quibble when we discuss the Articles - but versions of these regulations are pretty standard elsewhere. They are not that disruptive and I suspect most landlords will quickly realise once they are implemented there is not much to worry about and just get on with things, as they have following licensing of rented dwellings. I mentioned in my declaration of interests that I have a property in the U.K. jointly owned with my wife. It is managed by an estate agency. Recently I received an email circular from the agency on the subject of the U.K.'s changes to rented rights, which are significantly more stringent than the Minister is proposing for Jersey. It said, and I quote: "As it stands there is nothing in the proposed Bill that should concern you as a landlord. The Bill is designed to protect both landlords and tenants and provide a level of security that both sides can rely on." Well, quite, that is a tougher set of regulations than are being proposed here. I do have one quibble. In my manifesto I said I supported the establishment of a rent tribunal but I was sceptical about rent control measures. I think the devil is in the detail here and that is what we will get to when we debate the Articles. I have already told the Minister I am opposed to the 5 per cent cap, which would mean that over time rental income will be less than inflation, but that is a detail for discussion when we get to the Articles, not a reason for rejecting the principles. Ultimately, I support the principles because we need to take measures to rebalance the relationship between the value of housing as a home and as an asset class. We need to offer something, not just to Islanders in the rental sector, but also to essential workers who we expect to come and stay here and work here, and who will rightly expect a well-regulated market as they encounter elsewhere wherever they have worked. Yes, we can quibble about the detail and will that not be fun if we get to it? For now, I think it would be rather shameful if this Assembly rejected even debating the detailed measures that might improve the renting experience for both landlord and tenant. A vote against the principles says to many members of our community: "We cannot even be bothered to consider your issue any further." What is it people say about why they do not vote? Because it does not make any difference. Voting does not make a difference. Well, they told us at the last election where they wanted to see a difference. They are still telling us now. Are we really going to say to these people that we are giving up on attempts to improve their lives, that we do not hear them? What an abdication of responsibility to some of our more vulnerable, marginalised and politically disenfranchised members of our community that would be. On this issue, I support the Minister and I shall be voting pour.

3.1.13 Deputy H.M. Miles of St. Brelade:

I just want to speak very briefly. A lot of the points that I would have made have already been made. I was struck by Deputy Alex Curtis when he talked about give and take. I am listening to this debate with interest because I genuinely am undecided as how to vote and I probably will make my decision at the end of the debate. I would have preferred this to have been debated in September after Scrutiny had had the proper opportunity to do their work and properly present results of their consultation and the views of the expert adviser and any amendments that they would like to bring. Would 6 weeks really have made a difference to the Minister? Perhaps the Minister can explain why he was not prepared to wait. I would also like to hear from Council of Ministers' Members about their views

and what the discussions were around the C.O.M. (Council of Ministers) table, what engagement was had across the Council of Ministers. I feel the Minister has put the Assembly in a bit of a difficult position. I want to be fair to everybody, tenants and landlords - I am neither - but we only have half the story upon which to make a decision. Yes, on the face of it there are things that I disagree with but areas that I could probably support, but again the devil will be in the detail. If the principles go through, we should all have the opportunity to proceed to the next step in the process which will include the view of the highly expert adviser. I want to have the opportunity to see that report, to digest the contents and the details in order to make a proper reasoned decision at the appropriate time. I would like to understand why the Minister does not seem to have the same curiosity and why he did not accede to the request for such a short delay which would give, I believe, a completely different complexion to this debate.

3.1.14 Deputy S.G. Luce of Grouville and St. Martin:

I want to start by being very clear with the Assembly, I believe in a free market economy, and I fundamentally cannot agree with the principle of rent stabilisation. I also do not agree that open-ended tenancies are the best way to move forward. People may say: "Well what grounds have you got to make those assumptions?" so please bear with me while I bore you with some detail of my previous life. When I finished my education in my very early 20s I had no money, or very little money, but I borrowed and bought a small property. I worked hard, really hard, and I played hard, and managed to totally refurbish that property. My first tenant managed to trash the entire property within a matter of a few months. I had to work even harder to refurbish it. My second tenant stayed for very many years and the difference between those 2 could not be more stark. During that time I, myself, was a tenant and benefited from a number of 9-year leases, something I would not be able to do if these principles go through. Eventually I bought and sold and most recently I am now the owner of another property and have enjoyed - if that is the right word - in the recent months the size of insurance rises and, most importantly, the massive increases in the cost of materials to maintain your property. I have seen both sides of this argument and I understand completely how it feels to be a tenant and a landlord. A bit like employment, really, I spent the first 10 years of my life as an employee and the rest of my life as an employer. I think in both cases, it is so important to understand both sides of any argument. I know we are not here to talk about the detail but, as has just been mentioned, the proposed cap on rent increases. With the benefit of experience - and I am one of very few people in here who was trying to make a living back in the late 1970s and early 1980s - I would just like to remind Members, when I first came into employment in 1979 interest rates were 17 per cent. By 1982 they dropped to 9 per cent but at the end of the 1980s they were back up to 15 per cent. I cannot understand why this figure of 5 per cent was put in at all. I know the Minister has argued that there are other factors involved and the tenants can appeal to have them increased or, if you would, making improvements. At the end of the day I do not understand that, and this is the principle of rent control. As a Minister - and I know Deputy Miles has just asked for Ministers' opinions - I have to say that I also have real issues with this proposition because, if accepted and we move forward, there are implications for the Regulation Department that I am responsible for. I have notable concerns regarding the requirement for my officers to be involved in establishing nuisance as a ground for eviction. Traditionally, such determinations would fall within the remit of the courts based on common law principles. I have further concerns because the terms "serious" and "repeated nuisance" are not clearly defined in legislation and do not equate to statutory nuisance. As such, my officers currently lack a clear legal basis to make these assessments. Given that Jersey does not have a common law nuisance, in so many words, the only applicable standard is statutory nuisance which carries an extremely high threshold and is criminal in nature. I think I have spoken about this yesterday and the difficulty that we have with it. I am further worried because requiring landlords to obtain input from my officers - whether they are my officers or indeed the officers of the Minister for Justice and Home Affairs, police officers - it will place additional pressure on services that are already operating at near or full capacity. While it is difficult to predict the exact volume of cases,

the reduction in available grounds for tenancy termination may well lead to increased reliance on this route and the housing and nuisance team should not, in my view, have a role of facilitating evictions. There is also the risk that the involvement of my officers could lead to inappropriate or unjustified investigations, potentially infringing on tenants' rights, including the right to peaceful enjoyment. This could inadvertently position the directorate as a tool for harassment. While guidance for landlords and advice for landlords is helpful, it does not address the core issue, and that is the legal requirement itself. This approach may result in delays due to potentially lengthy investigations creating an onerous process for landlords seeking to obtain possession through the courts. The existing system which places the responsibility of eviction decisions with the courts does not impact my officers' resourcing and allows for legal arguments to be made based on common law nuisance principles referencing case law in the U.K.

[11:15]

The proposed changes could significantly affect my already stretched service without any provision for additional resources. Should my team be asked or tasked with leading any implementation efforts such as developing the guidance documents, codes of practice, or the community engagement, this would have a significant implication. It would require reprioritisation of existing work and dedicated resources potentially impacting on other services. At the moment we administer 35 laws on behalf of 6 Ministers of Government. I am responsible for the resources of the Regulation Department and I do not see the identified resources necessary to reflect what we might be putting forward today. In conclusion, I would just like to say I am a realist and over the years I have realised that compromise is the only way forward and the only way to really make progress. Unfortunately, I do not see quite enough compromise in the proposition today. Finally, I want to say I am a big supporter of Scrutiny. I have chaired and vice-chaired a number of Scrutiny Panels and they do good work. I want them to be allowed to continue to do their good work and I would very much like, as Deputy Miles has said, to wait for their report. I want to be properly informed and, with that in mind, I would like to request a reference back so that this Assembly can be properly informed of all the facts before we vote on the principles.

The Bailiff:

One moment while I look to the appropriate Standing Order, please.

Deputy S.G. Luce:

Article 83 says: "A Member of the States may propose without notice during the debate on a proposition that the proposition be referred back in order that (a) further information relating to the proposition can be provided to the States."

The Bailiff:

Yes. I think I should ...

Deputy M. Tadier of St. Brelade:

Can I just ask a point of clarification? Is the mover proposing it as a Minister or as an independent Member? I did not know if it is a Ministerial position that they support a reference back.

The Bailiff:

Well I do not think the Member is required to state that. The Member has a voice as a Member within this Assembly and has asked for a reference back. The further information that you are seeking is what precisely?

Deputy S.G. Luce:

I would like the further information to be the Scrutiny report which has started and yet to conclude.

The Bailiff:

Yes, it appears to me that it is in order. My first question then, would it be seconded?

Deputy P.F.C. Ozouf of St. Saviour:

Can I raise a point of order?

The Bailiff:

Yes.

Deputy P.F.C. Ozouf:

I am just asking for a point of order because the chair of the Scrutiny Panel has indicated that she will call the legislation in. This is a point of order, if you wish me not to pursue it. I am not challenging you, I want to establish that the absolute right of the Scrutiny Panel chair has been made and an undertaking given that she will call it in and therefore there will be a report there. That may be an observation that is needed in the debate - I am not sure we have a debate - but I just thought that was relevant.

The Bailiff:

Yes. Well, the difference between what Deputy Luce is suggesting, and allowing this to go and then the Scrutiny to call it in, is that of course if there is a vote against the proposition or against the principles, that is an end of the matter. However, if it goes back for consideration and it waits coming back after Scrutiny has reported, then the principles will still remain to be voted upon. That is the essence of what happens, I think, here. There is a difference but, you are right, Deputy, at some point the Scrutiny Panel, in either event, if the principles are adopted and it goes on of course, will report.

Deputy P.F.C. Ozouf:

We will have a debate on the reference back?

The Bailiff:

There will be a debate on the reference back.

Deputy P.F.C. Ozouf:

Thank you for that clarification; I am grateful.

Deputy J. Renouf:

Can I also ask a point of order?

The Bailiff:

Yes.

Deputy J. Renouf:

Can you just clarify whether the limit that applies when a proposition is lodged and then has to be debated within a certain period of time, effectively that is stayed?

The Bailiff:

No, I cannot allow this, if it means that it cannot be resumed at a future occasion.

Deputy M. Tadier:

Can I just ask for a point of order?

The Bailiff:

Yes, just a moment. If your reference is to the 6-month rule, then now the debate is opened the 6-month rule is effectively gone, we are in a different procedure. Yes, Deputy Tadier, you had a point of ...

Deputy M. Tadier:

Yes, it is when the proposer stood up, I thought I heard him say he wanted to refer it back, which made me think he is referring it back to the Minister but there seems to be confusion as to whether he is referring it to the Minister or to Scrutiny.

The Bailiff:

Well it is a valid point. The norm for a reference back is to refer back to the bringer of the proposition; in this case it would reference back to the Minister. The Standing Order does not immediately require in express terms that that is the case. Therefore, a reference back I think can take place in these circumstances, unusual though it may be.

Deputy M. Tadier:

If the reference is a reference back, I think that it is referred back to the Minister, seems to be what the Minister is asking for. I think, if I remember, does there need to be some clarification that is sought from the Minister about something that is unclear in the proposals that the Minister has to come back with?

The Bailiff:

It either has to be further information or tidying up an ambiguity in the legislation. It does not have to be both, it has to be one or the other.

Deputy M. Tadier:

Can we know what that is before we consider it?

The Bailiff:

Are you able to specify further what information you would ask of the Minister?

Deputy S.G. Luce:

I am not particularly sure I am asking anything of the Minister. The Article in Standing Orders does not refer to the Minister, it just says: "A Member of the States may propose without notice during the debate the proposition be referred back", it does not say to where, but in this case, "for further information", in this case, the Scrutiny Panel, "relating to the proposition so it can be provided to the States."

The Bailiff:

I think on further reflection, Deputy Luce, it does seem to me that the point raised by Deputy Tadier is well made and that a reference back has to be back. In other words, it is not a reference to something that is not already engaged within the context of the parliamentary debate in other than the mover of a proposition. A reference to Scrutiny occurs only at the end of the principles, otherwise it must be a reference back to the Minister for specific further information or for the clarification of an ambiguity. Now if, as you indicated, you do not think you have any questions specifically for the Minister, and that is the basis on which the debate will take place, then I think on mature reflection I should not allow this as a proposition. Do you have anything you wish to refer back to the ...

Deputy S.G. Luce:

If that is your decision, I will abide by it, of course.

The Bailiff:

Thank you very much. Well in which case ...

Deputy A.F. Curtis:

Could I just ask a point of order to understand Standing Orders as well?

The Bailiff:

Yes.

Deputy A.F. Curtis:

If Members did want the same effect of a reference back, would a proposal to move to the next item, in essence, shuffling the completion of this, move it, just logistically, I am not proposing that myself. I want Members to know what options they have.

The Bailiff:

Deputy Curtis, I think the position is, if people do not want the debate to continue to the end of the principles, if they do not want to do that, there appears to be 2 valid options open to the Assembly. Clearly I am not in any sense suggesting this is the correct thing to do but this seems to me to be possibilities. Firstly, as you suggest, a move to the next item. That simply brings the debate completely to an end, we move to the next item of business, and it will be for this to be relisted on a future occasion for the matter to be brought again. It does not fall off the Order Paper, it just ends as of the course of the day. The other thing is to refer to Scrutiny under Standing Orders which can be done by a Member at this point. All that is doing, it seems to be, in the light of the indication given by the chair of the Scrutiny Panel, is to make the reference to Scrutiny a shorter process than waiting until the end of the debate. The difference is of course that people will not know what the vote on the principles would have been. I hope that is of some assistance. Chief Minister.

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

My light is just on to speak when Deputy Luce finished. Thank you.

The Bailiff:

When the moment comes. There is now no reference to a reference back, had you finished your speech, Deputy Luce?

Deputy S.G. Luce:

I think I have. [Laughter]

The Bailiff:

There is nothing else of a procedural nature, mercifully, before the Assembly at this moment.

3.1.15 Deputy L.J. Farnham:

The Draft Residential Tenancy (Jersey) Amendment Law represents a measured, a balanced and necessary step towards strengthening our legal framework for rented homes. If adopted, it will fulfil a clear commitment in our Common Strategic Policy to improve arrangements for both tenants and landlords and to help to address the wider pressures within our housing system. The need for action is plain, Jersey is experiencing housing challenges that, if left unchecked, threaten our social cohesion, our economic resilience, and perhaps, most importantly of all, our demographic sustainability, the questions focused on by Deputy Wilson yesterday, important questions. Far too many Islanders, particularly young people and families, struggle to find homes that are both secure and affordable. I want to say at this stage very clearly, like other Members, I acknowledge that the vast majority of landlords and tenants are good, responsible people, but unfortunately some are not. That is why we need to have the relevant and appropriate laws in place. Many young Islanders have begun to question whether their future lies here, and this is not a situation that any of us should accept.

It is the duty of any reasonable Government to take action, and that is what we are trying to do. The rental market plays a vital role in meeting the Island's housing needs. Around half of all households in Jersey live in rented accommodation. That market must operate fairly and transparently, with clear responsibilities on both sides, and with protections in place for when things go wrong. At present the legal framework does not provide that assurance. The 2011 Residential Tenancy Law was a positive step in its time. It introduced key features, it brought structure to our rental sector, tenancy agreements, deposits, condition reports and a general basis for regulation, but more than a decade later it no longer meets the needs of a modern society, of modern tenants, and modern landlords. Tenants can still be evicted without reason, exposing them to uncertainty and, in some cases, unfair treatment. Rent can be increased with little notice or justification and too often tenants encounter hidden fees or terms they were not prepared for. Landlords meanwhile lack a consistent framework for managing problematic tenancies or recovering properties in unforeseen situations.

[11:30]

They face ambiguity and, at times, unfair characterisation despite the fact that the majority of landlords in Jersey are fair. It is time to update the law, not to penalise one side or favour another, but to create a clear and balanced system that builds confidence and certainty for all involved. The principles that will lead to the draft amendment law coming after Scrutiny does exactly that, introduces longer notice periods for tenants who have lived in their homes for many years. It ends a practice of evicting tenants without cause, it provides rent stabilisation measures to prevent unexpected or unreasonable rent increases while still allowing landlords to increase rents fairly and recover properties when they need to. The legislation introduces a new form of tenancy agreement, one that begins with an optional fixed term of up to 3 years, which then automatically converts into a periodic tenancy unless otherwise agreed. This offers clarity and flexibility and, most importantly, it protects tenants from cycles of short-term renewals that leave them in a permanent state of uncertainty. The notice periods for landlords are tiered: for longstanding tenants 6 months' notice will be required in normal circumstances; for newer tenants, the current 3-months standard will continue. Of course, a lot of this we are going to come back to hopefully if the principles are approved today and Scrutiny can do their work. I am pleased that these proposals have been developed through wide consultation with the Landlords Association, and I thank them for their commitment to engaging. The Jersey Hospitality Association, Farmers Union, Housing Trust, Tenants Group, Citizens Advice Jersey, and many others, have all contributed. There has been significant engagement with the Environment, Housing and Infrastructure Scrutiny Panel, and I thank the panel for its careful consideration and collaboration. I welcome the fact that the lodging period for this legislation has been extended to accommodate its work. Feedback from across the sector has been mixed, of course, but this is not surprising. The proposals are not radical, they are considered, proportionate, and rooted in evidence. Crucially this proposed legislation also introduces a more transparent and sustainable approach to rent. Under the proposed draft amendment law, rent may only be increased once per year and any increase must be limited to the rate of inflation or capped at 5 per cent. This cap can only be exceeded where a landlord has made improvements to benefit the tenant, so it is not a cap, it is more of a bar, it is more of a check for tenants and landlords to find agreement moving forward. This balanced approach protects tenants from sharp or unjustified increases, while ensuring landlords can continue to make a fair return and invest in their properties. An independent rent tribunal will oversee these arrangements. Landlords will not need prior approval to raise rent but tenants may appeal increases they believe are unreasonable. The tribunal will be independent, impartial and equipped with the expertise to make fair, evidence-based decisions. It is also important to note that this legislation improves transparency around fees and charges. Tenants will know from the outset what costs they are liable for, what responsibilities they have for repairs, services, and early termination must all be clearly set out in writing. This will help prevent disputes and foster better landlord/tenant relationships. The proposed law also addresses situations where property becomes uninhabitable. If this occurs and the tenant is not at fault, they will not be liable

for rent. Importantly, this proposed legislation lays the groundwork for a better understanding of our rental sector overall. For the first time in many years we will collect reliable data on actual rents charged, not just advertised prices. This will inform better policy-making and provide much-needed insight into affordability and supply as we move forward. Because the Island will evolve, its people will evolve and the housing markets will evolve, and in the future it is going to be essential that we have such information. Previous Governments have made attempts to reform and promises to reform tenancy law but too often the proposals have been overly complex or delayed by attempts to do too much too quickly. This Government has taken a different path, we have focused on delivering meaningful reform within the current term, and that partly answers Deputy Miles's question as to the order this has come in. It is because there is a genuine commitment and desire - by at least some Ministers; I know we are slightly not all agreed on this - to achieve this in line with our Common Strategic Policy approved by this Assembly within this term. That is the only thing behind wanting to get this in front of the Assembly; there is no other reason. Just that, to get it done and in place during the term of this Government. Of course, the legislation that is proposed it would come back to hopefully in the future does not solve all of our housing challenges but it represents a significant and necessary advance. It creates a fairer, clearer and more balanced rental system. It supports both tenants and landlords and it strengthens our legal foundation and it reflects the kind of community we aspire to be: fair, secure and inclusive. In closing, I would like to remind Members and speak insofar as this is not just about legislation and policy, this debate is probably more about people, it is about families, it is about our children and about this Assembly's solemn responsibility to them. Because ultimately the question before us is not simply about housing reform, it is this: what kind of future do we want to build for Jersey's children? In my view, the answer begins with a safe, stable and affordable home, and that is precisely what we are trying to achieve through these principles and ultimately, I hope, with any legislation that comes before this Assembly. As I mentioned earlier, half of all households in Jersey live in rented homes so it is not unreasonable to think that almost half of all children in the Island live in rented homes. Yet too many children grow up never knowing how long they will stay in their home, whether their family can afford the next rent rise or if they will be forced to move with little notice. That kind of insecurity is not just inconvenient, it is deeply disruptive. It affects children's education, their friendships and their sense of security and belonging. We are determined to change that and this Assembly should also be determined to change that. The principles we bring forward today, if accepted, will create a pathway that will help children by giving their families the stability they need. It will guard against sudden, unexplained evictions. It will bring predictability to rents and it will allow parents to plan, settle, invest in their children's future with far greater peace of mind. A child who knows where they will be sleeping next week, next month, next term, next year is a child more able to thrive in school, in play and in life. These reforms are not just helpful, they are essential, and they are fair. Good landlords have nothing to fear. On the contrary, the legislation supports them too through clearer rules, longer-term tenancies and a more predictable rental environment. I do look forward to that debate, I look forward to the Government participating in the work of Scrutiny where it has to. Throughout the process of developing these proposals, we have not only listened to tenants and landlords, housing trusts, legal experts but, crucially, to children themselves. The Office of the Children's Commissioner has played a key role in helping to shape these reforms, ensuring the rights and the needs of the children are properly represented. I point Members' attention to the C.R.I.A.s (Children's Rights Impact Assessments) which accompany the proposition because protecting children's rights cannot be an inspiration alone, it must be demonstrated through action. I wanted to remind Members today of their responsibility in this debate because I do not think it has been a high enough priority in our discussions in this Assembly. The rental market touches thousands of lives but most vulnerable among them are often the youngest. When we strengthen housing protection, we strengthen childhoods. Let us send a clear, unequivocal message to every family in Jersey that your children matter. Their futures matter, their homes matter. Deputy Alex Curtis - he is not in the Assembly right now - explained succinctly why we should support the principles: it is so we can keep the journey going to more secure housing

for half of our Islanders. The current laws can be improved for the benefit of all. I urge Members, I really do urge Members, I urge my colleagues in the Council of Ministers who are having second thoughts, to please support the principles. Thank you.

The Bailiff:

Deputy Warr, do you have a point of clarification?

Deputy D.J. Warr:

Yes, I do have a point of clarification. The Chief Minister mentioned that over 50 per cent of ...

The Bailiff:

Well, do you give way for a point of clarification?

Deputy L.J. Farnham:

Yes, Sir.

The Bailiff:

Yes.

Deputy D.J. Warr:

Yes, the Chief Minister mentioned that over 50 per cent of people live in rented accommodation. He has not split out that between social housing provision and private-sectored provision. Clearly, this legislation does not affect or impact on certain ...

The Bailiff:

Well that is ...

Deputy D.J. Warr:

I just wanted to clarify that. I just wanted to clarify that he is including both social and private ...

The Bailiff:

No, a point of clarification is asking him for a point of clarification of his speech or for you clarifying something you have already said in the Assembly which may have been misunderstood and misrepresented. It is not the opportunity to qualify someone else's speech with further information.

Deputy D.J. Warr:

That is not clarification, okay, fine.

Deputy P.F.C. Ozouf:

Am I entitled to ask a point of clarification?

The Bailiff:

If the Chief Minister will give way for a point of clarification? Yes.

Deputy P.F.C. Ozouf:

I would be most grateful if the Chief Minister could clarify, he is asking Ministers to support this - and I have previously asked about collective responsibilities and matters of minority Governments, et cetera - but I think I am not alone in being confused that this is a standalone proposition of massive importance in the Minister for Housing's name, but the Chief Minister is issuing a rallying call. Could he clarify what he is saying to his Ministers? What is the point of disagreement that he is asking them to agree upon because I am not clear? It is a rather unprecedented situation for the Ministers to be not having collective responsibility clearly on such an important matter of public business. I hope that is in order because it is a really important issue.

The Bailiff:

Is it something that you can offer further clarification on?

Deputy L.J. Farnham:

I can clarify again; I have clarified it a number of times in this Assembly. I am pleased and very proud to be part of a team, a collaborative team of Ministers, but also a pragmatic team of Ministers. I think its makeup truly does represent this Assembly and ultimately the people of Jersey. Because we are a broad church of political views there is quite often a difference of opinions, which is welcome. When there are different opinions it often means we debate far deeper and in far more detail, as testing as that can be, and that delivers us to, 9 out of 10 times, good Government positions on most issues. This is one particular item that the Council of Ministers could not all agree on and so we have a process to follow. Because we do not have collective responsibility in our Standing Orders, we have to work truly in a democratic fashion. We either have a Government-agreed position on something where we are all aligned, we have a free vote on certain issues, or we have something called an “agreement to differ”. That is where Ministers at our Council of Ministers’ meeting will explain their position, explain the reason why they cannot agree. Often it is, as an example, a deeply-held view of something or manifesto commitment, then we are committed, as Deputy Ward I think spoke this morning, in line with that conviction. Having said that, though, I still will at times urge Ministers to support the position **[Interruption]** ... and that is how I finish my speech. Thank you.

The Bailiff:

Thank you very much indeed. **[Laughter]**

Deputy P.F.C. Ozouf:

I am grateful for that clarification. I am very grateful.

Deputy L.J. Farnham:

Just a point, I did not think a point of clarification was subject to timing.

The Bailiff:

I am not sure it is but there we are. Yes, I think it depends. I think if a point of clarification is: “I clarify this by saying A, B and C” then probably it is not. If it is: “I clarify it by slightly elaborating at some significant length on my previous speech” then it probably is, Chief Minister. But I think we just have to take this ...

Deputy L.J. Farnham:

Well, I have finished anyway; thank you. **[Laughter]**

The Bailiff:

Indeed. Thank you very much indeed. Deputy Tadier.

Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:

I have a further point of clarification, if possible.

[11:45]

The Bailiff:

From the Chief Minister?

Deputy L.K.F. Stephenson:

Yes, please.

The Bailiff:

Do you give way for a further point of clarification, bearing in mind it will be effectively a question and answer?

Deputy M. Tadier:

I am happy for the Chief Minister to carry on but I do recall you called me to speak. I am wondering at what point the Minister's speech would have finished.

The Bailiff:

Well I have to say, I had assumed that when Deputy Stephenson's light went on that she was signalling an intention to speak; therefore, I would have called her after you in the ordinary way. She has now indicated she wishes to make a point of clarification, which I had not assumed. We will get to you, Deputy Tadier; there is no doubt about it. The point of clarification will have to admit a very brief answer, Chief Minister, if that is possible. Will you give way for it?

Deputy L.J. Farnham:

Depending on the question, it is possible.

Deputy L.K.F. Stephenson:

Hopefully it will be a very brief one. I think I heard the Chief Minister say early on in his speech that Scrutiny had been given time to carry out their work. Can he just confirm that is not the case? We heard from the chair of the panel earlier that requests to put the debate further so they could finish their work were not agreed.

Deputy L.J. Farnham:

I am looking for the part in my speech but what I was referring to was that I welcome the additional time that Scrutiny had to consider this. If I was not clear, that is what I meant.

The Bailiff:

Thank you very much, Chief Minister. Deputy Tadier. No more points of clarification.

3.1.16 Deputy M. Tadier:

I am willing to take any points of clarification [**Laughter**] given that they do not come off my time. That is good to know. I am pleased to follow the Chief Minister. He did not necessarily give a tub-thumping speech but I think what he did give is a very well-considered and thoughtful speech with lots of reasons as to why all Members, and certainly his Ministerial colleagues, should be supporting his point of view and what the Minister for Housing is trying to do here with the principle. Because we have got Bastille Day coming up next week and because there is a really good programme of events this weekend in the Royal Square for the French Festival, which I encourage anyone to go to, I thought I would start with a couple of words in French. The first one that came to my mind is (1 second of French spoken), or to complete it, (2 seconds of French spoken). Then I am also mindful of the English/French phrase that we have adopted which is *déjà vu* of course, which certainly I think I have been here many times before. I do not want to necessarily repeat speeches that I have made in the past but I will start with this. Sometimes something serendipitous happens. When I got up this morning and I had to go to a breakfast engagement, I must have left too soon because when I got to the Assembly I realised I did not have my laptop charger and had very little battery on my laptop. That is why I do not have a laptop in front of me at the moment. I thought about: "I need to make some notes for my speeches, I need to do points of research." We each get used to technology. So I looked in my drawer and I came across the report of the Independent Jersey Care Inquiry, the 2019 interim follow-up after 2 years of issuing their main report. I thought to myself: "Does this Assembly still have an ethos of putting children first?" because that certainly was the big buzz phrase a few years ago. Again, it is something that the Chief Minister mentioned in his speech. He did not necessarily use the words "putting children first" but he did say we need to make sure that we are

looking after children and it remains an ongoing issue. I think the reason I keep this in my drawer is partly to remind me about why ultimately I am in politics: it is not just for us, it is not to talk about ourselves, it is really to think about who are the most vulnerable in our community. It is also to remind ourselves that we need to learn from the lessons of the past across the piece and that the children, of course, are the ones that we should be having in the forefront of our minds. One of the key messages that comes out here in the main report, but also if we think about the U.N.C.R.C. (United Nations Convention on the Rights of the Child), which this Assembly has also adopted, is that at the heart of all the policy-making decisions that we make as an Assembly in our considerations, the voice of the child should be front and centre in that. I pose the question: where is the voice of the child but, more importantly, where is the voice of those children perhaps in families who are least able to speak out in our community? Where is the voice of the Filipino child, the Portuguese, the Polish, the Kenyan, or indeed the Jersey, the British child, they are all Jersey children of course, they are living here, and let alone their families, in trying to be able to speak out. One of the great things about living in a small Island like ours is that our democracy is very intimate. We know a lot of people that engage with us in politics and that can feel like a double-edged sword sometimes, it is 2 sides of the same coin. It means that of course when changes are coming that affect people's interests, that quite rightly they do lobby us quite hard. I also think about the recent first-aid training that I re-did. When you attend the scene of an accident, when there is an emergency, if you like, it is not the ones that cry the loudest that you necessarily need to go to and attend to, it is the ones that are not making any noise. That is a particular scenario that happens on the road but we are dealing with a different crisis here. I think we are still in a period of housing crisis and, of course, the gallery is not full - I have said this before - with tenants, it is not full with children at the moment. That is not because there are not any tenants in Jersey; there are definitely more tenants in Jersey than there are landlords. There are definitely more children living in those homes than there are necessarily children renting out homes or other families. I think we need to sometimes check ourselves when I hear comments - and I will get on to this in a moment - from the Minister who is supposed to be representing children and their interests, saying that: "All of the people who came to speak to me about this only own one or 2 properties." That is all the landlords, of course, that have come to see the Constable in St. Peter. I do not know if they were coming to see him as Constable or as Minister. But what about the other people who did not come to see the Constable that are living in his Parish, arguably in difficult conditions? I turn to some of the pages in the interim 2019 report, or the follow-up report, as I should call it. I read the words from one care leaver in Jersey who said: "All I wanted was a stable family home where I could have my own children and have my own house." I think this is a very simple aspiration, whether that house is ultimately one that is owned by them or one that they are renting, I think is a very normal but also a very basic fundamental human desire. Security is what we are talking about here. When we go back to the principles, what we are talking about here is really, as far as I can see, the principle that we need to have a system which acknowledges that, on the one hand, people have a right to enjoyment of their property, it is a basic fundamental human right to have enjoyment of your property, but that is also checked by the fact that when you then rent that property out, the person who is renting it also has rights and responsibilities in that. This amended Residential Tenancy Law that is coming forward is not saying that that contractual obligation does not still exist, it is not saying that it is no longer a private contract between 2 parties, it is saying that if and when things go wrong in that situation, the way in which things are dealt with, including the amounts that rent could be increased - because we know that rent hikes are not good for tenants and ultimately not good for the wider community - that the way in which those will be dealt with will be slightly different but it is also inclusive. That is yet to be decided, we are not to talk about that here today. The first thing is really about putting children first. Why is it also a social and an economic issue? Well I turn to another page of this report which talks about the difficulty of recruiting staff in Jersey across sectors but including in the health sector. Those on the inquiry said: "It is simply unrealistic to tout better quality of life as a reason to move to Jersey when housing costs and restrictions mean most workers and their families are moving to poorer-quality accommodation,

often with less security of tenure, and less investment potential. Claims about the Island's good work/life balance do not address the disadvantages of incoming staff and their families with less annual leave, poorer maternity benefits, fewer employment protections and additional health costs compared to U.K. work settings." But that could also apply to Jersey-born families who are considering leaving the Island, so all of that is exactly true, talking about potentially poor quality accommodation. That has already I think largely been dealt with. It is not perfect yet but there have been minimum standards that have come through and which have been adopted. Of course, none of this affects landlords who do the right thing and invest in their properties on top of it. These are not things that good landlords need to worry about. The whole point about security of tenure I think is a key issue here. I think that is something the Minister is quite rightly trying to address. Quite frankly, I have been a tenant in the past - I declare an interest here - so technically I am going to be recorded as having an interest as a landlord but it is more my spouse who is, if you like, the accidental landlord. I notice that often when I was renting in the past a periodic tenancy - and I know we are getting into the Articles; I will not dwell on those - just became the norm because often you would have that year of tenancy. There would be no conversation between the landlord and the tenant necessarily explicitly saying: "Do you want to renew for another year?" so you just go on to a rolling tenancy anyway. That is where the R.T.L. (Residential Tenancy Law) would kick in and the usual contractual obligations on either side with notice periods. It seemed to work fine. I do not think that is vastly different to what is being proposed, apart from the assumption is for periodic tenancies, but others will have different views on that. I would like to make the point about social housing and private housing. If we were in a situation where there was lots of social housing and perfectly adequate amounts of it, and it was all in great condition, and that we did not have long waiting lists for social housing, we might be having a different conversation about the rights and responsibilities of the private sector. But the point is we do not have that, and essentially the private sector has a job to do effectively also as a social landlord, because income support does give money to lots of people in the Island to the tune, last time I checked, about £12 million of taxpayers' money that goes to pay for private rents, without necessarily being able to be assured of the kind of regulation that is in that area. It is right that there is security of tenure and responsibilities that are not overly onerous for landlords, and because this is all going to be looked at in the Second Reading, and simply that the private landlords should increasingly be thinking more socially about their social obligations as well. The last point I would like to make is something that I remember former Senator Syvret, at the time not long after he topped the poll, and he made the point in one of the hustings about asking the audience rhetorically: "What is the second biggest industry in Jersey?" I think we can all name the biggest industry in Jersey, although it is a composite, it is the finance industry. But the second biggest industry in Jersey is the housing industry, the private rental industry, and if you take into account, of course, Andium and the trusts. That is, on the one hand, seen as an industry, and it has been largely unregulated, right. No one suggests that finance should not be regulated. Nobody says that the tourism industry should not be regulated, so you cannot just open up a hotel, you cannot just open up a restaurant, you cannot open up a trust company without expecting a certain amount of regulation. You cannot drive a taxi in Jersey without expecting to be regulated and having your taxi inspected every year. I suspect you cannot rent your own cars out as a rental car company without having those cars inspected. When it comes to taxis, of course, there is a cap on what taxis can charge in terms of their fares. Why is that? It is not because the Government wants to overly interfere in the free market, it is because they realise that it is good to have certainty for people coming into Jersey and for people using taxis to know what they are going to pay for. In a similar way, it is also really helpful for tenants and for landlords to know roughly what the limits are in terms of what they can expect rent hikes or rent increases. They might call them hikes at the moment, if they are not sure what they are going to be. All of this is entirely sensible, and I would simply ask: what is wrong with the principle about bringing in a system that seeks to give consideration to the needs of the tenants on the one hand, and the needs of landlords on the other, and to say where the right balance is? Of course, all of these things will only kick in if there is a dispute and, as we have heard before, I do not

think landlords set out to be bad landlords. I do not think they set out not to maintain their properties, because it is not within their interest. Similarly, I do not think that most tenants set out to be bad tenants either. It is only really when things go wrong that there is going to be a recourse which needs to be considered. It needs to be balanced and it needs to be fair to both sides. This is very much the intention of what Deputy Mézec is proposing and which the Chief Minister is supporting.

[12:00]

There are 2 points I need to make before I sit down. The first is that I think it unfair Deputy Mézec, and perhaps our party, is sometimes accused of being ideological in what is being put forward here. That is one of the charges levelled at him by the mover of an amendment, Deputy Bailhache, saying this is ideological. This is not ideological at all. This is a pragmatic proposition that has had to come through a wide consideration, wide consultation, which has got the support of the Chief Minister, who is not a naturally left-leaning, I would say, politician, but one who has looked at this and is encouraging fellow Ministers to support this. The ideology is those who just will not even consider this in the principle. That is where the ideological resistance is coming from, that any regulation is bad. We need to say it is not the regulation per se, it is how it is done. The last one would be a plea really to the Minister for Children and Families. It is absolutely remarkable that some 8 or 9 years on from the Care Inquiry, which talked to us about putting children first, that we have the Minister for Children and Families here who is considering voting against some legislation, which is primarily aimed at making people's lives better, and, of course, it is about giving the voice not to those few people who came to speak to the Constable as Constable of St. Peter, but it is about the thousands of children who live in potentially insecure accommodation in the Island. That is where the Minister for Children and Families should have his sympathy.

Deputy M.R. Scott of St. Brelade:

I just wondered if Deputy Tadier would offer a point of clarification to me, please?

The Bailiff:

Would you? No. Very well.

3.1.17 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:

We may never know, Sir, as you have sat there, you have come to the end of your term of serving the Island in the office of Bailiff, what goes through your mind. Not yet, but in due course. What goes through your mind? Do you sometimes sit there, Sir, of course, listening to the debate, we would not suspect anything other than that, wishing for certain things to be? Because I do occasionally wish for certain things to be. Nothing wrong in my experience with a bit of daydreaming from time to time. In fact, those in the world of mental health will tell us it is quite good for us from time to time to do some daydreaming and wish that certain things might be. The reason I say that, because if for a moment I believed that the wishes that we have heard in Members' speeches today for this piece of legislation could deliver that. If there were a piece of legislation that could deliver all of the things that have been attributed to this legislation being able to achieve, then I would wholeheartedly support it. If this was a piece of legislation that could deliver, as we heard, safe, stable, affordable homes, if it could give all the things that we have just heard Deputy Tadier talk about for children, all of the issues that Deputy Curtis raised as needing to be addressed, if it could truly deliver that, then it would have my absolute 100 per cent support. The problem is, I cannot just wish that it were so. I wondered where I really ought to start this morning, bearing in mind some of the speeches. This is the First Reading of a piece of legislation. It is not new. It is not different to any other First Reading of a piece of legislation. Therefore, I have always considered the First Reading of a piece of legislation to be about the principles of the legislation. The principle of a piece of legislation, whether it is an amendment, or whether it is primary law, whether it is just regulations, is not whether the law ought to be amended, it is the principles of how the law is to be amended. Not

the detail, not the Articles, not whether something should be 4 per cent or 5 per cent, but the principles of what is being proposed. It was Deputy Curtis sitting opposite me, said he approached the idea of principles of whether the law was perfect. If it was not perfect, then it should be amended, and therefore the principle of amendment was one that he supported. The reason I raise that is because the Bailiff-designate yesterday was called upon to rule about the principles and, of course, sitting in that chair, he was astute, as you would have been, had you had to make that ruling, and he said ultimately, of course, it is a matter for each Member to decide the basis upon which they are supporting the principles. He was absolutely right in that regard. But for me, this is the principle, there are probably 3 principles. One is the principle of a new rent tribunal, the other is the principle of rent control, watered down to be referred to as rent stabilisation, because it sounds more appealing and less clear about what it is. Then, thirdly, the principle of introducing open-ended tenancies. It is those principles that I am considering when I will cast my vote later this afternoon now, rather than in the morning. It would have been better if I could have considered those principles with the Scrutiny report. It would, because Scrutiny have done a lot of work, from what we have heard. They have employed an expert, also from what we have heard. We could have been debating the principles with the benefit of the Scrutiny report. We are not, because the mover of the proposition wished to continue with the debate today, prior to that Scrutiny report, as Deputy Miles said. We are now put in this position, and that is no disrespect to the hard work that Scrutiny have undertaken to the instruction of what appears a competent expert to advise members, but that is the position in which we have been placed. It is important that we just remind ourselves of that, as Deputy Miles eloquently did. I want to come back around to the idea of wishing, and the reason I come back around to that is because it is right that we consider people. The Chief Minister told us that this was a piece of legislation all about people. That is correct. But it is also a piece of legislation about economics and how economics work. I hear some gurning from my good friend. He has gurned at my speeches for 20 years. I have probably gurned at his speeches for 20 years as well, but there we are. That will go on no doubt. Why is it about economics? Because we have got to think about what actions will arise and what effect those actions will have upon our economy. The mover of the proposition himself managed to find an O.E.C.D. (Organisation for Economic Co-operation and Development) report, and he read from it in his opening remarks. I have not had time since those opening remarks to consider that report. He said something along the lines that the economic view was quite balanced on the matter. The reason I picked up on that was because the last time a Government of Jersey, and I hold my hands up as *mea culpa*, I was the Minister for Treasury and Resources at the time, and I was called upon to bring forward some changes to stamp duty, because the previous Scrutiny Panel had managed to persuade the Assembly that was the right thing to do. The advice from the economic advisers about having that additional stamp duty on buy-to-lets was, let us just say, balance. They were trying to suggest, and this is why people look for a one-armed economist, on the one hand this and on the other hand that, and it was not clear. In that case, we sit here now with a housing market in crisis with very few transactions going through the Royal Court, with 1,800 properties on the market not being able to shift, and the buy-to-let section, which is the bit that stimulates new developments, because it is a core investment of private money into those developments that allows them to be built, that bit is basically non-existent, which is why we are not seeing new developments come to the market in the way that we have done. It has totally jammed up the market. Who knows whether we will be able to do something about that in the forthcoming Budget. But that was a piece of balanced economic advice. To be fair, I do not think that the result of rent control in Jersey will be balanced on the economy at all. If we look elsewhere, and we heard the mover of the proposition earlier say: "It is not going to happen as happens necessarily elsewhere." For my part, and others of course will disagree, I think we can say that the greater potential is that rents will ultimately rise, that the size of the private rental market will dramatically reduce. We heard the Constable of Grouville myth-bust talking about the existence of his family members, and I do not want to comment on that. But I cannot be the only person who has had correspondence from people who have said, and I know they have been poo-pooed by the Members, that if this legislation goes through they will do one of 2

things. They will either sell their property, of course you can make the argument that selling their property might benefit others, or they will leave them vacant. Why is it difficult for us in this place to understand that leaving a property vacant might be something that someone chooses to do? It is because of the structure of our economy. We already know that yield on property in Jersey is not really as positive or comparative with other jurisdictions. Members may not like talking about this, but it is the reality. So, why would you hold on to it? You would hold on to it because you were not looking for yield, you were looking for capital growth, and you had other reasons that you wanted to hold on to it for a longer period of time. That is exactly what at least one correspondent with me has suggested that they would do. I was also fascinated to read recently the report of environmental health inspectors. I know that my colleague here, his inspectors work hard and they work under difficult circumstances, and as he is always reminding us, they feel that they are understaffed and underpaid. But to read about environmental health inspectors operating in Manchester, in the United Kingdom, and talking about some of the terrible situations that they experience, which are detrimentally affecting people's lives day in and day out, they had come to the conclusion that they have got all of this legislation in place, they have got licensing schemes in place, they have got minimum standards in place - does that remind you of anywhere? Because we have those as well here. - but they had come to the conclusion that the only thing that would help those citizens' lives in any meaningful way was an increase in supply, an increase in choice, and the ability to be able to move, because they chose to move, and have the ability to be able to choose.

[12:15]

That was the thing that would ultimately ensure that those bad landlords behaved in an appropriate way, as we hear the majority of good landlords already do. We come back to the old unfashionable word that we have struggled with in times of inward migration, we still struggle with now, and we are struggling with today, and that is "supply". We need a supply of family homes that are affordable. The Minister, to be fair, is really doing a good job and really trying in that regard. We have got problems with drains to some of those sites that have been approved, but it is critically important that we get those built. The supply side has been hindered, of course, because there are a number of sites in the previous Island Plan that were not accepted in this place, but it comes down to supply, and unless this Assembly, and unless future Governments are prepared to deal with supply, then we can continue wishing until the cows come home for milking this evening. We will not deal with the problems around the housing crisis and the affordability, and all of the other issues that Members are passionate about, unless we deal with supply. Therefore, it gives me no pleasure whatsoever to unfortunately not be able to support my colleague Minister. We are in a coalition, but in this instance I cannot support him and I asked Members not to do so as well.

3.1.18 Deputy T.J.A. Binet of St. Saviour:

I would like to thank Deputy Gorst for that speech, and I hope everybody listened carefully to it. Members will be grateful for the fact that it has spared them having to listen to a 15-minute speech from me, which would not have been anywhere near as eloquent. Everything that needs to be said from my point of view, and perhaps several others, has now been said. I will just add a few points to that. Deputy Gorst makes a very, very good point about the commercial implications of this. I will just remind people, because I have been active in this sector for quite some time, that insurances in the last 4 or 5 years have doubled. If somebody wants to enter this market, the stamp duty is now 8 per cent, which I think is absurd, and I think the Assembly has done an awful lot of damage to the rental market by introducing the extra 3 per cent. You need a lawyer when you get involved in property, and I think the average price for a lawyer now is between £600 and £700 an hour. I sent an email the other day for a quote for a conveyancer, £475 an hour. I happen to know that we confront construction costs here that are equivalent to central London, and that applies to maintenance as well. A couple of other points I would like to make is that I do not think anybody in this Assembly has a monopoly on caring for people from the poorer sections of society, or caring for children. There are

ways of doing things, and some people think that is by legislation. I happen to think it is by this Assembly allowing markets or encouraging markets to do what they do. The truth of the matter is, if we can provide more supply it will give bad landlords no choice but to do their job properly, because people will choose to go elsewhere. The sooner we start to encourage that as a solution to this complex problem, the better. I have probably said enough, but I thank Deputy Gorst again for an excellent speech.

Deputy I. Gardiner:

I would like to check, I have listened to Deputy Gorst and listened to Deputy Luce, and listened to Deputy ... I would like to check if I can operate a Standing Order 79 and refer to the Scrutiny?

The Bailiff:

Right. You are you are making application to refer to Scrutiny?

Deputy I. Gardiner:

A proposition, yes.

The Bailiff:

One moment. So, you propose a reference to Scrutiny, Deputy?

Deputy I. Gardiner:

Correct, Sir.

The Bailiff:

Yes. Well, you can propose a reference to Scrutiny, yes. So would you like to do so?

3.2 Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025) Referral to Scrutiny

3.2.1 Deputy I. Gardiner of St. Helier North:

First of all, we did have engagement with the Minister. As the president of the Scrutiny Liaison Committee I worked with the Scrutiny, of the chair, Panel and I raised it with the Chief Minister, because we believe that first debate in September could be all inclusive, that will have all details. Scrutiny Panel worked very hard over the months, and received lots of evidence that should be presented to the States Members to make an informed decision. I have listened to Deputy Luce's speech and the Minister for External Relations, Deputy Gorst, very clearly stated that this information would help for everyone in this Assembly to make the decision. I do not want to risk that Scrutiny work will be wasted if principles will be voted down, and I believe that we need to have not jigsaw puzzle, and to see the whole package together, and not have box missing. This is why I am proposing a reference to Scrutiny, and Scrutiny assured that it will be back first sitting in September. We are not telling that it will not be debated and voted and made this year.

The Bailiff:

Is the proposition to refer matter to Scrutiny pursuant to Standing Order 79 seconded? **[Seconded]**

Deputy P.F.C. Ozouf of St. Saviour:

May I raise your point of clarification just for understanding, Sir?

The Bailiff:

I am sorry, is this a point of order?

Deputy P.F.C. Ozouf:

Well, I think it must be, Sir. Could you please rule what we are referring to Scrutiny, because there has been a very helpful ruling by the Deputy Bailiff about the contents of the arrangement of what we are agreeing in principle. We are referring it back at this stage to Scrutiny for a review of the principles or the actual draft legislation? My question, which is an insufficient understanding of Standing Orders, is would it come back to the Assembly and then still be capable of being called in by the relevant Scrutiny Panel on the detail? Are we effectively having ...

The Bailiff:

No. The answer to the second question is no. Perhaps I will deal with it in a slightly different order. If it is referred to Scrutiny, the entirety of the legislation is referred to Scrutiny, at this stage, and then Scrutiny will do Scrutiny's job in connection with it. The matter first comes back at the next sitting, in which the chair of the Scrutiny Panel needs to say whether or not Scrutiny accepts it. So, one assumes it will have already been accepted. That will be a pure formality. But technically that is what happens next, and then when Scrutiny will report upon it. You have had the indication as to when that process is likely to be concluded, but in terms of the procedural steps that must take place, if the Assembly votes to refer it to Scrutiny debate is immediately suspended, and it will come back next sitting simply for the purposes of Scrutiny saying, if they are taking it in, and one assumes on what has been already indicated, they will have done, and if so, when they will be prepared to respond to it. That is an indication already given in the Assembly, but it is only crystallised at the next sitting. So, I am not sure that I can assist Members any further on that point.

Deputy P.F.C. Ozouf:

Then is a further step, when the Scrutiny will report on their report, if they accept - one assumes they will - then a reconsideration, and will that be subject to a further calling by the Chair or not?

The Bailiff:

There will not be a reconsideration. Standing Orders provide that the relevant Scrutiny Panel comes back, because Standing Orders are built upon the presumption that the Scrutiny Panel might not be expecting to have the matter scrutinised, and will therefore need to consider it. Standing Orders require that the matter is referred back on the next occasion, and the Scrutiny Panel then says: "Yes, we are prepared to scrutinise it, and we will report within the following occasion." There is a limit on how long it can take. When it is reported on, the matter of the debate can be brought again.

Deputy P.F.C. Ozouf:

I am grateful, Sir.

Deputy R.J. Ward of St. Helier Central:

Sir, may I ask, if that happens, and Scrutiny come back and report, and then we vote on the principles, and if the principles are accepted, is there then no route for the Articles in the Second Reading to be called in again? Are we assuming that that scrutiny has already been undertaken? Because I think that is the intention.

The Bailiff:

Thank you for the question, Deputy. The position is that a matter is scrutinised by a particular panel on a single occasion. So, there is no opportunity to refer back to that panel, and one of the reasons that a reference to Scrutiny cannot take place is if it has already been referred to that panel for scrutiny. The Scrutiny Panel is not expected to do a job more than once. I do not think I can assist further than that.

Deputy M.R. Scott of St. Brelade:

Just to further clarify. If this proposition were carried, does that mean that ... because I understand many people in the Assembly wish to see the report of Scrutiny. Does that effectively potentially delay the publication of that report in the interim?

The Bailiff:

No. Scrutiny can continue to work, as it is doing at the moment. It can continue to work without pause. It does not have to suddenly pause before it comes back on the next occasion. Scrutiny is the master of its own work and preference and process, and I am sure it will, as it has indicated it wishes to do, continue to do its work.

Deputy J. Renouf:

Can I ask a point of order? Can you clarify if the proposition to refer back is supported, when the debate picks up again does the debate resume or does it start again?

The Bailiff:

Let me look up the Standing Order. The answer is the debate starts again. The reason that that will be a logical outcome is that presumably there will be very substantial further information available to Members who did not have it before them when they had already spoken. So, it will be right that they have the ability to speak again in the light of that.

Connétable P.B. Le Sueur of Trinity:

I do not wish to labour this point, but can I just clarify, if we refer this back to Scrutiny now, are we referring it back for them to tell us exactly what they have said already, that they intend to call it in? We are not going to do it back until we have the benefit of the report.

The Bailiff:

No. There is a procedural nicety, which I do not think makes a difference in reality, Connétable. The fact is that technically the procedural nicety is that Scrutiny comes back at the next hearing and says: "Yes, we will call it in." We know that Scrutiny will say that, because Scrutiny has already indicated it will call it in. It will, in the intervening period, have been continuing, one assumes to work in the way that it had been working up to now. Then there will be a time within which they will bring the report back. But it is not that everything has to wait until the next sitting, one assumes that Scrutiny continues its work. I will take other points of order, but perhaps Members could be satisfied they are essential for the purposes.

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:

I had indicated already in a letter to the Minister that we were going to bring our full report ahead of the 9th September sitting. Just to clarify that we would be able to bring it back for 9th September, and then do the whole debate on 9th September. Just to clarify.

The Bailiff:

Yes. Well, that that is extremely helpful. Thank you, Deputy.

[12:30]

Deputy M.R. Scott

I just appreciate, if Scrutiny in that interim do produce an amendment then is there not that possibility that on that basis they do not call it in? I mean when we get to September.

The Bailiff:

No. Scrutiny has already indicated it will be calling it in at the end of the vote on the principles, on the assumption the principles are adopted. At this point, it is let us stop now, not vote on the principles, and refer it to Scrutiny now. There is no circumstances, as currently understood by the

Assembly, in which Scrutiny will not be continuing scrutiny process and bringing the matter back before the Assembly.

Deputy R.J. Ward:

I do have a point of order. It is about the timescale for amendments to any amendments, because if Scrutiny call this in, when we come back to debate it, if the principles are passed, then we will have to debate the amendments, and the amendments to the amendments, whatever happens. When will be the deadline for that, so that Members are very clear as to what we are doing here? We are moving the entire debate into one day, it appears, after spending a day debating it now. I just want to be clear about when amendments would be able to be made.

The Bailiff:

I am not sure this proposition makes any difference to that, because we are only suspending it at the argument relating to the principles. In other words, whatever the delays are for bringing amendments in Second Reading, those are the delays that exist now. I do not think I need to clarify that for the purposes of this debate. I would have to give it some thought.

Deputy R.J. Ward:

Sorry, Sir, then I am very confused, because it did seem to me that when we come back in September, we will be having the entire debate on the principles and on the amendments. But they are amended, Sir. There are amendments to them. Deputy Bailhache has produced amendments.

The Bailiff:

Yes. Those will be dealt with at the same time.

Deputy R.J. Ward:

What is the deadline for amending those amendments, is what I am asking, Sir.

The Bailiff:

The short answer to that question, Deputy is the usual lodging periods will apply. So, when the matter is listed for return, amendments will need to be lodged 2 weeks before, and amendments to amendments will need to be lodged the week before that. Nothing changes as a result of that.

Deputy R.J. Ward:

Just to confirm, Sir, as this is the last sitting before September, is it the next sitting back that we will be coming to, this would have to be lodged again?

The Bailiff:

I am sorry, I am starting to not follow precisely what the question is. The answer is, this is presented again, the debate starts again, and the Minister will present it again, but he will present it, presumably, with the benefit of all of the information from the Scrutiny Panel.

Deputy R.J. Ward:

Yes. I am sorry, Sir, if people are losing their will to live.

The Bailiff:

No, it is not that.

Deputy R.J. Ward:

Because as an elected Member, I have a question. But I do have a question, which is that if we are bringing the entire thing back on 9th September, when will it be lodged? Will it be later today, so that ...

The Bailiff:

If it comes back, then it is ... do you mean ...

Deputy R.J. Ward:

When will be the deadline for amendments? Because I am ...

The Bailiff:

Two weeks before. It is exactly the same.

Deputy R.J. Ward:

Two weeks before 9th September?

The Bailiff:

Yes. Two weeks before when it is returned, and the week before that. It is not a question of losing the will to live, it is just that I was not understanding what you were asking.

Deputy M. Tadier of St. Brelade:

You do not need to look so worried, Sir.

The Bailiff:

Well, it is not personal, Deputy. It is just I am not sure how many more questions there can be, but I am sure you will find one.

Deputy M. Tadier:

It is not a question, Sir, but I was just wondering if I could speak on the merits of the reference to Scrutiny.

The Bailiff:

Yes. It has been proposed, and now we have a debate on whether the matter should be referred to Scrutiny. It is not a reference back, it is a reference to Scrutiny.

3.2.2 Deputy M. Tadier:

We need a little bit of political honesty here with what is going on. Essentially, we have not even agreed on the principles yet. As the ruling yesterday from the Deputy Bailiff said, the principles of any proposition, including this one, are highly subjective and it depends what it means to you. So, to refer it at this stage to a Scrutiny Panel, when we have almost concluded with all the speeches that would probably take us to the vote. I do not know if there is any other Member waiting to speak, but if there are Members to speak, the logical thing would be under the normal processes, at this stage of a debate, is to have everybody speak who wants to speak, and then you could possibly refer it to Scrutiny, but given the fact that the Scrutiny Panel have said they will be scrutinising this but they want something tangible to scrutinise, the point to do that is to scrutinise it after the First Reading has been passed, and in the Second Reading, because there is something tangible to scrutinise. But the other key thing is that there has then been a fundamental in-principle decision of the States to indicate proceed. Or, if indeed, the vote does not get through, then nothing to vote, nothing to scrutinise, because there is no policy to scrutinise. What we are witnessing now is that there might be a tendency, an immediate desire from opponents of this overall proposition to maybe score a quick victory, and to refer this to Scrutiny, and then when it comes back, vote against it anyway because some people just do not like the idea of it, and that is fine. This is politics. There are arguments for and against. But the lesson that we can take from the analogy, dare I say, it is quite tenuous of what happened in the Brexit campaign for the conservatives, is that in the same way that you do not hold a referendum on something that the Government does not want to do, you do not refer a policy, a legislation to Scrutiny if the Assembly does not want to do it, because we are wasting everybody's

time. Not just our own, not just the Scrutiny Panel, but we are wasting the public's time, not to mention the administration on this fundamental issue. We need to get a clear steer from this current Assembly as to the merits of the principles, and let us be grown up about it. If we do not like the principles, full stop, do not vote for them. We can cope with that. The Minister can cope with that. If we do like them, and we give a green light, but say: "Okay, but we need to do more work", that is the normal parliamentary process that works pretty much everywhere else around the world, and that is what the scrutiny process is for. If the Scrutiny Panel wants to call it in, let them do their job. I say that as a chair of a panel, and do not give them work to do, which ultimately Members might be rejecting simply because they do not like the whole package. That is the sensible, that is the mature, and that is the pragmatic way to proceed.

3.2.3 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

In a similar vein, can I please try to persuade, urge Members not to write-off the last 24 hours of what I thought has been a very good, thought-provoking debate. There is a lot of thought gone into the speeches made. Scrutiny have already said they are going to call it in, and we welcome that extra time so they can do the work. I am not sure now that it covers us with any sort of credibility to suddenly just go back on what we have all done. So, please, I urge the Assembly to quickly dispatch with this item, as Deputy Gardiner is, I do not criticise her for exercising her right to suggest it. We have had a good debate. Let us vote on the principles. If they are agreed, then Scrutiny will do their work. They can bring it back in September. We can have further debate as we shape all the Articles and the legislation. We can then, hopefully, make a real difference in this term of office, as set out in the Corporate Strategic Policy. I would remind Members that the need for action on this is plain. We are experiencing housing challenge. If left unchecked it threatens our social cohesion, our economic resilience and our democratic sustainability. This is an important debate, and we need to bottom it out one way or the other.

3.2.4 Deputy S.Y. Mézec of St. Helier South:

If I could offer some background to that, I hope it will be helpful to Members on the engagement that happened with Scrutiny in the run-up to today. Multiple private briefings were held with the Scrutiny Panel during the development of this law to keep them aware of what we were looking at and what shape the proposals were taking during that time, and then a subsequent briefing upon the completion of the draft law. At every point during that process, I said to Scrutiny that I wanted to be as amenable as possible to them in order for them to be able to do a good review on it, because I thought that was in the interests of the Island for that work to take place. At the completion of the law and its lodging, we had dialogue between us, and it was asked by the Scrutiny Panel if I could delay the debate from its original June debate date until this States sitting, and that was so they would have enough time to do their review. I said: "Of course, that works. My team is able to accommodate that, and we will do what we can to support." When they got part way through their review, they realised that the quantum of submissions that they had required them to have a little bit longer to look over things in order to complete their review to the satisfaction they felt was right. They suggested that it would be better to have a debate on the start of September. I met with the panel privately to discuss what I thought the implications of that might be, and we were unlucky, I think as the chair of the panel stated yesterday, that they only need a little bit more time on it, not necessarily a whole summer recess worth. But that does not work because we cannot meet during the summer in order to debate it, so we would end up delaying longer than Scrutiny need for it. The point that I made to Scrutiny then was that the longer it took for us to have a debate on the R.T.L. meant that there would be pressures that might turn out to be insurmountable on the government side for officers to get ready to do the supplementary work that will need to be done if this law is amended, so the law can be enacted. Because the law will not be enacted instantly when the Assembly agrees to it, there will be a period afterwards in which supplementary regulations will need to come forward, and eventually an enactment of the law signed off when everything is ready to go. It is not instant, and it will take time

afterwards. The later we wait for part of this debate to conclude, the harder it gets to do that work to complete it by the end of this term of office. That is why the position we arrived at was that it would be helpful to have the Assembly resolve one way or the other on the principles of the law today, and then Scrutiny can call it in, continue their work, and then we can debate the amendments, which I am sure will be lively debates, and there will be different iterations that come to us at that point then. But that at least gives my team an opportunity over summer to work out how much resource they can dedicate now to the supplementary enactments that will need to come for this, without completely wasting their time. If we have the debate on the principles today, and we complete that debate, and it is a resounding victory and passed by substantial majority, it is reasonably safe to bet that my officers can do that work on the subsequent stuff, some of which will come back to the Assembly, by the way, in the form of some regulations, and know that they are not wasting their time, they are probably on to a winner there. If the Assembly rejects the principles today, we know not to bother wasting our time. We know, do not spend the summer on this, spend the summer on other stuff that will make a difference, so we can manage our time effectively. That is why it is important that we have a resolution on the principles today. Scrutiny Members in the debate beforehand spoke in support of that, and it enables them to then focus their work on what comes after that. If we resolve to not even vote on the principles today, then officially we do not know one way or another whether this law stands any chance of being passed or not, and it means my officers are in limbo over summer not knowing what productive work we can do on behalf of the people of Jersey. Do I take the gamble and instruct them to work on stuff that might get thrown in the bin in September, or do I redirect them to other productive things they can do over summer, then find out we are behind in September, where we otherwise would need to be there? It is much more helpful to have a resolution on the principles today. If it is not accepted, then we can stand down, and that is helpful for us to then go on and do other productive things instead, or we can stay on track and we can allow Scrutiny to finish their work. My officers will have an indication of what is safe to spend time on over summer, and then in September we will resolve on some of the detail on this one way or another. That is the pragmatic way through that allows us to get best efforts, value for money and efficiency from government officers over summer. I would say, that Deputy Gardiner referred to the speeches of Deputy Gorst and Deputy Luce about them wanting to see more scrutiny done, but I would put it to her, and I do not think Deputy Gorst will be too offended by me saying this, but we could give the Scrutiny Panel a budget of £1 million, get them to employ 50 top-ranking world academics on this and print their report carved in slabs of gold, and I think Deputy Gorst would probably still vote against it in the end, as other Members in this Assembly who simply do not agree with what I am doing.

[12:45]

I urge Members, have the courage of your convictions today to say what you believe on the principles of this law, one way or another, but voting to delay the debate on that today inevitably means wasting public time and money and civil service efforts. We ought to be cutting down on that because we do it far too often in Government, wasting time and money on behalf of the people we serve. There are big inefficiencies in our government system that mean we are not spending money on front line services and stuff that we ought to be focusing on. I urge Members to reject this, allow Scrutiny to get on with their plan as it currently stands, and allows me to manage my resources in the most efficient and safe way possible without wasting time and money. Let us make that resolution one way or another today.

Deputy P.F.C. Ozouf:

May I make a point of clarification?

The Bailiff:

Yes, very well. But I have to shortly ask Members whether they wish to continue or not. Standing Orders require it of me.

Deputy P.F.C. Ozouf:

I wonder if the Minister, either now or in his speech later, could clarify what are his red lines that are simply issues or amendments that he will not accept in relation to this matter? Because I just do not understand what the Members are saying. It is the red lines.

The Bailiff:

I am not sure that is a point of clarification that assists in the decision that the Assembly needs to make at the moment. That is perhaps something that can be dealt with later if it does happen. I am afraid Standing Orders require, and it is already past the time ...

Deputy L.J. Farnham:

I have a proposition on that. I would like to propose, before somebody proposes the adjournment, - I am sorry, Members want their lunch - we vote on this item before lunch, otherwise I fear we are going to be debating all afternoon.

The Bailiff:

The proposition is that we do not adjourn in accordance with the usual provisions of Standing Order, but we continue the debate. Is that seconded. **[Seconded]** Does any Member wish to speak on? Those in favour, kindly show. Those against. I think there is a vote pour. We will therefore continue until the debate is closed on this.

3.2.5 Deputy A.F. Curtis of St. Clement:

Just very quickly, I would highlight, in listening to Deputy Tadier kicking off on this, that the principles are subjective, that understanding clearly in our own minds how we interpret them is important, and from what I heard from Members today, and what I felt as somebody who has scrutinised this quite a bit, but ultimately is almost somewhat bound by what I want to say to respect the scrutiny process, I think we should support this movement. I do not think it obviously delays things. Notwithstanding the Minister's assertions, he mentioned those were that if this is rejected today, officers will be doing over summer. That is always an option to do, but I do think that we should resolve to refer this to Scrutiny now.

3.2.6 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:

I agree with Deputy Alex Curtis. Throughout the debate, I have been listening very, very carefully to all points to try to get my own sense of direction in this debate, and it has occurred to me, as I have been listening, I feel like I am flying blind on this. I know there is a report and, yes, I have read that, and I know there is the proposition and, yes, I have read that. But there is so much information that is still missing. Knowing that Scrutiny have done lots and lots of work, and just needed a couple more weeks to get that over the line, brings me even more to the point where I want to see what that is before I can sit there and talk about the principles. One of the reasons for that is because the principles are utterly and entirely linked to the regulations that sit underneath them. Deputy Gorst got it absolutely right. There are 3 elements to this. There is the rent tribunal, there is the rent control, and there is the open-ended tenancies, and they are absolutely fundamentally part of those regulations. I can sit there and say I find the open-ended tendencies very, very difficult to support. I cannot see myself ever supporting that side of it. The rent control, I struggle with. The rent tribunal, I am okay with. As it stands for me, I would probably vote against the principles because out of those 3 elements, 2 out of 3, I am not really on with. That equally is not fair, because I do understand the desire to make sure that we have an attractive Island where housing is something that people can understand and have a straightforward relationship with that makes it easy for them. In that sense, I support the Minister for Housing's attempts. I just do not feel that what we have here, knowing Scrutiny is already doing work, is really getting us to that point. I do not, at this moment, want to vote against the principles, but if forced to today, I will. I do not particularly want to. That report

from Scrutiny could really help me in the future and help the Minister himself. There was one piece which really got me over the line on this particular aspect and that was Deputy Luce, and that was where he talked about his own department's resource implications. Again, I do not like bringing matters to the financial and staffing implications part of any report, but those are not mentioned in that report. The only thing that is mentioned in the financial implications and staffing requirements is the rent tribunal. There is a lot more of this, as proposed at the moment, that would require resources from Deputy Luce. But my interpretation of Deputy Luce's speech was that the Minister for Housing has not spoken to him about those resource implications, and so I personally would also ask Scrutiny to look at the resource implication, please. That is an important of this whole package. For me, I will absolutely be supporting the reference to Scrutiny. That is the right thing to do to make sure that as an Assembly we are not flying blind and that we have a strong understanding of what this is all about.

3.2.7 Deputy M.R. Scott

I do feel that there is an elephant in the room when it comes to scrutiny, because this law has economic implications. We have not had comments from the Economic and International Affairs Panel. We need that information too. There is not, as far as I have been aware, any sort of interview with the Minister for Sustainable Economic Development or with chief economic adviser in that bigger context. We have been hearing contributions about supply. You have heard me talk about balance of payments and disinvestment, which can be in inflationary. Members do need a lot more information than just what might be provided by the Environment, Housing and Infrastructure Panel. I also support the referral to Scrutiny, but I think there need to be more time for other Scrutiny Panels, perhaps, to ask some questions too.

3.2.8 Deputy T.A. Coles of of St. Helier South:

We started this Assembly with P.3/2025, which had us asking to debate the principles around the Draft Harbours (Inshore) amendments, which Members voted to support based on the principle that we thought that those rules needed to be updated. I am quite astounded that in this Assembly we are trying to figure out what our principles are based on somebody else's report. I am quite flabbergasted that we had a Minister before asking for more information from a Minister, when surely should be a conversation that if he needed more information from his Minister it should have come up in the Council of Ministers. If the Minister wanted more information, then that was something he could have referred back to the Minister rather than where the other Minister asked for a reference back to Scrutiny. This feels like it is politically weaponised to try and delay this debate. We have landlords in the gallery who are waiting for a decision on this, because this is about their industry and their livelihood. Shall we delay that even further when we know that there are some people in here that are not politically aligned with changing this law? If you are not politically aligned with the change of this law, then fine, vote against the principles. You do not need to refer it back, because that is what we should be guided by in this debate. But right now, this referral back to Scrutiny, we have said we are calling it in. We scrutinise the Articles, not the principles. You have to scrutinise yourself whether you believe in the principles, and I am glad that some Members in this Assembly have already come forward and said that they do not support the principles, because, well done, you are doing your job. Thank you very much, Members, who are not aligning with these principles and would vote against them. I urge Members to reject this. Please vote with your principles. Let us get the principles done. Either we will continue our work at Scrutiny, or we will not. I would either like to know whether I am going to have a summer recess with others, or not. I ask Members to reject this. Let us finish this debate today. Let Scrutiny call it in and bring it back for the Articles, which need the Scrutiny, because we do not scrutinise the principles.

3.2.9 Deputy J. Renouf of St. Brelade:

We should get on and support the Chief Minister's view on this. We are 90 per cent, I think, of the way through this debate. We are not voting to refer this to the E.H.I. Panel. That is not what we are voting for, or any other panel. This is about whether it goes to the correct panel. The process for that is laid out, and we expect to vote on the principles and then the panel decide whether or not to call it in. They have said that they will. The correct process is being followed, and that is appropriate. It is interesting that every member of the Scrutiny Panel spoke during the main debate. Every member of the Scrutiny Panel spoke. They did not seem to me to feel constrained about the fact that they were unable to speak because they had not yet completed their work. They all made substantive speeches about this. None of them suggested at that point that they should be asked to stop this. If this reference to Scrutiny is passed, the test is whether it will be worthwhile, is whether there is any substantial change in relation to the principles. Will Scrutiny bring forward any change that will suggest that the principles are different? The test of that is were we to bring this back in September, we would all basically be making the same speeches all over again, because the principles are the same. As far as I can see, we should get on with the correct process of this, which is discuss the principles, Scrutiny then call it in, do their work, and the Minister spoke about the potential waste of time of his officers if this is referred back, and then all the work is done and then it is thrown out at the principle stage. There is also a potential waste of time for Scrutiny, because they also would do a whole load of work, which then might end up being rejected. For all those reasons, let us just get on and vote on the principles of this, and reject this proposition.

3.2.10 Deputy R.J. Ward:

I am glad to follow the previous speaker because we have process in this Assembly. We vote on the principles, if it is being called in it goes about the Articles. Most of the speeches that have said: "We can cut out the principles, but I cannot agree with the principles because of the Articles." Those are the things that we have to debate after the principles have been agreed. This is what we do in this Assembly. But we seem to be able to move the goal posts whenever we fancy at times, particularly in some areas that we want to protect, it appears to me. That is very, very worrying for us as an Assembly. If you do not agree on all of the Articles, that is fine. Then come back when the Articles are there, speak against them, make a clear speech, say why you do not agree with those Articles, and vote against them. That is our job in this Assembly. But just to say: "No, let us throw the whole thing back. We will not make a decision today." After a nearly a day of debate, we will say: "No, we are going to make a decision today because we cannot decide on any principles." Now, that is a message we send out to the electorate and people on this Island: "We cannot decide on principles." I can. The principles of do we need to look at the rental laws? The answer is: "Yes, we do." Then we bring back the Articles, and we have the debate on those Articles after Scrutiny has done its job. It is amazing that this reference to Scrutiny has happened at the end of the debate. If it was that clear at the beginning, do it at the beginning and not waste an entire day. But that is what has happened, because every straw has been clutched to try and stop us having the debate on the Articles. Why is that? Why are we avoiding that? I really do not understand why. If we come back to this Assembly and people want to vote against a rent tribunal, say why you do not think we should have a rent tribunal. If you want to vote against capping rent, say why you want to vote against capping rents. If you want to vote against certain types of tenancies, say why you want to vote against certain types of tenancies. That is fine. But be straight down the line about it. We are playing political games here to avoid decisions, and that is not good for this Assembly. Let us not send this straight to Scrutiny. Let us vote on the principles, then it is going to Scrutiny once they know the principles have either been agreed or if it is decided that we are never going to have that debate because the Assembly does not even want to agree the principles, then let us not waste their time over the summer. This is not an effective use of our time, it is not an effective use of this Assembly, and it does not look good out there. Please, think carefully about what you are going to do here, and let us get on with voting for the principles.

3.2.11 Deputy P.F.C. Ozouf:

I feel somewhat constrained because of the decision of the Chief Minister to basically require this vote. I would not be supporting this reference back to Scrutiny at this stage, because, as other Members have said, and they have been benefited from the rulings from the Chair, is that there is a principle issue that ought to be voted on in a proper process. We are a proper Parliament with proper procedures, and you should vote on the principles, which are of course nebulous. We have also a knowledge of Deputy Bailhache's amendments, which dramatically, if accepted by the Assembly, whether or not the Scrutiny Panel ... I know that they will review that. They will look at those and they will look at a number of other matters.

[13:00]

They would look at the whole thing in the round after the principles have been accepted. I do not understand, but I understand why Members may be thinking that. I am not impugning any improper motives here, but political games or machinations are being used and I do not quite understand them. I know the Chief Minister is in a very difficult position. I welcomed his observations made about how the Council have got themselves in the positions that they have. I do not need a scrutiny process, and do not want, if I may, on my own behalf, a decision to refer to Scrutiny now, because I want to vote on the principles in the full knowledge that a full and proper scrutiny process, led by an able chair and a good membership of the panel, is going to give 100 per cent focus on the importance of this law. I have declared I am a landlord, I have got practical insights in both having been a Minister responsible for all sorts of things in the past, and I understand the issue of the private sector rental sector, and the importance of ensuring that any reforms of this tenancy law are balanced and workable. There is no doubt that reform is necessary. The current law contains gaps, lacunae. They expose tenants to risks that are unacceptable in a modern housing system. I agree with the Minister on that. But it is also the case that experience shows that poorly constructed reforms can have unintended consequences. But maybe, which is what I was trying to do, is ask what the intended red lines of the Minister is, because clearly there is something that has gone on. There has been a healthy debate at the Council of Ministers. I see one Minister nodding at me when I ask about what are these red lines that Ministers seem to be seizing, meaning that they cannot have collective responsible. I urge the Scrutiny Panel to, whatever the outcome of this debate - which I know they would, but I want to put it on record - carefully and forensically examine the draft law and whether or not it will exacerbate Jersey's already fragile rental market. Members will recall that the Assembly has itself made decisions that have constrained housing supply, which one Minister referred to in the debate prior to this, referring to Scrutiny, saying he was not going to vote in favour of the principles. He was right to focus on the Assembly in which he was a Member, but I was not, but other Members were, of the absolutely unbelievable situation that the Bridging Island Plan failed, notwithstanding the latest statistics, to put in place the right amount of land for family homes, 3-bedroom homes, one in my Parish.

The Bailiff:

Deputy, the debate is on whether this could go to Scrutiny or not.

Deputy P.F.C. Ozouf:

Yes. I want it to go to Scrutiny, and I want them to cover these issues. I want them to consider the legislation before us in the round, and I ask that the panel consider how this legislative proposal will ... am I allowed to do this, Sir?

The Bailiff:

Your submission must be tailored to whether on this occasion, at this moment, there should be a reference to Scrutiny in accordance with the proposition of Deputy Gardiner. A more general statement, I do not particularly want to ...

Deputy P.F.C. Ozouf:

Fair enough. I understand the frustration. I would suggest that it is not necessary that we vote in favour of a reference to Scrutiny now, because we should indicate in a proper way our approval to the principles, and some Members have not had a chance to make observations, which are helpful to the panel to take account of the principles, which is why I am trying to weave a way into getting the things that I want to say in, but in a proper way, in responding to a proposition that I do not think that it is right. I think it is an unseemly situation that we refer something back at the point at which we have not agreed the principles. That sends the uncertainty out to the market, and all those landlords and those tenants who are then in a position that they are not quite sure whether or not the Assembly is going to deal with the issues that many of them are telling us that they do. I have got no doubt that there are there. But, also, I would suggest that it is better to have a proper scrutiny after a proper debate and a fulsome debate on the principles, which can also urge references to the issues that need to be dealt with, perhaps not only in this legislation but with the panel having an oversight of the overall housing and planning issues, the issues that the Fiscal Policy Panel has set out, all the other issues, Budget amendments, stamp duty at 3 per cent, the house pricing index, the fact that transfers cannot be seen at rentals or purchases, and that means that you cannot know how many landlords there are because the share transfer do not go before the Royal Court.

The Bailiff:

Deputy, I am not sure this is focused on whether we are going to scrutinise or not.

Deputy P.F.C. Ozouf:

I do not think that there should be a reference back, but I think there are important issues that should be debated.

The Bailiff:

Could Members please stop talking in the background and let the Deputy finish.

Deputy P.F.C. Ozouf:

I will conclude by saying, I think that there absolutely should be a proper debate on the principles that we have not concluded. We were nearly there. We should not vote in favour of this reference back to Scrutiny at this point, because the Assembly should give its clear indication and vote on the principles or otherwise I cannot honestly understand, for the life of me, why we should basically refer it to Scrutiny at this stage. The Members need to be clear with the public and their constituency they are representing.

The Bailiff:

Does any other Member wish to speak? No other Member wishes to speak. I close this debate and called upon Deputy Gardiner to respond.

3.2.12 Deputy I. Gardiner:

From all contributions, it is very clear the Minister did not speak to Ministers, the other Scrutiny Panels were not involved, and the principles connected to the Articles, and the most important for me that the Scrutiny work will not be lost if this been lost. Scrutiny worked very hard, and the debate could be on 6th or 7th September all together, so I am not sure who is playing which political games. Each Member can make a decision. I call the appel.

The Bailiff:

You have called for the appel. The appel is called for. I invite Members to return to their seats if they are out of the Chamber. The vote is on whether the matter is suspended forthwith for reference to Scrutiny, and I ask Members to cast their vote. Sorry, the Greffier to open the voting, and Members to cast their vote. Probably do not vote until the Greffier has opened the voting. That will probably

not be good. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 23		CONTRE: 22		ABSTAINED: 0
Connétable of St. Brelade		Connétable of St. Helier		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Ouen		Connétable of St. Martin		
Connétable of St. Mary		Connétable of St. John		
Deputy C.F. Labey		Connétable of Grouville		
Deputy S.G. Luce		Connétable of St. Saviour		
Deputy L.M.C. Doublet		Deputy G.P. Southern		
Deputy K.F. Morel		Deputy M. Tadier		
Deputy M.R. Le Hegarat		Deputy R.J. Ward		
Deputy S.M. Ahier		Deputy C.S. Alves		
Deputy I. Gardiner		Deputy L.J. Farnham		
Deputy I.J. Gorst		Deputy K.L. Moore		
Deputy D.J. Warr		Deputy S.Y. Mézec		
Deputy H.M. Miles		Deputy P.F.C. Ozouf		
Deputy M.R. Scott		Deputy T.A. Coles		
Deputy R.E. Binet		Deputy B.B. de S.V.M. Porée		
Deputy A. Howell		Deputy J. Renouf		
Deputy T.J.A. Binet		Deputy C.D. Curtis		
Deputy M.R. Ferey		Deputy L.V. Feltham		
Deputy A.F. Curtis		Deputy H.L. Jeune		
Deputy B. Ward		Deputy M.E. Millar		
Deputy K.M. Wilson		Deputy L.K.F. Stephenson		
Deputy M.B. Andrews				

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed, the Assembly stands ... the names, of course you can. Yes, I am sorry.

The Bailiff:

This matter is now referred to Scrutiny. We will proceed with the next item of business after the adjournment. The Assembly stands adjourned until 2.15 pm.

[13:08]

LUNCHEON ADJOURNMENT

[14:15]

4. Draft Financial Services (Jersey) Amendment Law 202- (P.41/2025)

The Bailiff:

We continue with Public Business. The next item of Public Business is the Draft Financial Services (Jersey) Amendment Law lodged by the Minister for External Relations. The main responder will be the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Financial Services (Jersey) Amendment Law 202-. A law to amend the Financial Services (Jersey) Law 1998 in relation to consumer credit business. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

4.1 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations):

The Draft Financial Services (Jersey) Amendment Law introduces a new class of business into the Financial Services (Jersey) Law 1998 to enhance consumer protection for borrowers. While I am proposing the principles today, further work is ongoing to develop regulations and orders to ensure a comprehensive framework of measures is implemented concurrently with the draft law. The draft law proposes the creation of a new regulatory framework for consumer credit to respond to consumer harms while providing a proportionately clear licensing regime, guidance, and oversight for those conducting consumer credit business. Government has consulted widely since 2023, and worked closely with key stakeholders to strike the right balance. The draft law proposes a 2-tier framework whereby the J.F.S.C. (Jersey Financial Services Commission) will oversee an enhanced regime, ensuring robust regulatory standards for high risk or more complex activities referred to as consumer credit business in the law, and Trading Standards will oversee a basic regime covering lower risk activities and smaller businesses focusing on foundational consumer protections, collectively referred to as the wider consumer credit business in the law. The J.F.S.C., of course, already supervises lenders under its anti-money laundering regime, however the conduct and prudential regime introduced by the draft law is entirely separate from the A.M.L. (anti-money laundering) regime. Certain activities which might otherwise fall within scope of the draft law are subject to specific exemptions. Those exempted will be subject to the basic consumer protections applicable to the wider consumer credit business and less specifically excluded. This wider consumer credit business will be the subject of regulations to be issued under the law. They are yet to be consulted on. The activities that will be in scope for the enhanced regulatory regime are lending, advising, credit brokering, debt adjusting, debt cancelling, and debt administration. Consumers are individuals in the law and no business lending is included. The types of credit covered by the law are consumer credit agreements; that is personal loans, hire purchase agreements, conditional sales agreements, secured lending arrangements over a consumer's primary residence in Jersey, pawnbroking, which will come in at a later date. As I have mentioned already, there will be exemptions from enhanced supervisory regime. Many of these exemptions are necessary as they are either the bread and butter work of Jersey's international finance industry and do not fall within the scope of what is intended to be caught, i.e. they are not consumer-focused and would make the jurisdiction anti-competitive, or there is a risk that if the activities caught be the enhanced supervisory framework would be disproportionate to the business size and the risk posed to consumers, resulting in an overly burdensome regime. The exemptions have been identified following close consultation with industry and the regulator over the past 3 years. It is expected that additional exemptions will be provided for in the secondary legislation and will include charities, credit broking without a fee, certain credit broking by car dealers and high street retailers, certain small-sized credit brokers and security over primary residences for business loans and more. The basic consumer protections that apply to the category of the wider consumer credit business are expected to include, among other things, requirements around pre-contract disclosure to ensure transparency on the terms of consumer loans, restrictions around A.P.R. (annual percentage rates) and total cost of credit, cooling-off periods, and

a list of terms that may be unfair if included in a loan agreement or arrangement. Those activities that are expected to be excluded from the basic consumer protections will be those that have been excluded from the enhanced regime, predominantly because they are not consumer-focused. As I have said, that is the work of the I.F.C. (International Finance Corporation) or where there is a specific policy reason for doing so. It is acknowledged that there may be resource pressure for Trading Standards in supervising adherence to the basic consumer protections. This has been noted, and I have to meet with the Minister to my left to discuss that further. In addition to these amendments to the Financial Services Law that are proposed, there are 2 consequential amendments, and they are proposed to ensure that the consumer credit regime is in line with modern day practices. That is the 1880 law and the 1884 law, as I have said about pawnbroking, but that will be brought in later. I would like to, before I close, extend my sincere thanks to the Economic and International Affairs Scrutiny Panel for their diligent scrutiny of this legislation, their detailed analysis and thoughtful reflections on the public interest in the particulars of the consumer credit regime have been most welcome and helpful. The panel's work has contributed meaningfully to ensuring that the legislation is both proportionate and responsive to the needs of the Island I propose the principles of the draft law.

The Bailiff:

Are the principles seconded. [**Seconded**] Does any Member wish to speak on the principles?

4.1.1 Deputy M. Tadier of St. Brelade:

The Minister has quite clearly communicated the background to this law and its purpose in outlining the principles to this legislation. I will limit my remarks to only a portion of my notes in front of me. The panel would like to highlight the importance of effective promotion of the consumer credit regime to both lenders and consumers and would expect the Government of Jersey to actively participate in the communication of the changes once implemented. The panel has specifically recommended that the Government of Jersey actively participates in the communication of the consumer credit regime rights and responsibilities once this has been implemented, and the panel has also requested that the Minister outlines the plan for this communication during the debate of this draft law. So, if he has not done it already, perhaps that is something he can do in the Second or Third Reading. We also looked at resourcing for this piece of legislation. We were advised by the Minister that the J.F.S.C. has given him assurance that it will be resourced sufficiently, and it will be able to do it once it is enacted so it will be able to carry out its duties. Government officers have also further confirmed that any money from civil penalties can be used towards the J.F.S.C. reserves, but, firstly, they should go towards offsetting the cost of that particular sector from which the fines come, for example, consumer credit. Officers have also highlighted that along with the voluntary provisions, there is also a mechanism for Ministerial Order to enable monies to be paid to the Government of Jersey. The panel was advised of this in December 2024 that further work on how these would be apportioned would be undertaken. The panel does acknowledge that additional resources may be required by Trading Standards, and anticipates that this would be fully communicated within the proposed Budget that is coming up when lodged in this Assembly. I will just move on to our conclusion, which is most of interest to Members. The draft law establishes the legal framework to bring consumer credit within the scope of regulators, with secondary legislation anticipated to specify further details. The panel is broadly supportive of the draft law insofar as it introduces the mechanisms for the consumer credit regime into primary legislation. We have issued comments, so there are more details contained in our comments, which I do not feel the need to expound on any further. But suffice to say, we feel that we are comfortable with what the Minister is proposing, both the reasons for the proposal and, of course, some of it will need to be fleshed out later on in the process, but we are content to support this as a panel in the principles.

4.1.2 Deputy T.A. Coles of St. Helier South:

I thank the Minister for bringing this forward in an atmosphere of regulation and red tape, which seemed to be very frowned upon within this Assembly today. But all jokes aside, I would like some clarity as to whether, in future regulation, there will be the limiting of levels of A.P.R. that may be applied in things like payday loans, because we see saw in the U.K. when these legitimate businesses came along offering like A.P.R.s of over 1,000 per cent, which can be quite damaging for people, they get themselves caught in the vicious cycle of having to borrow more money to pay back more loans. I know that will not be necessarily in this piece of legislation, but if it is going to come in future regulation, it would be good to have that assurance.

4.1.3 Deputy P.F.C. Ozouf of St. Saviour:

I welcome the Financial Services Amendment Law. As the Minister has said, and the panel, who have done an excellent job, have done a long overdue amount in affording and delivering to the Assembly a robust, and if I may say, proportionate consumer credit regulation in Jersey. As the Minister who was involved at an earlier stage, I am really pleased and would commend the Minister and his officials for what has been a realisation that the need of well-considered and carefully calibrated legislation. The law addresses a real gap. While many lending institutions in Jersey do adhere to voluntary standards, this law, I welcome the fact that it now brings legal clarity and enforceability with minimum protections, and this 2-tier regulatory model balancing the J.F.S.C.'s responsibility, together with Trading Standards, for lower risk lending is both, if I may say, pragmatic and a proportionate response to the issues that the previous speaker spoke about. I particularly support the laws including secured lending arrangements. What most of us would call, I guess, as mortgages, perhaps relevant to the previous debate. It is undoubtedly mortgages being individuals' private primary residents. That is a vital clarification, and I thank the Minister for ensuring that this is narrowly targeted and excludes some of the other commercially-based lending, which rightly fall outside this particular regime. The panel has also raised a question of mortgage coverage, too. I think it is important maybe for the Minister, in his summing up, to say, and if I did not hear him say anything about what the plans are for anything to do with the issue of mortgage lending, which may have been an issue in some people's mind, which has exacerbated the previous heady heights of the housing market with the arrival of a new lender that stretched the lending criteria both loan to value, multiples of mortgages, et cetera. I do not think there are any plans for it to be excluded from the scope of it, but as we are dealing with the principles it seems to me to be a valid question. What this law is about is consumer protection that upholds Jersey's reputation as a modern, responsible jurisdiction, and I hope the Minister will agree that as a result of the excellent work of the feedback and the team within Financial Services has done, their outreach has seen - I have only seen a bit of it, but the panel looked at it - there is really going to be a message of confidence and certainty set out giving firms clear guidance. With those remarks, I congratulate the Minister and the team and urge Members to support the principles of it.

4.1.4 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

I would also just like to speak in support of this proposition. It is something that I feel very, very strongly about that we should introduce a degree of consumer protection into lending. As Deputy Coles quite rightly says, it is introducing a new element of regulation in certain sectors. It will not trouble the banks, it will not trouble many of our larger lenders because they are already operating to standards that exist in their home jurisdictions, for many of which that is the UK. But it is absolutely essential that we have this. If I could just add some colour around this. In a previous role, between 2013 and 2015, I was involved for almost all of that period doing some work, which involved the move in the U.K. of consumer credit from the Office of Fair Trading to the Financial Conduct Authority.

[14:30]

I learned quite a lot at that time about consumer credit regulation in the U.K. and the source code, the regulatory manual, which goes under the title of C.O.N.C. (Consumer Credit Sourcebook), and loads of consultation. Just to pick up on Deputy Cole's point, and I was going to refer to this this morning had our debate on the Residential Tenancy continued. Part of that consultation was indeed a proposal to put a limit on the amount of interest that could be charged and the industry opposed that because they said, and I think this was quite right, that if you put a limit, a cap very quickly becomes a floor. If you say to a lender: "You cannot charge more than 30 per cent", very quickly virtually every lender will be charging not 20 per cent, not 18 per cent, but 30 per cent. They will charge the maximum and the industry rejected that. Deputy Coles is also quite right that, without this legislation, in years gone past, in fact probably even now, the payday lenders, the Wongers of the world, could have set up in King Street and, provided they did their anti-money laundering checks, nobody would have done anything about it or could have done anything about it. I congratulate the team for devising a system that is not following the U.K. because the U.K. legislation is horribly prescriptive - even banks and building societies have fallen foul of it - and they have had a huge exercise, they have had to do restitution exercises where they give people back money that they have inadvertently wrongfully charged in interest. But just to give some examples, some of the key themes in the U.K., and I would imagine these will follow through in our own codes of practice, are about treating customers fairly. That does not just mean treating them fairly, it means treating them with dignity and respect. That led to quite a lot of debate in the bank I was working with at the time because it means in the U.K. you cannot send a debt collector around with a van and a jacket written on the back "Acme Debt Collectors Limited". You have to respect people's privacy not to have their financial difficulties made public. You should not send them letters with big red letters saying "Final demand" stamped on them. We do not have those rules and they are important that people are treated with respect, particularly in the debt collection area, which I know will follow at a later date. But there are other things such as not persuading people to borrow more money than they need and, probably because I know what happens there, I regularly shout at the radio when I drive in in the morning. Because a few years ago there was a shop in town who thought it was acceptable to run a series of adverts clearly aimed at young men, telling them that it was absolutely fine if they did not get a bonus and they spent all the money they earned going out, because they could borrow money from the shop to buy the designer jeans and designer trainers to go out on a Saturday night, it did not matter if they did not have any money, they could borrow. That is clearly wrong. That shop is no longer trading, I believe. But there are also levels of advertising in Jersey that would not be acceptable, you know the advert, and I am sure you have all heard it: "We cannot have a family holiday this year. Oh, we have just had 2 weeks in Mauritius, borrow the money for it." One of the things I learned in my banking days ironically is that holiday loans are the ones that are most likely to be defaulted on because people go on holiday, they come back, they have forgotten about it for a few weeks and then they forget about repaying the loan. The whole principle of not pushing debt on people is something that is important. The debt companies hopefully will learn to live with that. Yes, people may want to borrow for a holiday but if their means stretch to a week in Spain that is different from stretching to 3 weeks in Mauritius or the Maldives. So it is not telling people to borrow more money than they can afford. I have spoken to lots of politicians over the years about this, about the need for it, and I really am pleased that this is coming forward now. I do not like to use it, I think we use the word "vulnerable" far too many times, but people who do not have money and who do need to borrow are in a weaker position than those who have money. We protect people with bank deposits, with trusts, with investments, and it really is time that we created a layer of protection for people who need to borrow and who also needs to be protected from unscrupulous lenders. So I really would just like to get all that off my chest and encourage Members to vote for this long overdue piece of law.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the principles? If no other Member wishes to speak then I close the debate and call upon the Minister to respond.

4.1.5 Deputy I.J. Gorst:

Members are probably wondering why I did not ask the Assistant Minister to take this piece of legislation. That is simply because she is going to take the next one and I did not want to overburden her during the course of the day. I thank again the chair of the Scrutiny Panel, Members will have seen the comments that Scrutiny circulated, and I know they will not have had time to read yet but the email that I then circulated yesterday lunchtime addressing those questions, which Scrutiny raised, in the hope that we could ensure that we did not need to spend hours on this debate because they can be dealt with by that circulation. Of course I thank Senator Ozouf ... Deputy Ozouf, sorry, for his intervention. That was not a slip of the tongue, he has been very clear that he will remain in St. Saviour. So to Deputy Ozouf who, when he was in office, was party to bringing forward this work as well and then was ably followed on by Deputy Millar. He is right around mortgages, of course it does not cover buy to lets, it just covers mortgages for primary residences. It is about fairness but it is also about being clear what the terms mean in everyday parlance, not just in financial jargon. So we will get to that point, there is more consultation to be done. When Deputy Coles raised an important point about A.P.R., and this really ties in with what the Scrutiny Panel said to us about communication. Communication will also require, I think, financial education because it is very easy for Islanders to look at one rate of interest and not fully understand what the compounded rate of interest will be and what it will really mean over the lifetime of the loan. This is tied in again with Deputy Millar's point about holiday lending. Holiday lending, a big amount which lasts you for 2 weeks, but then you are having to pay it back over 12 months, it means that you are automatically entering into a financial difficult situation for you and your family because in 12 months or 24 months' time you want to go on holiday again so you are building up those things. So it is about the regulation, the 2-tier regulation which we think is appropriate, but it is also in due course thinking about those fair terms and conditions of being absolutely clear about it. So, on that note, I maintain the principles of this piece of legislation and I call for the appel.

The Bailiff:

The appel is called for, I invite Members to return to their seats. The vote is on the principles of P.41 Draft Financial Services Amendment Law. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted:

POUR: 41		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				

Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Deputy Tadier, I am assuming your Scrutiny Panel does not wish to call the matter in.

Deputy M. Tadier (Chair, Economic and International Affairs Scrutiny Panel):

What do we think? I think we are okay. If you had have asked me this morning I might have changed my mind but, no, we do not.

The Bailiff:

Very well. How do you wish to deal with the matter in Second Reading, Minister?

4.2 Deputy I.J. Gorst:

I will take it *en bloc*. I will just apologise to Members, I was chatting to the Chief Minister and I forgot to vote. **[Laughter]** I shall try to correct that in the Second and Third Reading in the legislation. Part one, as we say, amends the Financial Services Law and it introduces a new definition of consumer credit business. Article 4 empowers the States to make consumer protection regulations and debt collection regulations. We have already spoken about Articles 5 and 6, defines the scope of regulated activity set out in exemptions. Article 7 makes procedural amendments linked to implementation commencement and transitional provisions consistent with the law's structure. The second part, Article 8, as I said, updates the 1880 law and deals with a longstanding unfairness in dégrèvement arrangements. Article 9 is the pawn-brokering law and that repeals that. Article 10 is just consequential and Article 11 deals with the citation and commencement. I commend them *en bloc*.

The Bailiff:

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the Articles or any of them? If no Member wishes to speak, those in favour of adopting the Articles kindly show.

Deputy I.J. Gorst:

May I have the appel please?

The Bailiff:

Yes, the appel is called for. I invite Members to return to their seats and I asked the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting.

Connétable D.W. Mezbourian of St. Lawrence:

Excuse me, sir, my buttons keep flashing notwithstanding that I have pushed one of them. They are still flashing now.

The Bailiff:

Does the record show the Connétable as having voted? Do you wish to indicate a vote verbally then in that case?

The Connétable of St. Lawrence:

Yes please, I voted pour.

The Bailiff:

Very well. Then, if Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The Articles have been adopted in Second Reading: 45 votes pour, no votes contre, no abstentions.

POUR: 45		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				

Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

Deputy M.B. Andrews				
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Do you propose in Third Reading, Minister?

4.3 Deputy I.J. Gorst:

If I may, and of course I reiterate my thanks to the Scrutiny Panel. We look forward to continuing to work with them as we do further consultation and bring forward subsequent amendments. I also do not often get the opportunity to do this, but Deputy Ozouf did so in his speech, I would like to thank my officials who have painstakingly delivered a piece of legislation in a framework which in other places not too far from here caused a great deal of pain. But because of their diplomacy, their grasp of detail, their understanding of the issues, they have delivered to the Assembly today a piece of legislation with the broadest possible support, and those in industry effectively feel that they have understood the issues and they have responded accordingly and appropriately and proportionately. They are sitting in the gallery, those officials, Members will be able to see them there, but I wish to place on record my thanks for the years of work that they have put in place, boring and laborious most of the time, sadly the work for them is not over. They will have another couple of years at least probably bringing the remainder to fruition, but I would like to thank them nonetheless on behalf of the Assembly. **[Approbation]** I maintain the law in Third Reading.

The Bailiff:

Thank you very much. Is the law seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

4.3.1 Deputy P.F.C. Ozouf:

Very briefly. I wonder whether the Minister, and forgive me if I have not read every bit of it, but would he give a very brief outline of what the next stages are having now approved this and hopefully getting it passed through the Third Reading?

[14:45]

Because obviously there is a massive consumer interest in this, expressed ably by the Minister for Treasury and Resources, about some of the real issues that this is going to solve in a way that I agree that, as the Minister has said in a very pragmatic and Jersey right-sized approach which is impressive, but could he give an indication because we will not get to that wonderful place where we can have that proportionate regulation and is there any order that the Minister is going to be bringing the future stuff in at very high level?

4.3.2 Deputy M. Tadier:

Just to make a comment that a reason that a lot of this is important is that - it is just an observation - Members will be aware of somebody called Martin Lewis who exists in the U.K. and has got a T.V. (television) programme, he has got his website, and it is something which is very helpful I think to people, consumers in the U.K., and some of that is useful to residents in the Channel Islands, but of course a lot of it is not necessarily. In the absence of anything that exists like that, of course we do have the Jersey Consumer Council who do a very good job, but they really are focused primarily on retail and they have lesser resources. I think it is important that, in this legislation, education is built into it and I think that is a job perhaps not entirely for Government but for the sector itself. There is perhaps arguably a gap there and a niche for ... I do not know if somebody could fulfil that, maybe a retired politician after the next election. I am not looking at anyone in particular. But, like Deputy Gorst, even though we are on different sides of the table when it comes to Scrutiny and Ministerial, one obviously becomes aware of the great deal of work that goes in from the officers who do give up their time to brief our panel and indeed from our panel members and our officers as well. So I would like to just put on record our thanks to all those involved for looking at these in some detail.

4.3.3 Deputy S.G. Luce:

I do not think it would be right if I did not just say a very few words. Deputy Ozouf is quite right, there may be an enormous amount of work that comes out of this, and I just want to repeat something I said this morning, which is this is another piece of regulation which will fall to my Regulation Department, and in this case it will be Trading Standards officers who are already working very hard and pretty much at full capacity. Deputy Gorst and I have had discussions about this but I just want to alert the Assembly, as I say it again, more laws, more regulation, more work for one department, and we will be looking for some help in this regard sometime in the future.

The Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, I close the debate and call upon the Minister to respond.

4.3.4 Deputy I.J. Gorst:

Just picking up on the comments of my colleague Minister, we have had a discussion about the potential for a need for further resource within Trading Standards. I absolutely do think that Trading Standards is the right body to deal with that second layer of approaching consumer regulation and I cannot think there would be anybody else. It would be inappropriate for the J.F.S.C. to deal with that because his officials in Trading Standards, from all I know of them, is that they are relatively pragmatic and reasonable and really want to look to get something sorted rather than coming with a big stick. That is not always the case with regulators. It does occur to me that it was a good idea to put all of these regulatory things into one regulatory body, but that means they can easily be forgotten by departments. If departments that need regulation perhaps had a requirement to allocate some resources from their departmental budget into the regulatory department, that would be a way of solving the problem that he now finds himself with, because he gets lumbered with regulatory laws but with no compensatory money to deal with it. But the reason that we can continue to support this legislation today, even in light of that, is that the law, we are due to bring it back to the Assembly, those secondary bits will come into effect from first quarter of next year, but there will be a 12-month transition to allow everybody to be prepared for it. It might be that the Minister needs to come back within that 12-month transition and require further funding. So Deputy Ozouf asked a very good question about where are we going from here. The secondary legislative consultation will be published next month, so that might stimulate Members' appetite and interest even though it will no doubt be extremely technical. We aim then to debate the regulations by the end of this year as well, I think that is right. The J.F.S.C. codes, which are to be consulted upon, will be consulted upon simultaneously with bringing forward those regs. Deputy Tadier made an interesting point, which I think really is picking up on financial education and people like Martin Lewis in the U.K., and I think it is incumbent upon us all to think more about, from a family perspective, how we educate our own families about the decisions that families make about financing, taking a mortgage, renting a property, having a credit card, using a bank account, having an overdraft. All of those things, we can often think it is the responsibility of the other Deputy Ward here and his department. Of course that is important, the reality is that it is the responsibility of all of us to educate our families about these things in real time. Of course, in Jersey we do have the ombudsman, so there are certain areas that Islanders can go to with the ombudsman and, as Deputy Tadier said, there is the Consumer Council and there is Trading Standards. So I will conclude my remarks there and I maintain the regulations, the legislation in Third Reading, and I call for the appel.

The Bailiff:

Thank you very much, Minister, the appel is called for. I invite Members to return to their seats. The vote is on P.41 in Third Reading and I asked the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The law is adopted in Third Reading:

POUR: 45		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				

Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

5. Draft Bank (Recovery and Resolution) (Jersey) Amendment Law 202- (P.42/2025)

The Bailiff:

We now come to the Draft Bank (Recovery and Resolution) (Jersey) Amendment Law lodged by the Minister for External Relations. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel and I asked the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Bank (Recovery and Resolution) (Jersey) Amendment Law 202-. A law to amend to the Bank (Recovery and Resolution) (Jersey) Law 2017, to provide for the continuation of the bank depositors compensation scheme and to provide for the transfer of functions to the authority for the administration of that scheme. The States, subject to the sanction of His Most Excellent Majesty in Council have adopted the following law.

5.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (Assistant Minister for External Relations - rapporteur):

I think I have a reasonably lengthy speech here but I think, as many Members may not be familiar with bank recovery and resolution or the deposit compensation scheme, it is worthwhile giving a little background. So I am here to discuss today the principles of the Draft Bank (Recovery and Resolution) (Jersey) Amendment Law, which I will call the “draft law”. Jersey is proud to be a premier host to reputable and successful international banks and has to date never experienced bank failure. However, this strong track record should not be taken for granted. The draft law marks a further step in strengthening the Island’s ability to prepare for and respond to the risk of bank failure. This represents continued progress in the development of our contingency and crisis planning. It builds on the progress already achieved through the establishment of the Jersey Resolution Authority under the Bank (Recovery and Resolution) (Jersey) Law 2017, which I will refer to as the “resolution law”. The Resolution Authority is an independent body responsible for operating Jersey’s bank resolution framework. This framework enables early intervention in the event of a bank showing signs of distress, helping to ensure continuity of critical services and safeguarding financial stability. The primary aim of the draft law is to transfer responsibility for administering Jersey’s depositor compensation scheme to the Resolution Authority and from the Deposit Compensation Scheme Board creating a single centralised body to manage bank failures. In a crisis where speed and efficiency are essential, having one clearly designated authority will help ensure a faster and more co-ordinated response. This reform also supports the Government’s broader objective of streamlining public administration and reducing unnecessary duplication across public bodies. Members will no doubt recall the events of 2008 which saw a global crisis, which unfolded following the collapse of some banks and consequently the run on deposits from those banks. This necessitated

Government intervention in some countries to bail out banks and ensure the continuation of the entire financial system. Jersey did have branches or subsidiaries of banks that had run into difficulties overseas, however we did not have direct issues on-Island. These events led to considerable developments internationally of frameworks to promote financial stability and provide depositors with relevant protections through compensation schemes, capital adequacy requirements, and later resolution models. In Jersey, we first delivered the compensation scheme through the Banking Business (Depositors Compensation) (Jersey) Regulations 2009 and subsequently the resolution framework through the resolution law. The resolution framework is designed to reduce the reliance of large banks that were historically considered too big to fail on Government bailouts. A resolution action is a regulatory measure that restructures a failing institution to maintain financial stability and avoid the need for public support. Ideally, this allows the bank to continue operating functions which are critical to the Island and it also crucially avoids that bank becoming insolvent and going into real collapse. Jersey's banking sector is composed of subsidiaries and branches of major international institutions. Accordingly, our legal framework is designed to support resolution action led by foreign authorities while also equipping us with the necessary tools to manage the resolution of a locally incorporated bank should the need arise. Notably, approximately 93 per cent of bank deposits in Jersey are held with institutions which are subject to resolution plans under other established authorities such as the Bank of England. These deposits are protected through mechanisms like bail-in, which are designed to maintain continuity of banking services. As a result, the use of Jersey's local depositor compensation scheme is expected to be limited, applying primarily in cases where a bank is not covered by a resolution plan either locally or overseas. While these developments are important tools in Jersey's response to the risk of bank failure, and we believe the risk of occurrence of that to be relatively low, the current delivery of the compensation scheme and bank resolution by 2 separate bodies through a product of the phased evolution of our framework is neither necessary nor proportionate for a jurisdiction of our size. Today's draft law will mark the next phase in the development of Jersey's response. The law will, firstly, transfer the depositors compensation scheme to the Jersey Resolution Authority. It will enhance the provisions for administration of the scheme to allow for a more modern and effective delivery, and it will make necessary adjustments to the resolution law to enable the Jersey Resolution Authority to continue its work on the resolution framework. If I now move to the specific amendments in the proposition. The draft law has a number of elements. Firstly, it proposes to transfer and continue the depositors compensation scheme originally established under the Depositors Compensation Regulations into the framework of the resolution law. Under this new structure the scheme will be administered by the Resolution Authority. Consequently, we plan to wind down the Jersey Bank Depositors Compensation Board, and by that I just mean the administering authority, over the 3-month period following the transfer with the formal dissolution of the board scheduled for the end of March 2026. Second, the draft law introduces a series of important enhancements to the scheme.

[15:00]

It will enable faster timeframes for initial compensation payouts, recognising the urgency with which depositors may need access to their funds. The legislation will remove the existing requirement for depositors to submit applications for compensation, allowing the authority to process payments based on information provided by the bank. This will benefit depositors because they will receive payments directly from the authority and will not have to take any steps themselves to claim compensation. There will be more flexible activation criteria and the trigger mechanism for the scheme will be amended to give the authority greater discretion in determining when to activate it. This reflects the diversity of insolvency practices internationally and allows for alternative resolution and recovery strategies where appropriate. The current limit of £100 million on total compensation payouts will be lifted. In cases where total compensation exceeds £100 million, the authority will be empowered to recover funds through liquidation of the bank in order to make subsequent payments to depositors. Finally, there will be orderly scheme wind-up provisions. Clear expectations will be set for the timely

and structured completion of the compensation process, including provisions for the formal winding up of the scheme in due course. Thirdly, and in addition to the depositors compensation scheme, the draft law also introduces targeted amendments to the resolution law. These changes will support the continued implementation of resolution policies by the authority and ensure that Jersey's legal framework remains aligned with evolving international standards. This draft law has been informed by extensive stakeholder engagement. Formal consultations were conducted in quarter one and quarter 4 of 2024, supported by further discussions with banking and insolvency professionals. In addition, there has been ongoing engagement with the Jersey Resolution Authority and the current Deposit Compensation Scheme Board. This collaborative approach has helped shape both the legislation itself and the plans for its implementation. At this point I would like to highlight to Members the specific scope of this draft law when it comes to this compensation scheme. From the outset, our focus has been on improving the delivery and administration of the scheme and changes that are designed to enhance its effectiveness. We have not proposed adjustments to the scheme's core parameters, such as the compensation limit, bank levies, and the scope of those eligible for compensation, as further analysis is needed to determine whether such changes would meaningfully strengthen Jersey's financial safety net. Government recognises the growing interest in reviewing the compensation limits which were originally set in 2009. It is important to note that depositors with balances exceeding £50,000 still retain the right to pursue the excess amount through the bank's liquidation process. More recently, our focus has been on establishing a robust resolution framework. Importantly, resolution offers more proactive and relevant protections for Islanders in the event of a bank showing signs of failure with a focus on preserving the critical services. By that I mean that it will aim to keep the bank trading and operational so that the risk of deposits not being available is considerably diminished. Basically, it is seeking to save banks and prevent them going into insolvency. While Jersey's current compensation limits remain aligned with those of comparable jurisdictions such as Guernsey and the Isle of Man, we acknowledge the value of reviewing these limits. Such a review will be considered once this phase of work is complete and the authority has had sufficient time to embed its new responsibilities. This is anticipated to be toward the end of next year. I would like to extend my sincere thanks and those of the Minister to the Economic and International Affairs Scrutiny Panel for their diligent scrutiny of this legislation. Their detailed analysis and thoughtful reflections on the public interest and the particulars of the scheme have been most welcome. These reflections align with the Government's intention to review those elements following the completion of this phase of work. The panel's work has contributed meaningfully to ensuring that the legislation is both robust and responsive to the needs of the Island. I move the principles of this law.

The Bailiff:

Thank you very much. Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

5.1.1 Deputy A.F. Curtis of St. Clement:

There is not only largely uncontentious stuff but, having read the report in the E.I.A. Panel comments, there is a lot to be welcomed here. I understand the Minister highlighting the scope of the current work around the scope of the deposit compensation scheme, including both its remit of who it affects, but also the quantum. I just wonder if the Minister, in her summing up on the principles, could elaborate a little further than she did in her opening remarks just around why it was not felt the scope could have been wider at this point in time. I know that there was obviously draft work underway in 2016, the law was largely unamended since 2009 and that the E.I.A. Panel note that we have fallen, I think, over 60 per cent, or inflation is 67 per cent compared to when the original law came in. Notwithstanding the commitment, I think it would be just helpful to have a little flesh out of the risk-reward in both including that which was not included now and also a bit more on those commitments as to how she intends to review that in the future. That was all.

5.1.2 Deputy M. Tadier of St. Brelade:

The Scrutiny Panel has started to look at this. We have issued a comments paper and broadly speaking ... I will not read through all my notes, but I will make some conclusion remarks but also refer to, I think, the important matter which Deputy Alex Curtis has raised. Essentially, I will not reiterate everything that the Minister has said in moving this because I think she has outlined the reason for moving this power to the J.R.A. (Jersey Resolution Authority) and also the rationale more widely. I will just highlight a couple of points. The panel is in agreement with the removal of the £100 million cap of the total compensation offered, noting the mixed method of funding through the States of Jersey loan and a levy on banks. That sets out to protect public finances while providing provision for funding of the scheme. The panel also notes the continuing provision allowing for the discretion of the J.R.A. to administrate distribution of the compensation under the limits of contribution and believes that this is a sensible measure that will allow fair distribution of funds no matter the set limit of compensation, without undue burden upon banks and public finances. The panel also accepts the rationale for the transfer of the functions of the Jersey Bank Depositor Compensation Board to the Jersey Resolution Authority, so the J.R.A., and the provisions in the draft law. I turn the panel's attention now to the issue which may be seen as a small issue in the grand scheme of things, but one which we consider is quite fundamental, because this talks about your average saver, I suppose. So this is talking about Jersey residents perhaps or Jersey customers who have bank accounts in Jersey are currently, as we know, protected up to the limit of £50,000. The panel is disappointed that the opportunity to review and update the limit of compensation has not been undertaken at this point. There has been an acknowledgement from stakeholders and the Minister that the figure of £50,000 should be reviewed or increased. There has been an indication that this should take place following the transfer of functions of the D.C.S. (Depositors Compensation Scheme) Board to the J.R.A., as we have just heard from the Minister. The panel notes that this leaves savers in Jersey at a relative disadvantage to their counterparts in other jurisdictions, in neighbouring jurisdictions, including the U.K., Europe and Gibraltar, so the panel has considered further action on this point. However, at this point, we will support the principles. We do address that in our comments. Just to put this in perspective, we know that the scheme was set up in 2009, it is the 2009 regulations, and at that point the limit was set at £50,000. Already at that point the U.K. had moved to increase their limit up to £85,000, so that is already some 16 years ago. As Deputy Curtis has quite rightly referred to, the estimated R.P.I. (retail price index) compounded for that period is 67 per cent, which interestingly enough, if the £50,000 had been uprated either year on year or for that period, it would bring us to about £83,500, so the £85,000 limit is really, I think, the bare minimum that Jersey savers should be expecting to receive. We note that also in the E.U. (European Union) it is €100,000, which is perhaps not too far off the £85,000, and in the U.K. they are proposing to move it to £110,000. So, while there were some mixed responses when we made some initial inquiries with stakeholders about that limit, we did get some responses and I think, as I mentioned earlier, the Consumer Council that exists in Jersey is perhaps one of the few, if you like, imperfect organisations when it comes to financial advice, but they do what they can and they do a great job I think. They said that the Consumer Council believes that, as Jersey's main big income earner remains the finance industry, it is essential that Jersey remains competitive and up-to-date and especially that it is viewed by international investors as competitive and up-to-date, and that perception is everything. As such, the Consumer Council believe that in order to maintain a continuing level of confidence, the limit should rise to a minimum of the U.K.'s £85,000, if not perhaps even higher. The Island states in its press that only the very best banking institutions are granted a licence and therefore we believe that to sit down and do nothing would send out the wrong signals. Now, we know of course that the Minister is not saying that they should do nothing, they are saying simply wait. The concern here is that an opportunity has been lost not to do anything in this particular set of changes that are coming forward, and of course saying that something will be introduced at the end of next year is a promise that no Minister here can make because no Minister knows whether

they will be re-elected. None of us knows if we will be re-elected or who the Ministers will be. So I think, as a panel, we do feel that this is a lost opportunity and there might be an opportunity still after the principles have been voted on and supported for an amendment to take place in that regard.

5.1.3 Deputy P.F.C. Ozouf of St. Saviour:

I was looking in a bedroom of a relative and I was described once by a journalist from the *J.E.P.* as an out-of-work deejay with my light going on, and I do not want to take up Members' time, but however, because on issues that were important I am not an out-of-work deejay; I am rising to support this Amendment Law because I think it is important that there are evolutionary and proper changes that strengthen Jersey's ability to respond to risks as the Assistant Minister has said. There were some Members of this Assembly who will remember well the original setting up of this compensation scheme in 2009 and the later development of the bank recovery resolution regime. Unlike other jurisdictions, as the Assistant Minister has quite rightly said, and I hesitate to say it, but I do not think that Jersey is seen, as a result of the good work by Members of this Assembly, with fantastic individuals like the late great Colin Powell and other of the esteemed regulators that we have, had some pretty broad simple approaches to the way we licensed banks. That meant that we did not have a Landsbankinn in Jersey, we did not have any of those Icelandic banks and others that were in a place that was not very far from here and there was genuine turmoil in markets at the time. I am not casting any aspersions on the Icelandic economy, but when the full effects of the world financial crisis attacked some institutions, even that one would have regarded as probably too big to fail, they failed.

[15:15]

We then had to bring in ... the £100 million scheme was a policy response despite the fact that at the time it was said, and Ministers defended it, and I defended it, that I thought that the regulatory approach, albeit very unpopular, albeit that it was top 500 banks and it has certainly changed, and I absolutely welcome the work that has been done on the way. I may be slightly too growth orientated in terms of wanting to get growth, but it is all part of the competitiveness and other things that are being done by the Ministers at the moment and the officials, where we are getting back to that harmonious relationship between the J.F.S.C., Government and the industry. I would say that Deputy Tadier and the panel have done a very thoughtful job, and he is reserving his position until after the principles, which is his absolute right. First of all, the consolidation of the depositors compensation scheme and the Resolution Authority into a single, centralised framework is absolutely right and I am pleased that the Ministers have progressed that. It has taken quite some time which speaks to the complexity, with all the other things that they are doing, but they are quite right in merging these functions into a single authority. It is a logical and proportionate Jersey-sized approach for a jurisdiction of our size. I also warmly welcome the provisions for a faster payout in that event, straight through processing and automatic vesting of claims, all absolutely the right thing and in line with Jersey's reputation of international best practice, and also is the core principles of those bodies - Members are probably not interested in the acronyms - but the International Association of Deposit Insurers, et cetera. These are all really important issues which I know the officials, Ministers and the panel are seized upon when they are looking at it because it is really important stuff and it is the bread and butter of the very essence of why Jersey has been a strong, market-based economy where we have got most of the economic growth in the last 20, 30, 40 years. It is really important that we get this stuff right, so I do not apologise for putting my light on and speaking. My question, respectfully to the Assistant Minister is this issue, she said in her remarks I think that there was a removal of the £100 million cap on the compensation scheme. I think that is partly correct, and I just seek clarification for the benefit of the Assembly and other members of the public who may be listening. While the cap on total payout to depositors has indeed been removed, the cap on the amount that they may - and she did explain this - raise through bank levies still remains in place under Article 142ZF. Likewise, the £100 million cap on States loan facilities to support liquidity in the scheme is also

retained and, for the avoidance of doubt, that is a mortgage, that is a charge on our Strategic Reserve. It was very controversial at the time. The Strategic Reserve has been: “No, do not touch it” for years, quite rightly, under Colin Powell and the late Reginald Jeune who created it, and it was: “Do not touch it and do not take the interest from it.” When we brought the proposal that we would basically use some of the Strategic Reserve to underpin what we hoped - and then did not happen - was a no failure of a bank, thanks to the wise and prudential oversight of the J.F.S.C. and all those people that were in at the time. Jersey was insulated by its own proper decision-making from the collapse that had wrecked other places and wreaked turmoil to ordinary working people; not just in the finance industry but beyond. So this stuff might be not as interesting to Members as the Residential Tenancy Law but it really matters to get this stuff right. I absolutely also am of the opinion that despite the robust and continuing - although more competitive and pragmatic - way that we are now regulating ... we did away with the top 500 rule years ago. There is a need to signal to depositors who are now in a transfer of information situation globally where the information exchanged between tax authorities and beneficial ownership registers and all the rest of it ... they also may be - and the Assistant Minister can comment - further reassured if one is confident about one’s regulatory approach one is not going to be worried effectively about the level of deposit potentially compensation that one would get because one knows that one’s banks are ... or those within this jurisdiction that is regulated, the pound amount is not going to be called upon. So I think that there is a good question to ask about the rising of the limit. The chair of the panel was quite right - I would argue potentially that he needs to use R.P.I.X. (retail price index excluding mortgage interest payments) rather than R.P.I., which maybe gives us a different figure about evolution of inflation since, but he is quite right, and Deputy Curits was, about the value of that depositor compensation in the light of today’s value of what the Jersey pound in Jersey ... or the U.K. pound is worth in Jersey. This compensation amount has withered on the vine, and I have risen in this Assembly saying lots of things about inflation. That is why I worry about it. Inflation eats away; it is the hidden tax. Our depositor scheme limit is out with what others have got. So I just ask in closing, while I absolutely commend the Minister and the Assistant Minister particularly, and all the officials, regulators, and all the people who have done it ... and thanking the individuals who are going on a standby basis that have acted in a role that this Assembly has appointed to be the depositor compensation scheme, to be that Authority, there has been quite a lot of people and we owe a debt of gratitude to those people who have stood by to be ready in the unfortunate event that something would happen. They have had to seize upon all the issues and be ready to act. Putting them in a one stop shop is absolutely right. So in saying all of that I do ask, in wanting to support - and I am going to support anyway of course - the principles, I do ask the Minister whether she would be kind enough to comment on the issue of the actual limits. It may be something that we will deal with later. Also this question of the £100 million; it is going as a charge on the Strategic Reserve - and that is not a message to other Ministers so that they can spend it - but it is going to necessarily be not the States that is going to bail it out, but it is going to be a further charge that will be covered by a levy. I wonder whether the Minister understands my question. Is the £100 million mortgage that the States had to make available in the event of a bank collapse still going to be a charge to the States or is it going to be a charge on the remaining banks that are standing after a Herculean event? I think it is quite important because it mattered at the time. I know I had to fight my way through the Assembly.

5.1.4 Connétable D.W. Mezbourian of St. Lawrence:

I got a bit confused listening to Deputy Ozouf’s speech and I am not sure whether ultimately he was asking, as I now intend to ask, why was the decision made to not increase from £50,000 to £85,000, the recovery amount in the event of a bank collapsing? I always thought the £50,000 was too low. We know it is difficult to open bank accounts over here so as soon as someone reaches the £50,000 and above, and they may want to split amounts between banks and have difficulty in managing that. So just for me, in layman’s terms please, the Consumer Council is querying it; why was the decision taken to not take the opportunity to increase the amount from £50,000 to £85,000?

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon the Minister to respond.

5.1.5 Deputy M.E. Millar:

I think the Constable of St. Lawrence's question is broadly the same as the one that Deputy Tadier has asked from the Scrutiny Panel, and Deputy Ozouf has raised a slightly different question. This work has really focused on improvements to the scheme itself, to the operation, things that we know will improve the efficiency and effectiveness of the operation of the scheme if it was ever called on. Increasing the limit sounds like a very straightforward thing to do, and it absolutely is not. It would require a huge amount of work, it would require a huge amount of consultation. The piece of work is not just as simple as putting the compensation limit up from £50,000 to another number because things that we have to think about are what is an effective compensation limit and which are the eligible deposits that are covered. We do have to remember that of the depositors in Jersey very, very significant numbers are people who do not live on-Island. For many of them £50,000 is a very small drop in the ocean but they at present are also covered by this deposit compensation scheme which, going way, way back to the 2008 to 2009 period was one of the things, when I was involved in very early consultations, was something that caused me some concern. If we are sending out cheques to very rich people in the Middle East and people locally are not getting the money, that is a difficult political position, so there is a big question to be had there. That is purely my opinion; it is not government policy and it is not up for debate as yet. Secondly, we also have to look at how the scheme is funded. If we increase the amount of the protection at the moment - and not everything is appropriate for index linking - we have to think about who pays for that. Do we then have to go to the bank ... people are suggesting increasing it by very significant amounts, 60 per cent to 100 per cent. That would mean very significantly more money having to be requested by the banks. We have to then ask the banks to agree to provide that funding. We also have the question of States funding, which I think was Deputy Ozouf's question. As I understand it, the scheme is still funded by way of bank levies so the banks will still pay a levy to the scheme if it was called on. I think we really do have to remember that this is a contingency in the event of a worst-case scenario. We have not had a bank collapse in Jersey. With the silicon valley bank in the States, it does happen because in other jurisdictions we have small, private banks that are less stable than the banks we have in Jersey. Our banks are subsidiaries of branches of large global institutions, which should give us all some comfort. I think it is also worth remembering that for the vast majority of people in Jersey there are only really 4 or 5 banks where they will have their money. Although there are other banks, those banks are focused on private wealth, those banks are focused on people who have very significant amounts of money to invest and manage. In terms of local residents, they are likely to be banking with a very small number of very stable banks, we would hope. The banks will have to pay so we have to consider the position of the banks and how much we are asking for from the banks because what we also do not want to do is increase the cost to them of doing business in the Island, so that is an important factor. Do we charge all banks, because some of them do not have local depositors. The impact on the banks has to be considered, and then the question of States funding, which is what I believe Deputy Ozouf was discussing. The £100 million potential for funding from the States will still be there. It is in this year's Budget. It is carved out from our budgets on an annual basis, the £100 million is there. That means there is £100 million that we effectively cannot spend for any other purpose because we need it to support the scheme. So it is not an easy matter. Just increasing the limit is not an easy matter. I am not going to speculate on how many local people have deposits of more than £50,000. It may be a relatively small number. That is not an excuse not to change it. It is also £50,000 per depositor per bank, so if you have £200,000 you can ... opening bank accounts is difficult everywhere, we are not alone, but you could have a savings account in more than one bank if you want to diversify, and joint accounts also, both depositors I believe have the benefit of the £50,000 from memory.

[15:30]

It is a difficult and challenging piece of work and what we are focusing on at the moment is enhancing the operation of the scheme that we have, and working on a resolution model that provides more proactive and relevant protections for larger banking institutions and, by extension, for Islanders, by ensuring as far as we can that those banks do not collapse, that they stay there, that people know they can get their money out. So the resolution framework itself and all this work in contingency planning is really valuable. This is possibly of more comfort and more protection to individual depositors than the scheme is because it tries to stop the scheme ever coming into operation. The last thing anybody wants is the depositor compensation scheme being triggered. The resolution framework is designed to use various tools so that there are other sources of funds to draw on that are not deposit funds, and that those funds are not put at risk. In terms of our limit, it is lower than jurisdictions such as the U.K., the U.S. (United States) and the E.U., but it is in line with the other Crown Dependencies, and it is typically higher - I did have a list and unfortunately I cannot find it - than many other small island states. We do have better protection than other small islands, particularly those in the Caribbean. It is not really clear in terms of cost benefit because we do have to think about the benefits that would derive from doing this, as I say, huge piece of work to reconsider the limits on eligibility and how they are funded. It is not clear how much value would be gained by increasing the limit and how much it would cost us. The increase in the compensation limit would also have to be weighed against the Authority's ability to raise money. It will have the £100 million from Government. That is not likely to pay out every depositor in a bank in Jersey, the bigger banks. The removal of the limit enables the Resolution Authority to borrow or to make a claim in the liquidation of the bank. Again, what we do not want to do is increase the burden on the industry by addressing a risk that is possibly smaller. I think we would argue that the risk of bank failure now because of the resolution framework, because of the greater regulatory oversight, is smaller now than it was in 2009. It is not a simple matter. The Resolution Authority, as they have responded to Scrutiny, have also pointed out that changes to the parameters do require careful review, modelling and consultation. While - as someone mentioned - we cannot tie the hands of a future Government, but I think it would be impossible for a future Government to ignore this piece of work. Once all this work is done we will be ready to then think about this piece of work and think about whether it is necessary, what value it gives to the Island and what value it gives to the depositors. But the resolution framework is possibly more comfort than the compensation scheme. The last point, which I had in my head and it vanished, but it has come back in, I would also just like to emphasise that the compensation limit is a preliminary payment that can be made through the depositor compensation scheme. If you have £100,000 in a bank account and that bank fails, the scheme will pay you out your £50,000. You have not lost the other £50,000, you maintain your rights against the bank and you can still make a claim against that bank for recovery of the funds or the debt that is owed to you, if we were going to be strictly correct. You have not lost your right as a creditor of the bank to claim in the liquidation. I do have something at the very back of my mind that someone told me, in bank failures most small depositors do get almost all their money back. I cannot find any evidence for that statement but I was told it a very long time ago. So that is a quite long answer but I think it has addressed the questions hopefully. I move the principles and call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the principles for P.42, Draft Bank (Recovery and Resolution) (Jersey) Amendment Law. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The principles have been adopted:

POUR: 45		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				

Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				

Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Does the Scrutiny Panel wish to call the matter in, Deputy?

Deputy M. Tadier of St. Brelade (Chair, Economic and International Affairs Scrutiny Panel):

Yes, Sir.

The Bailiff:

Very well, in which case a date has to be fixed for when it comes back.

Deputy M. Tadier:

We were thinking not the next sitting but 30th September should be sufficient time for us to do the scrutiny that we still feel we need to do on this.

The Bailiff:

Then it is referred to 30th September for the Scrutiny report.

6. Draft Criminal Justice (Young Offenders) (Jersey) Amendment Law 202- (P.43/2025)

The Bailiff:

We now move on to the next item of business which is the Draft Criminal Justice (Young Offenders) (Jersey) Amendment Law, lodged by the Minister for Justice and Home Affairs. The main respondent will be the chair of the Children, Education and Home Affairs Scrutiny Panel, and I ask the Greffier to read that citation.

The Deputy Greffier of the States:

Draft Criminal Justice (Young Offenders) (Jersey) Amendment Law 202-. A law to amend the schedule to the Criminal Justice (Young Offenders) (Jersey) Law 2014. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

6.1 Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):

I am pleased bring this short but important amendment before the Assembly today. If passed, the Draft Criminal Justice (Young Offenders) (Jersey) Amendment Law will amend the schedule within the Criminal Justice (Young Offenders) (Jersey) Law 2014. That schedule contains the provisions concerning the constitution and procedures of the Youth Court. The effect of the amendment is to increase the age of retirement of Youth Court panel members from 60 to 70 years, and to gender neutralise the term “chairman”. If passed, these amendments will come in 7 days after it is registered. I said this amendment is short and it really is. It is to effect changing a number from 60 to 70 and changing a word from “chairman” to “chair”. I also said that while short the change is important. By way of explanation, the Youth Court has a primary function to hear charges against children and young people up to the age of 18 years. When it sits the Youth Court is normally constituted of 3 members: the Magistrate and 2 panel members, one of which must be a woman. Panel members are appointed by the Superior Number of the Royal Court. They are members of the community and are

unpaid. Members of the judiciary have informed me that currently there is a material risk of the court not being able to deal with its statutory duty due to having an insufficient pool of individuals to populate the Youth Court Panel and former Youth Court. I understand the Youth Court has previously had to cancel Youth Courts due to a lack of panel members. While the court has made efforts to recruit new panel members there is an issue in that panel members must retire at the age of 60. This age of 60, in my opinion, stops some members of our community applying to be members due to their work and life commitments. For existing members with some years of experience, they are forced to retire when they would in many other areas, including doing other roles in the court, be able to continue. Instead what happens is the court loses the input and experience of these members who are serving an important role for the Island. If I may, I would like to pause at this point to thank those members of the community who are currently serving as panel members and those that have previously volunteered their time. It is their voluntary commitment to the court and the Island that keeps the Youth Court running alongside the dedicated members of the judicial system. As I said, when comparing the age of Youth Panel members even to the age of other court members, for example the retirement of Jurats is 72 and for the chair of the Youth Court Magistrate it is 70. To remedy this position the amendments seek to change the retirement age from 60 years to 70 years. The other small amendment is to gender neutralise the term “chairman” and substituting it with the term “chair”. Again, this is minor but another small chip at challenging language and, in particular, the language of our legislation to be more equitable in its form where there is no presumption of gender for a specific role, especially as in this case the chair of the Youth Court is often a woman. In conclusion, these are small amendments brought before the Assembly today. If passed they modify language and will significantly assist the Youth Court to fulfil its duty, attract greater diversity of candidates, bring some parity to other court staff, and retain and attract members of the community to undertake this vital work. I, therefore, ask the Assembly to give their support in bringing these amendments into force.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

6.1.1 Deputy C.D. Curtis of St. Helier Central:

Just a short comment and I speak as chair of the C.E.H.A. (Children, Education and Home Affairs) Panel. The current age of 60 years old for those volunteering to sit on the Youth Court Panel prevents suitable people from taking up or continuing in this role. I am sure there are very capable and knowledgeable people over the age of 60 who we should be welcoming on to the Youth Court Panel. The panel supports the changes.

6.1.2 Deputy M.B. Andrews of St. Helier North:

I just want clarity from the Minister as to why there is a need for a retirement age. I think there is potentially an opportunity where we could be allowing members of the community who want to maybe give something back who are over the age of 70, and I feel that this proposal is potentially depriving them of this opportunity.

6.1.3 Deputy L.M.C. Doublet of St. Saviour:

Just briefly, I want to focus on the change from chairman to chair, which is something that we did for our own Standing Orders a few years ago. It was my understanding that this had been done in other pieces of legislation. I am not sure if this is question for the Minister, it might be for the Solicitor General, but in the same way as other pieces of legislation, for example with oaths and affirmations there was an amendment that said anywhere that an oath is mentioned in a law it can also mean an affirmation and this is what it means. Could we not just have one amendment that would cover any legislation that has the word “chairman” in it, to do exactly what the Minister is doing today for this one? It may be for the Solicitor General, I leave that to your discretion, Sir.

Mr. M. Jowitt., H.M. Solicitor General:

Well, if the legislature wants to legislate in that way it is perfectly within its rights to do so.

6.1.4 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:

Very quickly also on the point of language, this proposition reminded me of the late Senator Sarah Ferguson who I heard on more than one occasion say: "I am not a piece of furniture." That said, I do agree absolutely with the move to gender neutralise the language there and would just support what Deputy Doublet has said. The more we can do this and the easier we could make it across the board the better.

6.1.5 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:

To pick up from where Deputy Andrews left off, I welcome the Minister's proposal here before us today to take it from 60 to 70 years old, the age of retirement. It should not be detracting from the Minister's proposition but I think Deputy Andrew's point is well made, that we should be seeking to remove retirement age altogether. I do not think the Minister herself needs to respond to that in this proposition because I think it is understandable that this proposition has just changed the number. But I think it is a question, and maybe we should be more focused on maximum term limits than retirement ages. In most institutions in the Island, courts included, perhaps saying a 10-year term is the maximum, or 2 5-year terms is the maximum, is a good way of making sure that we have a continuous rotation of new minds, new ideas, new thinking, new ways of approaching these institutions. Especially as we have a population that is getting older - and this is something Senator Ferguson would often also talk about - just because people are older does not mean they cannot serve in these sorts of roles. I do wonder if it is something that we should, as an Assembly, think about in getting rid of these maximum retirement ages and replacing them with just maximum lengths of term.

[15:45]

6.1.6 Deputy M.R. Scott of St. Brelade:

I agree with Deputy Andrews and Deputy Morel. In fact, in some jurisdictions like the U.S., I believe it would be against the discrimination laws even to have that sort of limit, so total sympathy there, but again that will not stop me from supporting this proposition, nor will the fact that it is changing the term "chairman" to "chair". I too thought of the late Senator Ferguson and her references to pieces of furniture, but I also do wonder sometimes whether what is happening is a form of intolerance in terms of there is still a difference between ... I do not always see a difficulty with women being likened in terms of qualities in men in some ways. I am thinking of that Scissor Sisters song "She's My Man" and how so different it is if you use the expression: "I'm your man" to: "I'm your woman." I just find this excessive wokeism, but I will leave it there.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon the Minister to respond.

6.1.7 Deputy M.R. Le Hegarat:

I am glad I said it was simple. First of all. thank you to the chair of the Scrutiny Panel for their support. I do wholeheartedly agree with the principles that have been raised by Deputy Andrews, Deputy Morel and obviously Deputy Scott from the point of view of ages, and I will pass that back to policy officers, to whoever deals with this; it is probably going to be mine, no doubt. But I will feed that back and we will see what we can look at in relation to that matter. In relation to the terminology of "chair" I think it is very important to, as much as we can, make everything gender neutral. I know that is why some of the terminology in relation to Scrutiny Panels, and the word was maybe used as the "president" as opposed to "chair" and that may be something that we need to

consider in the future, but I do not feel it is probably necessarily one for this piece of legislation, but I thank people for their support.

The Bailiff:

Do you maintain the principles and ...

Deputy M.R. Le Hegarat:

Yes, Sir, I maintain the principles, thank you.

The Bailiff:

Those in favour of adopting the principles, kindly show. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and Members to vote. The vote is on the principle of the Draft Criminal Justice (Young Offenders) Law. If Members have had the opportunity of casting their vote I ask the Greffier to close the voting. The principles have been adopted:

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				

Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

I assume that the Scrutiny Panel is not wishing to call this in?

Deputy C.D. Curtis (Chair, Children, Education and Home Affairs):

Yes, we are not going to.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Minister?

6.2 Deputy M.R. Le Hegarat:

I would like to take the amendments to the Assembly *en bloc* please. This is a very short amendment, as I said, containing 3 Articles. If passed they will amend the schedule within the Criminal Justice (Young Offenders) (Jersey) Law 2014. Article 1 is an Article that simply states that the amendment amends the Criminal Justice (Young Offenders) (Jersey) Law 2014. Article 2 contains the actual amendments to the schedule, the effect of which if passed is to increase the age of retirement of members to the Youth Court Panel from 60 to 70 years, and to make the provisions of that schedule gender neutral. Article 3 states that if passed this law comes into force 7 days after it is registered by the Royal Court.

The Bailiff:

Is it seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? Those in favour of adopting in Second Reading ... the appel is called for. I invite Members to return to their seats. The vote is on the amendment law in Second Reading. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The law is adopted in Second Reading:

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				

Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

Deputy M.B. Andrews				
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Do you propose in Third Reading, Minister?

6.3 Deputy M.R. Le Hegarat:

Yes, please, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting in Third Reading kindly show. The appel is called for. I invite Members to return to the seats they have so recently run away from and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The law is adopted in Third Reading:

POUR: 41		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				

Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

7. Draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202- (P.44/2025)

The Bailiff:

The next item is the Draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law, lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 202-. A law to abolish the status of illegitimacy, and for related purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

7.1 Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):

I am pleased to propose the Draft Legitimacy Law which forms a key part of the work to bring the Children and Civil Status (Jersey) Law 2024 into force, as previously approved by this Assembly. This legislation advances the parental rights of same sex couples and the rights of parents through fertility treatment or surrogacy. However, the continued existence of legitimacy status is at odds with the spirit and purpose of that law. It is discriminatory, outdated and incompatible with modern families. This legislation is necessary to prevent the children of same sex parents being labelled as illegitimate. I am happy to support the Minister for Children and Families to bring this proposition before you so that the historic status of legitimacy will be abolished. It represents Jersey’s continued commitment to the U.N. (United Nations) Convention on the Rights of the Child for the Island’s children. As it stands, only children born to opposite sex married couples are considered legitimate under Jersey law. In 2024 53 per cent of children were born into families with married parents. Nearly half of all children were, by legal definition, labelled as illegitimate. This is not right, it is unjust and it is deeply hurtful. Many people are surprised that the concept of legitimacy still exists in Jersey. The status has little relevance for material rights anymore. Legal changes have gradually equalised the rights of those who are classed as illegitimate. In 2010 the States Assembly amended

the Wills and Successions Law to ensure equal inheritance rights, removing one of the last material distinctions. Today legitimacy is a historic and hollow term, and one that serves limited purpose. Extensive research has been conducted as part of a review of the concept to understand the areas of the law where legitimacy status still has an impact. This has enabled us to bring the abolition of legitimacy forward at pace. To prevent unintended consequences or retrospective claims a number of savings provisions have been added to this law. This means that the concept of legitimacy will still apply in a very limited number of circumstances. These include the succession of a person who died before the law comes into force. Changes will also not be retrospectively applicable to trusts established before the law's commencement. The abolition will not apply to hereditary titles or manor rights. This is due to the complexity of customary law and to prevent uncertainty. To remove legitimacy to these areas would require a lot of extra historical research and would have been extremely complex. Legitimacy legislation is now rarely used. Supporting legislation will be repealed from the statute book, including the 1963 and 1973 legitimacy laws, and the 1974 rules and regulations. This means that provisions are kept up to date and unused processes do not sit idly within legislation. Over 20 pieces of legislation will be amended to remove discriminatory terminology. This draft legitimacy law would come into force on the same day as the Children and Civil Status Law as part of the wider package of legislation. I have worked closely with the Minister for Children and Families to amend the commencement provisions so this package of legislation will now be brought into force via order rather than Appointed Day Act. This will allow the Minister to bring everything into force as soon as operationally possible in the autumn. Stakeholders have spoken about the urgent need for this legislation. On this occasion an Appointed Day Act may have caused a delay. I know the Minister is fully committed to commencing the legislation as quickly as possible to improve the fundamental rights of families. The removal of legitimacy is well overdue. Policymakers in the U.K. have been discussing the issue since the 1980s. Scotland abolished legitimacy in 2006. This is a symbolic and moral commitment to treating all children with equal dignity regardless of their parents' relationship or marital status. I urge Members to support this proposition. Symbolically this will be a big step forward for children's rights. I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

7.1.1 Connétable R. Vibert of St. Peter:

I would like to begin by thanking the Minister for Justice and Home Affairs for her support and for bringing forward the draft legitimacy law. Over the past few months we have worked closely together to ensure this legislation is ready to support the wider reforms of the Children and Civil Status Law, which significantly improve family rights. We are united in our belief that the state of legitimacy is outdated, discriminatory, and must be removed from our statute book. In April 2024 the Government committed to reviewing Jersey's position on legitimacy by 2026. Policy work and research was conducted during the second half of 2024. The conclusion was clear: there are no compelling legal or technical reasons to retain the concept of legitimacy. Over the last few decades the rights of those who are labelled as illegitimate have been equalised, particularly in the area of inheritance. Today legitimacy is largely symbolic, but that symbolism is hurtful to many. Currently around half the children born in Jersey are registered as illegitimate at birth, solely because their parents are not in a mixed sex marriage. It perpetuates a historic social stigma that has no place in modern, inclusive societies. As we have heard, Scotland abolished legitimacy in 2006 with little fanfare. As Minister for Children and Families, I find it concerning that we continue to label children based on their parents' marital status. Every child should be registered simply as the child of their parent or parents, nothing more, nothing less. All children are equal. All children are valued. Abolishing legitimacy is a powerful symbolic step in Jersey's commitment to the U.N. Convention on the Rights of the Child.

[16:00]

The Children and Civil Status Law has been a driver in bringing this work forward. From the outset it was recognised that the concept of legitimacy would need to be addressed. Without this reform the default position is that children of same sex parents would be registered as illegitimate. That is clearly unacceptable. The alternative, attempting to harmonise legitimacy with primary legislation, would have led to an uneasy debate about which children should or should not be labelled in this way. The only equitable solution is to abolish legitimacy entirely. I would also like to thank the Minister for Justice and Home Affairs for agreeing to a small but important amendment to the commencement provisions for the Children and Civil Status Law. This change will allow me, as Minister, to bring the full legislative package into force via order providing greater certainty around the implementation timeline. We have been working extremely hard towards an autumn commencement date, to which I am committed, and when we will be operationally ready to support families from day one. As I have said, I am fully committed to delivering this package of reforms as soon as possible. We know that parents have been waiting a long time to be properly recognised on their children's birth certificate. This is a fundamental right. To conclude, I would like to thank the staff for working on the legitimacy legislation and for bringing it forward so quickly. I fully support and champion this work because it benefits all children and families in Jersey. Legitimacy is an outdated and unjust concept. Its abolition is long overdue.

7.1.2 Deputy A. Howell of St. John, St. Lawrence and Trinity:

I just rise to say thank you very much indeed to the Minister for Justice and Home Affairs. This will make a real difference in our Island to many, many children and it is great that no one will be illegitimate going forward.

7.1.3 Connétable R.D. Johnson of St. Mary:

Very briefly, in the absence of Deputy Bailhache who is the chair of L.A.P. (Legislation Advisory Panel), I am reminded by my colleague Deputy Ward that the officers did very kindly brief the L.A.P. on the proposals involved here. We are very pleased to receive that briefing and, as a panel, are very happy to endorse the proposal. On a not unrelated matter, as I think I mentioned at that briefing, the status of one's parents, married or otherwise, can be relevant to other things. I am thinking particularly in relation to domicile where, certainly under the general law, the position was that a child born to parents who were married took the domicile of his or her father and, if unmarried, took the domicile of his or her mother. It does occur to me that certain legislation may not have caught up with this form of legislation we are now proving. That is something which perhaps ought to be reviewed and I will pursue that elsewhere.

7.1.4 Deputy L.M.C. Doublet of St. Saviour:

The first thing that I want to say about this legislation is just to reflect on the term, and the Minister touched on this in her speech about that term, "illegitimate" and how completely abhorrent it is. The Minister mentioned that people are surprised when they hear that it is still in our legislation and I remember my own feeling of surprise. It was probably about 7 years ago when I learnt that this term was still in our legislation and raised it with the Minister at the time who was supportive of changing it. We were told that it would be too difficult to do, and certainly too difficult to do quickly and would delay other work, so it was put on the backburner. But it seems it was achievable and I think the officers who have managed to do the work in the background on this should be commended because it seems they have managed to achieve it in shorter order than perhaps I was led to believe in the past. Indeed, reflecting upon how abhorrent that term is to a child, it is completely contrary to the U.N.C.R.C. and it is one area where our legislation has not kept up with our culture. There are other similar areas which especially pertain to unmarried couples because there is also a perception that common law marriage exists and that people have rights there, and I think we do need to look at perhaps some of the cultural perceptions that people have around legislation and find areas where

some changes might need to be made. It was interesting to hear the previous speaker talk about the Legislation Advisory Panel and I think that might be something that they could look at. Having been a member of that panel in the past, I know what good work they do. Language is really important, and while this might not have material effects, it is more of a cultural effect. Moving on to the order-making power which is being introduced, if we approve it within this legislation to bring into force the Children and Civil Status Law, it of course grants same-sex parental rights on an equal basis to all other parents. The Minister and I have had some discussion about this and, indeed, a meeting with some of the families and stakeholders involved, and whereas the families did not want the legitimacy law to delay, the fact is it is here with us today, I am going to vote for this. I am going to celebrate it because, separating the 2 issues, this is a really important change that needs to be made. But I would like to urge the Minister for Children and Families to make sure that, if we approve this order-making power, he does use it at the soonest possible opportunity. I do not know if Members have noted that an order-making power is included within this legislation. Certainly my colleague, Deputy Bailhache, has raised objections in the past to order-making powers being inserted in legislation. I know other Members have a concern about this and I have had concerns about that myself. I am going to support it today because I feel it is the best chance that we have for getting the same-sex parental rights into force as soon as possible, and I am putting my faith in the Minister here to do that as soon as possible. So I will be supporting that and I urge the Ministers involved to keep the families and the L.G.B.T.Q.+ (lesbian, gay, bisexual, transgender, queer, and others) community updated as to when that order-making power would be used.

7.1.5 Deputy C.D. Curtis of St. Helier Central:

As a member of the Legislation Advisory Panel and the chair of the Children, Education and Home Affairs Scrutiny Panel, I can say that on the C.E.H.A. Scrutiny Panel, we have looked at domicile too and received briefings, but I speak as the Scrutiny chair of the C.E.H.A. Panel. In our review of the Children and Civil Status Law last year, one of our recommendations was for the Government to review the relevance of retaining laws relating to legitimacy while considering the compatibility with the U.N.C.R.C. and E.C.H.R. (European Convention on Human Rights) regulations, and I thank the Minister and her team for bringing this legislation to abolish the status of illegitimacy. No child should be described as illegitimate. The Oxford Dictionary describes the word “illegitimate” as meaning “born to parents who are not married to each other” but also as “synonymous with unauthorised” and can be used to infer something as “invalid”. That is no way to characterise any child. There will be plenty of people among our older generations who will remember this term being used as an insult and used to discriminate against innocent children so, at last, we can put this matter right. No longer will any children be called “illegitimate”. So this is some legislation to celebrate and the panel is fully supportive, and I congratulate the Minister on bringing this forward.

7.1.6 Deputy M. Tadier of St. Brelade:

I am mindful that, while this is a very serious subject, we must also remind ourselves that there was a very famous illegitimate gentleman - and I do not know if he was a gentleman really - from about 1,000 years ago from the region who was William the Conqueror and he was the second Duke of Normandy. Of course, he was illegitimate himself and is somebody who did not let his illegitimacy hold him back. Much to the contrary. It really spurred him on to his success and his fame. Of course he is one of ours. He was the Duke of Normandy when we were still very much part of Normandy before Normandy conquered England and before he became the king. There is a more serious point here which is that he was known by his contemporaries as William the Bastard because the 2 went hand in hand. I think there is a key link there which is that it is not just the fact that there was a legal differentiation in the status of that, but there is also very much this term which was used back in that time and is still used today, which has taken on a semantic change where it is just used basically as an insult, as we know. Indeed, you do not need to be illegitimate nowadays to be labelled with that label necessarily. The other point I wanted to make is that although this is a really great step that the

Assembly is taking forward, that language does matter. Looking at it from the outside, I think the Assembly can and maybe will be accused of sending out some very strange and mixed messages to young people in the Island in the sense that we are happy to deal with labels and perhaps the aesthetics of it. But only earlier today, we have sent a clear message to children in the Island, irrespective of the status of their parents - married, unmarried same-sex marriages or not - that while they will not have the security of tenure and that they may have to live in homes which are unaffordable and in which the rents may go up excessively, on the one hand at least, we are taking the label of “legitimacy” and illegitimacy away. On balance, it is giving with one hand and taking with the other, so I will let Members reflect on that.

The Deputy Greffier of the States (in the Chair):

Thank you. Does any other Member wish to speak? If no other Member wishes to speak, I call upon the Minister to reply.

7.1.7 Deputy M.R. Le Hegarat:

I thank those Members who have spoken and I will reassure any of those who have concerns about maybe things not coming as quick as they would like, trust me. I will be very close on the tails of anybody who is bringing this law forward this year to make sure that it does happen. I would like to take the opportunity to thank the Minister for Children and Families and also all of the officers that, as already has been stated, have worked on this fairly quickly in order to get these terms removed from the law, which is totally appropriate, and I thank Members for their contribution. I would like to call for the appel.

The Deputy Greffier of the States (in the Chair):

Thank you very much. The appel has been called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting and I can announce that the principles have been adopted:

POUR: 45		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				

Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Deputy Catherine Curtis, does your panel wish to have this legislation referred to it?

Deputy C.D. Curtis (Chair, Children, Education and Home Affairs):

No, Sir.

The Deputy Greffier of the States (in the Chair):

Thank you very much. How do you wish to propose the Articles, Minister?

7.2 Deputy M.R. Le Hegarat:

I would be happy to take the Articles *en bloc*, please.

The Deputy Greffier of the States (in the Chair):

You do not wish to speak to them?

Deputy M.R. Le Hegarat:

No, Sir.

The Deputy Greffier of the States (in the Chair):

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles? Those Members in favour, kindly show. The appel has been called for. I invite Members, if there are any out there, to return to their seats and I ask the Greffier to open the voting. So I think we may have something wrong with the system so if we could stop that vote so we will just take a moment for the voting system to be reset.

[16:15]

I ask the Greffier to open the voting and for Members to cast their votes, please. If all Members have cast their votes, I ask the Greffier to close the voting. I can announce that the Articles have been adopted: 44 votes pour, no votes contre, no abstentions¹. Do you wish to propose the matter in Third Reading, Minister?

7.3 Deputy M.R. Le Hegarat:

Yes, please, Sir.

The Deputy Greffier of the States (in the Chair):

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? The appel has been called for. I think all Members are already here and I ask the Greffier to open the voting, please. If all Members have cast their vote, I ask the Greffier, please, to close the voting. I can announce that the law has been adopted in Third Reading: 43 votes pour, no votes contre, no abstentions.¹

8. Jersey Police Complaints Authority: appointment of Members (P.47/2025)

The Deputy Greffier of the States (in the Chair):

The next item is Jersey Police Complaints Authority: appointment of Members (P.47/2025) lodged by the Minister for Justice and Home Affairs and the main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier, please, to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of the opinion in accordance with Article 2 and of schedule 2 of the Police (Complaints and Discipline) (Jersey) Law 1999 to appoint the following individuals of the Jersey Police Complaints Authority each for a period of 3 years commencing immediately: Mrs. Andrea Robottom, Mr. Ian Johnson, Ms. Val Cartwright and Mr. Tim Rogers.

8.1 Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):

I am very pleased to recommend to the Assembly the appointments of Mrs. Andrew Robottom, Mr. Ian Johnson, Ms. Val Cartwright and Mr. Tim Rogers as members of the Jersey Police Complaints Authority for a period of 3 years. As Members will be aware, the Jersey Police Complaints Authority supervises the investigation of complaints against the States of Jersey Police. In 2024, the authority supervised the investigation of 22 complaints. The authority is constituted under the Police (Complaints and Discipline) (Jersey) Law 1999 and, in accordance with the law, must consist of a

¹ Due to technical reasons the breakdown of votes for individual States Members was not able to be captured in this instance.

chair as well as at least 6 and no greater than 8 members. The Draft Police (Complaints and Conduct) (Jersey) Law was adopted by the States Assembly on 30th March 2022. This law will be brought into force subject to Assembly approval of new regulations which will be lodged later this year. The new law will provide for a minimum of 3 members and a maximum of 12 members. There are currently 6 members of the authority, including the chair, with one member's term ending at the end of this year. Further appointments to the authority are therefore required in order for the authority to perform its statutory functions under the new law and regulations. The chair and all the members are volunteers who give up their time to serve on the authority for no remuneration. Details in relation to the professional background of all nominees is included in the report and Members will see that the nominees bring skills and experience from a range of professional backgrounds, which will no doubt further strengthen the authority. I would like to take the opportunity to express my thanks to these nominees for offering their time and expertise in the service of their community. I am pleased to recommend the appointments to the Assembly. I make the proposition.

The Deputy Greffier of the States (in the Chair):

Thank you. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? No Member wishes to speak. Do you wish the appel, Minister?

Deputy M.R. Le Hegarat:

Yes, please, Sir.

The Deputy Greffier of the States (in the Chair):

Sorry, there is a Member who wishes to speak.

8.1.1 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

I just rise to briefly state that I have absolutely no qualms with people who are proposed and, indeed, I thank them for their service. I would like the Minister to address how she proposes to move forward in terms of improving the structure of the Police Complaints Authority to ensure a greater level of public contentment with its operation and the support that it receives - if I may just provide an example - in terms of a greater level of independence to the work of the Police Complaints Authority and the support that is provided to the volunteers who sit on the board.

The Deputy Greffier of the States (in the Chair):

Does any other Member wish to speak? Then I call on the Minister to reply.

8.1.2 Deputy M.R. Le Hegarat:

I thank the Deputy for her points made. As I have said, the new legislation is almost with us and I say "almost" because it has been bouncing around for a significant period of time. The new legislation will be lodged this autumn, hopefully, and I know that there will be changes in relation to that law that may bring further comfort to what the Deputy has required and making changes in relation to it being a commission. I do understand that there are persons who feel that the authority may not be as independent as they would like because, obviously, it is the police force that do the investigations. However, the members of the Police Complaints Authority are not trained investigators and that can be a difficulty because it is very difficult to find people with those types of skills in order that you would be able to have a totally independent body. So I would hope that, when the law comes in, the Deputy will feel more comfort in relation to when it is moved to being a commission.

The Deputy Greffier of the States (in the Chair):

Sorry, Minister, did you say you did want the appel before when I asked you?

Deputy M.R. Le Hegarat:

Yes, please, Sir.

The Deputy Greffier of the States (in the Chair):

The appel has been called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If all Members have had a chance to vote, I ask the Greffier to close the voting and I can announce that the proposition has been adopted: 42 votes, no vote contre and no abstentions.²

9. Meanwhile use of the former Gas Place site (P.48/2025)

The Deputy Greffier of the States (in the Chair):

The next item is Meanwhile use of the former Gas Place site, P.48, lodged by Deputy Warr for which the main respondent is the Minister for Treasury and Resources. There is an amendment that has been lodged by Deputy Alex Curtis. Deputy Warr, are you minded to accept the amendment?

Deputy D.J. Warr of St. Helier South:

I would like to have a debate on the amendment, Sir.

The Deputy Greffier of the States (in the Chair):

Very well. We shall proceed in that way and I will therefore ask the Greffier to read the proposition as it stands.

Deputy S.G. Luce of Grouville and St. Martin:

Sir, before we start, I would just like to say that I will be withdrawing from this debate. If the proposition was about the general principle of meanwhile use, I would love to be involved, but because it is about a specific site, I think it is appropriate that I withdraw.

The Deputy Greffier of the States (in the Chair):

Thank you.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion – that upon its vacation by the current users, and until such time as long-term development commences, “meanwhile” use shall be made of the former Gas Place site (including the former Gas Place showroom site), with the development of that use to be informed by engagement with relevant local stakeholders, and to request the Minister for Treasury and Resources (in her capacity as shareholder representative) to request Andium Homes to work with such stakeholders to develop and implement ‘meanwhile’ use of the site that will be beneficial to the community.

9.1 Deputy D.J. Warr:

I would like to start by saying, following all the challenges of this morning’s debate, I would like to think this is an opportunity for the Assembly to come together as one. I brought this proposition to the Assembly because I am, and I think we all are, very disturbed at how many public-owned sites remain empty and unused for years without any temporary productive use being made of them. The community continually questions how this happens. How many more times do the words “La Folie” have to be mentioned before we demonstrate that we are capable of doing something different? Surely we, as a States Assembly, can work together on this and deliver their wishes in a unified way. Today, we have an opportunity to put out a unifying message. To reiterate the Chief Minister’s comments to say this supports people, families and children, the message says we can work together for the community, that we are about all parts of our community, young and old, and can provide

² Due to technical reasons the breakdown of votes for individual States Members was not able to be captured in this instance.

something accessible and low cost for those at the sharp end of the cost of living crisis. I share the following with Assembly Members. It is a written question I posed back in April 2024 to the Minister for Infrastructure: “Following the demolition of a number of premises in Kensington Place and a subsequent boarding up of the site, will the Minister consider converting this site into a temporary car park to increase footfall and to assist businesses in this part of St. Helier and, if not, why not?” To which the answer was: “This site is identified for use as part of the new healthcare facilities programme and there are no current plans to convert this site into a temporary car park facility. Any temporary use of the site outside of the immediate control of Health and Community Services and the programme team represents a potential risk of delay to programme delivery.” Delay to programme delivery. Here we are nearly 2 years on and that site remains empty when, instead, it could be helping draw people into the area giving those local businesses much needed additional trade. This is a divided Assembly unable to deliver even something as basic as a car park that could right now be benefiting the community. This is what happens when we turn our back on meanwhile use. Why are we so fearful of meanwhile use when it can be so beneficial to our community? In my report, I focus on one particular need specific to part of our community. It is a problem we need to be attempting to sort out now. My proposition does not say I want the gas site to be a community hub for young people. My proposition says: “... to develop and implement meanwhile use of the site that will be beneficial to the community.” I remind the Assembly we have a responsibility to our community to do things now. Not promise but do. I will quote business trouble-shooter Kevin Keen who, in response to my post on LinkedIn about La Folie said: “One thing successive Governments seem to lack is an awareness of the time value of money, always seeking the perfect solution but, predictably, never finding it. All the time valuable assets sit there and rot and any benefits that might come from the asset wait until we cannot afford to do anything anyway.” The Government response to my proposition completely jumps the gun, yet again driving division and a wedge into this Assembly rather than thinking how we can work together to ensure that we really do sweat the assets at our disposal. Instead, the report goes into the minutiae of why it would not be possible to put in what I am suggesting. That is why Deputy Curtis’s amendment is so helpful. It reflects that there should be no limit as to what a meanwhile use could be and only that it is of benefit to the community. The message is keep the site productive. The culture shift required is to always ask the question: what will the meanwhile use be? That has to become our *modus operandi*. That is what we are all duty bound to work towards; solutions for our community whether they be short or long-term.

[16:30]

I am sure there will be many in the Assembly in their speeches today talk about why my suggested use is not feasible. Again, I remind Members this is just one idea. My proposition specifically says: “That upon its vacation by the current users, and until such time as long-term development commences, ‘meanwhile’ use shall be made of the former Gas Place site.” Do something but please do not leave such a valuable site vacant just because it is easier to do so or you have a difference of political opinion. I am reminded of Deputy Mézec’s speech this morning - in fact I think he spoke yesterday - when he spoke about positive politics and not resorting to bogus arguments. This is about doing the right thing, not political point scoring. To our eternal shame, this is exactly what has happened at La Folie. No meanwhile use, because there were lots of grand schemes in the pipeline, yet here we are today, 20 years after its closure, and all we have created is an eyesore and zero community benefit. A legacy of division in this Assembly and our community. We need to heal that. Please do not let us be sidetracked by lots of superfluous arguments. This is simply a debate about whether we mothball the Gas Place site or we put it to some use, as yet to be specified, that benefits the community of this Island. It is a tiny request. I ask the Assembly to reflect upon how many sites currently lie vacant, unused and unloved. St. Saviour’s Hospital, Philip Le Feuvre House, Huguenot House, Aviemore, Le Bas Centre, St. Helier House, Heathfield children’s home site, the Esplanade car park, the Revere site, and in the private sector, Les Sablons and the Apollo site. Do we want to add the Gas Place site to this long list? That is what I am asking today. We need to draw

a line in the sand and for once do something positive. Positive politics. This Assembly has the opportunity to send out a really positive message to our community. Let us grasp it with both hands. There is a famous broken windows commentary that is often used. You can tell a community is thriving or in decline by the number of broken windows in the area. When people see broken windows that are not being repaired, they see a community in decline. Society breaking down. So more windows are broken because it is apparent that nobody cares. These sites are our broken windows. Is that the message we want to send out from this Assembly that we tolerate further decline? Promises will be made by Members in this Assembly today as to the long-term future of the Gas Place site that may or may not come to fruition. The one thing that is for sure is that, by voting for this proposition, something will happen to the Gas Place site now. Something that will demonstrate that we can work together as an Assembly for the good of Islanders now. I want us to put out a message of hope to our community. I quote Constable Jehan's speech that we are demonstrating to young Islanders that we are taking their issues seriously. That we are determined to stem the decline and to do something positive now. Let us put people before politics. I move the proposition.

The Deputy Greffier of the States (in the Chair):

Is the proposition seconded. [Seconded]

9.2 Meanwhile use of the former Gas Place site (P.48/2025): amendment (P.48/2025 Amd.)

The Deputy Greffier of the States (in the Chair):

There is the amendment lodged by Deputy Alex Curtis, and I ask the Greffier please to read the amendment.

The Assistant Greffier of the States:

Page 2 – Redesignate the existing wording as paragraph (a). Page 2 – After the words “local shareholders” insert the words “with any development to consider community or short-term economic uses (including temporary tenancies) provided such use does not impede any long-term plans for future development;” and after the words “beneficial to the community” insert the words “or be economically constructive in the interim”. Page 2 – After paragraph (a) insert a new paragraph (b) – “(b) that in the event the site is acquired by the public of the Island, or by any publicly owned or States-owned entity, the expectations in paragraphs (a) and (b) shall continue to apply under such ownership until development for long-term use commences.”.

9.2.1 Deputy A.F. Curtis of St. Clement:

I am glad to have the opportunity to present this amendment to Deputy Warr's proposition. I have lodged this as, quite frankly, having had a chance to read Deputy Warr's proposition, while I support some of the principle, I concluded I would not have been able to support it unamended. Of course one option available to me and other Members would have been to vote against it. However, I see, and I hope all Members see, enough merit in the principles behind it that we can support it as amended by this amendment. I am sure we can all agree that the Government, nor its States-owned entities, on the whole have a great track record when it comes to making the best use of our public estate all the time and between key uses. Likewise, I hope Members agree that making the most of our estate has multiple benefits. These are not just financial, although sites could be generating a rental return in the short term, but social, as spaces could welcome the public, feature installations or community uses, as is what Deputy Warr's proposition highlights. But crucially ensures that when we have a use of an asset we retain focus on it. It helps slow its deterioration and it helps build a valuable corporate muscle in the wider management of our public estate. We do not take our finger off the pulse. In reading the proposition, a couple of things popped out that I must address in particular why it needs amending. Firstly, we have in some ways 2 things in front of us. Deputy Warr's proposition worded and, secondly, the contents of his report, and I must admit the report and Deputy Warr's

strong and public narrative on his preferred vision for the site. The truth is we would still have been voting on the proposition, not the report. The proposition is already fairly permissive to Andium and the Minister. It solely states that a community use shall be provided in the meanwhile upon vacation of the current occupier, who is, as we will touch on, an existing meanwhile use. It does not propose who should pay for something on the site, what it is, or that it is targeted to children. It purely says community. So, for example, one could read that a valid meanwhile use under the unamended proposition would be opening it for weekly, fortnightly or even monthly shopping markets. That would be a community use for the site in the meanwhile. Deputy Warr has published a vision of what he would like. Drawings show play spaces, skate parks, pump tracks and other things. To be clear, this is not what I want. I think it is fantastic and exciting members of the public want to engage in the visions we have for our sites, but I do not think that is what we should be deciding on as an Assembly. Most importantly, we are here to decide on principles. But to come back, Members would be voting on the proposition wording, not one Member's aspirations, and I think Deputy Warr made that very clear in his opening speech. That is why I decided to amend this, to provide the clarity and the flexibility and pragmatism I believe the Government and Andium would require while agreeing to a principle. So I was a little confused by the Council of Ministers' comments paper on the main proposition in relation to this amendment, and I genuinely hope that this is a chance in the Assembly to air what the amendment does and that perhaps by voting on it, importantly separately, it provides the clarity and confidence Ministers need to be assured that what we would be agreeing is workable and does not derail any plans. So let me briefly address what this amendment does to the original proposition. Firstly, it removes, in essence, the forced meanwhile use of the proposition as a community use. It expands the definition to include short-term tenancies or anything that is considered economically constructive. I believe this covers any conceivable meanwhile use. This could be car parking, this could be construction site storage as is the current meanwhile use, but maybe for a different site. We know that there are plans to develop maybe the facility on the Ann Street Brewery. We know there are many developments around the site. If there are other contractors and the current operator vacated, we would just be saying: "This is a great site, use it". So, to be clear, I think it is acknowledged by the Council of Ministers that the site is already in that meanwhile use and it is working well as a meanwhile use. So there are many meanwhile uses that would not hold anything up, and we know there are uses that would require no planning permission, that would require no building control and no investment by Government or Andium. Secondly, I have added the Council of Ministers a legitimate get-out clause. The amendment proposes the wording, quite deliberately: "Provided such use does not impede any long-term plans for future development." If that was inserted by the Council of Ministers themselves, one may think it borders on a wrecking amendment, that it provides such a get-out clause. I do not think so. I think this allows an appropriate steer from the Assembly while reflecting the realities that, if it is not feasible between vacation of the site and a new occupier to use the site in the meanwhile, then we have allowed for that. We are not binding hands. So, to take a scenario in that case, if, for example, between the vacation of the current site operator and development starting was only 6 weeks, I think the Assembly would be very happy that no meanwhile use could be found because such a productive use of the site was in existence. Lastly, the amendment seeks to recognise the practical reality of this site in the fact that its ownership will likely have to change to be owned by Government to progress its school plans. Therefore, this cleans up what could have been a technical mismatch that we would be directing Andium to work on something when they would not be the owner. I have amended this as, like so many of the public, we care and get frustrated that we leave sites vacant for too long and we must start to be diligent and committed to ensuring our sites are used even in the meanwhile. I do not believe it is the Assembly's role to dive into the details of what would go on this site, nor constrain the site owner. I also understand the potential concern for the Council of Ministers about the original public perception that could have come from supporting the unamended proposition. We would not want the public to see, perhaps, and confuse what has been published as a vision by a private Member and the reality which would go on the site. That is why, as the chance that Deputy Warr agrees, it is valuable to

debate separately. Members can clearly articulate that they agree with the principles and it would ensure the Assembly controls the narrative here to avoid any public disconnect in understanding. Lastly, it has been suggested to me that it would have been better to have removed Gas Place from the site entirely and debate the principle of meanwhile use. While I do believe we would benefit from a debate on that, the proposition title is Meanwhile use of the Gas Place site. We are unable to fundamentally amend the proposition from a site-specific thing. However, given we know the site is capable of meanwhile use, given we know that there is a chance it will be vacated soon, it does seem like a perfect place to start. So we can revisit the wider public estate later but let us start here, and I make the amendment.

The Deputy Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] Connétable of St. Helier, you had indicated you want to speak, is that in relation to the amendment?

9.2.2 Connétable A.S. Crowcroft of St. Helier:

I am speaking early in the debate because unfortunately I am going to be away on States business tomorrow and Friday and I suspect the debate will run into tomorrow, so I will not be able to vote anyway, which will please some people but not others. I am surprised in a way that the mover of the proposition has said he is going to accept the amendment because it does seem to me to hollow out the meaning of what he has proposed. Deputy Warr wants to see, as soon as possible, young people in our town given extra space to play. At first sight, you would think what a good idea. What the amendment seeks to do is to remove the specificity of Deputy Warr's proposition and that seems to me to render it rather meaningless. The only part of the amendment I agree with is the last part where it indicates that if the ownership of the site should change from Andium to the Government, then the provision of meanwhile use should not be affected. I agree with that but I think it is a pity that he has sought to try to make Deputy Warr's proposition acceptable by, as I say, hollowing out its direct relevance to young people in a specific part of our town.

[16:45]

Without straying too much on to the main proposition, I just want to explain what that is. We heard this morning and yesterday several speakers in relation to the Residential Tenancy Law talking about putting children first. If that is not just to be a slogan, then how is it not putting children first to allow them, as soon as possible, to occupy the sites that are becoming empty in our town. This is of course happening. When I visited the site in question with the Mayor of Trenton, the Liberation Day before last, he was amazed at what the Jersey Gas showroom would offer young people, once it was emptied of insulation boards and the other paraphernalia that is being used to create a northern quarter. He said what a fantastic idea, as did, I have to say, the young people who had come with us on that particular site visit. Now to remove that opportunity, to remove that instruction to the Ministers, seems to me to be wrong. Because we could accept the amendment, we could accept Deputy Warr's proposition as amended and then nothing might happen. It might be turned into a car park, for example. Quite a lot of the site is already being used as a car park and when you consider how little space teenagers have to run around and skateboard and do other stuff that they like to do on small dangerous looking bicycles, then it seems to me absolutely wrong that we would not be seizing this opportunity with both hands. I also wanted to mention because it was the ... La Folie, of course, is a spectre that hangs over this debate, but it was linked with St. Helier House, and I just wanted to suggest that St. Helier House is not, in a way, fair to the Parish which operates St. Helier House, which owns St. Helier House, to speak of it in the same breath as La Folie. Because since the Grenfell Tower tragedy in 2017, when St. Helier House was discovered to have the same cladding as Grenfell, that it had to be emptied and the Parish has been trying very hard indeed - and I know that many of the St. Helier Deputies have been involved in this exercise - to try and find an acceptable use. It has of course a meanwhile use, the emergency services run around in it and simulate all kinds of disasters.

It is a useful space for that kind of emergency response work to happen but, as I say, I do not want to stray on to that. I merely want to say that, particularly if I am not here for the main part of the debate as Constable of the Parish, I think I should be allowed say that I really do think we should allow young people access to the Jersey Gas site when it becomes vacant. I will allow other people to demolish the comments by the Council of Ministers. As an Assistant Minister, it would not be appropriate for me to do that, although I did dissent from them when they were agreed at the Council of Ministers.

Deputy R.J. Ward of St. Helier Central:

This is on the amendment alone, is it not?

The Deputy Greffier of the States (in the Chair):

That is right, yes, we are debating the amendment.

9.2.3 Deputy R.J. Ward:

The question I have on the amendment is anything that is there that we cannot do already with current law in terms of land that is owned. But I must touch on the ... I am going to be incredibly positive when I say this, even though deep down inside I feel a huge frustration and negativity, but I am not going to let that escape in the words that I use because I think it is destructive. Years ago, I do not know when it was now, 5 years ago, we had an agreement to build a school in Gas Place. A much needed school that would have benefited hundreds, if not thousands, of young children now with a purpose-built brand new school. It should have been built, should have been open this year and it was delayed and delayed and delayed. Regeneration Steering Groups have delayed and delayed and delayed, and I have to point out that the Constable of St. Helier has lodged an amendment, a proposition, to delay again at the same time while making a speech that talks about whether children in St. Helier should have access to facilities. I am afraid that I find difficult to stomach because that school is far more important than any other building, in my view, in the centre of St. Helier, not only because it replaces 2 schools and, again, if any Member of this Assembly wants to see, please come with me to Springfield and St Luke's and see the miracles they are working in those schools to provide the best possible education they can in inadequate facilities, and then tell me that you do not want the school in central St Helier. In addition to that, and it is relevant because I have to make the point about use and what we are doing here, is La Passerelle Primary School, which should have been built by now. A purpose-built facility for some of the most needy children on our Island who are currently being taught in portacabins. Again, the staff are working miracles in those portacabins to try and provide the type of education that those young people need. What we have had is delay after delay after delay but now, and I have to say that, previous Ministers for Housing who over 2 years had the opportunity to talk to Andium about that land and to bring it and get it working for the school. That did not happen. That did not happen. But now with the amendments we have got this idea that we can develop anything on that land. It is a lovely idea. It is a lovely idea. We can just develop anything on that land at any time, free it up. It is very difficult to talk about the amendment alone talking about Gas Place itself, because Gas Place is named and so to separate the 2 I think this is a very ... I have to say, and I have got a lot of respect for the Deputy who brought the amendment. I think he prepares well, he speaks well, and he is a very cognisant Member of the Assembly who does his homework. I do not mean it "homework" homework. I mean does his preparation. Sorry, slipped out. He does the work. But it does say: "with any development to consider community or short-term economic uses." Yes, that is great but it can be absolutely anything. So we are amending this to say the Gas Place plans could be absolutely any plans and we can accept them. But we do not have to have any sort of information of how this is going to happen. We do not have to have any of the detail of what that will mean, the implications for these plans. For example on the community, on businesses, the cost, who is going to run them, who is going to service them, who is going to upkeep them, where the money is going to come from. I mean I will not harp back to earlier today because

it is quite difficult, but we have sent something back to Scrutiny because there was not enough detail but we are just about to speak about an amendment which has absolutely zero detail to it. We are talking about theory here, and it is fine if you want to accept a theory but it is linked to the Gas Place site. Now the bringer of the original proposition, I do not think he is accepting the amendment; I am not sure. I just was not sure whether that is a yes, he is not accepting. He is asking for a vote, okay. But it is not clear to me as to what this amendment will do for the original site. I am trying to desperately form the right questions here. It says about being economically constructive. We have no information on the economics of how any site will run or any use will run, so how we can say it is economically constructive, I do not know. This is what we are debating. We are debating the words of the proposition. I am unsure as to what it is that we are going to be doing with this proposition. I may not agree with the decision that was made earlier, but there were people obviously in this Assembly who want much more detail on things before they agree to them. But we are about to agree a theory. It is not an ideology because there is nothing behind it, but there is a theory: "That in the event the site is acquired by the public of the Island, or by any publicly owned or States-owned entity, the expectations in paragraph (a) shall continue to apply under such ownership until development for long-term use commences." The land for Gas Place, I think we are very close, closer than ever of actually obtaining and being able to do actual work on it. Any obstacle that gets in the way of that will delay that school again. Any obstacle that gets in the way. If we are going to have meanwhile use, and I will talk about that in the main debate because I think we have to discuss that fashion that is being purported to here. We have to discuss it very carefully as to what it actually means. If we do not think carefully about what that means, and I do have to go to the main proposition for that, then we agree something that is, at worst, meaningless and, at best, it is something that is simply non-deliverable but sounds nice. That is not what we want to do in this Assembly. This is one of the amendments that I think to myself we could accept because we could already do it, so it does not make any difference, but I think there is a risk that it gives credibility to a project that does not have the credibility that it purports to. Therefore I am struggling to support the amendment even though, as I say, I have a great deal of respect for the Deputy who brought the amendment to the proposition, and his explanation was clear. I think if this was not attached to the Gas Place site, I probably could say yes, there is a good theory here in terms of ... although I think we can already do it, I believe, with Planning Law. So I do not know why we are having to do that, but this is directly attached to that site, and I do not think this is the right thing to do. I do not think the supposed meanwhile use is the right thing to do on that site. We need to focus on the project that is already there, that should already be delivered, and I will talk about that in the main proposition. But at the moment I am struggling to accept the amendment as well as the main proposition, but I will come back to that at that time.

9.2.4 Deputy M.R. Scott of St. Brelade:

I believe that the bringer of the proposition and Deputy Curtis have actually made good points about why meanwhile use might be supported and the economic reasons and all these things. As has been pointed out in the comments of the Council of Ministers, the site currently is a meanwhile use and they identified just a few months where maybe there could be that capacity. I think, to be honest, my main problem, because I actually think all this is positive intention, the idea of just sweating our assets, brilliant the idea of pop-up things, brilliant, love it. What has caused me difficulty with this proposition, and it is unfortunate because often it just comes down to a slight matter of wording and then you think: "Hmm, maybe I should have brought an amendment to or offered one", but it is the actual wording that Government "shall" use it for this purpose. That is where you actually say, well, okay, you are creating an obligation here and it is an obligation to do exactly what. What would be this meanwhile use? Generally I might picture, because I think meanwhile use can be used in lots of ways, and indeed with the Fair Play strategy more should be recognised, and I know that this is the view of people. I think I have the right organisation, like the Jersey Child Care Trust, who envisage that maybe in holiday time, schools might be used more for people who want to play and these things.

All that is well and good, but then there are those practical issues about health and safety, insurance, these things that need to be taken into account when you have a specific project. In this particular context, there is no specific project. In a sense, what one wants is communities come up with these ideas and Government to embrace them. It is simply that. I do not see an obstacle to that. But if there is one, it may be at what I might call the high logical level. Is there a problem in planning? Is Government doing something where it is just not even engaging with ideas of the community, full stop, or even the Parish? I do not know. This is where I have a difficulty, because I cannot really support something that is committing to something that is not clear. It could be that the problem may be somewhere else. I welcome a bit more for this expansion on this by both Deputy Warr and Deputy Curtis, as I consider this proposition.

9.2.5 Deputy P.F.C. Ozouf of St. Saviour:

I support the proposition of Deputy Warr, but the Constable of St. Helier, I think, made a very interesting and certainly worthwhile comment that while Deputy Curtis, and I agree absolutely with meanwhile use and all the rest of it, and I agree with all the comments about the States' lamentable record of use of properties, and they are there as legends.

[17:00]

The States is not very good, as Members know, in making fast decisions on infrastructure projects. That has been partly because of funding, partly because of disagreements, and the rest of it. We will come to the Minister for Infrastructure's comments, which I have done a review of, if not a dissection of, and I want to be able to think that I am reading something, but I cannot understand, by reconciling the words of the Minister's comments, which do pertain to this underlying issue that we are discussing, because I cannot find the budget allocations for the school. If you do not get a budget allocation, then a head of expenditure, and I was delighted to hear Deputy Gorst yesterday and questions yesterday to the procurement review that you will not get any certainty for any site unless you have multi-year budgeting. One of the things that I most regret in the previous Assembly was doing away with the multi-year budgeting. Effectively, all you have got is a year-to-year certainty for budgets, including capital, and anything written in any subsequent year, unless you rule otherwise, is basically a pencil that can be rubbed out. There is no certainty of any capital project. What I absolutely understand, and having spent quite a lot of time in the St. Saviour, St. Luke's area and seeing the ... I agree with the Minister for Education and Lifelong Learning about the problems that he has with schools. Where that does not automatically lie ... and having been a Deputy for St. Saviour and St. Helier No. 3, that is of course a longstanding issue of having not enough outside use in that school. I am looking across at my esteemed successor in some periods in between, the Minister for Treasury and Resources, who is obviously having to do the inevitably incredibly difficult task of putting together all Ministerial demands for capital and not being able to please everybody. I cannot see anything in the budget, and I would be most grateful if any Minister could say where is the budget for the primary school, which is the thing that is going to allow or otherwise the meanwhile use. Where is it? Where is it? When is it going to happen? When is it pencilled in? I know that the Ministers will not want to release any of the Budget matters. That is, of course, a matter for the Minister for Treasury and Resources when she lodges her Budget, but where is it and when is the school on Gas Place going to happen? If so, where is the money? If it is not in the next 3 or 4 years, the meanwhile use is really important because we do not want another situation where we have a rotting and, dare I say, there are lots of examples ... the Le Seilleur building, what a mess, what an embarrassment. The States was left a piece by a genuine thoughtful Jerseyman, leaving his property for the benefit of health, and then the Le Seilleur building lying derelict for years. Of course there are many and, whether Members like it or not, I have been involved in many, trying to get on with certain things, much to people's chagrin sometimes, but we have to be realistic. Is the primary school going to be in the Minister's budget? If I have missed it, I apologise, but where is it, when is it going to happen, is it going to be built and have Ministers considered that that is the only site that they are

prepared to do? If they want a school, that is fine but where is it going to happen? This is the context in which we are making decisions and we are making a decision and I do not think I favour the potential non-community use if it is, as I am suspecting I am reading the situation, that the budget allocation for the primary school ... which was, by the way, bought by Andium Homes for housing and somebody is going to take the loss of £10 million. The States does not own this site yet. Somebody is going to have to take the loss of, I think, £10 million of the site that was bought for housing when I was not in this place. I did think that £10 million or whatever it was bought for should be ring-fenced for the purposes of maintaining Jersey's gas supply, but that is another matter. The issue is that Andium Homes, who I think is clear own it ... the States are going to have to buy it because Andium does not build schools, so they are going to have to buy it. They are going to have to compensate Andium for £10 million and all the losses that they have incurred since then and then we are going to have to have expenditure for a £30 million, £40 million school. I cannot see this happening any time soon and I would prefer a good proposal for a meanwhile community use for this half-used site. Even now ROK Construction is the tenant and obviously building some great homes in the vicinity. My final point is going to say when the facts changed, I changed my mind. I was one of those that really upset the Constable of St. Helier because it took too long because we were trying to get a car park underneath the Millennium Park. There was a binder that slipped and despite the valiant attempt by the Council of Ministers to hold back and say: "Come on, we are going to get a car park underneath, you will have your park, Constable", a binder slipped and the Millennium Park got built without a car park. Well, jolly good, that has proved it is worthwhile, and I would remind Members when they are thinking about this commercial use potential that Deputy Curtis is proposing in this amendment, which I do not want ... I cannot think I am going to support. I think it is for the community and unless there is a jolly good reason why, with the amount of development that is near St. Saviour, some of it in St. Saviour, it is on St. Saviour's Road, there is a need for green lung and open spaces. I did not think I would be ever be standing in this Assembly and saying that in those terms. The Constable and all those movers behind the Millennium Park, yes, I would have liked to see a car park underneath it, want to see a green space, but it is needed and community use of this is absolutely needed. I would commend Deputy Warr for what he has done, but we will come to that later, but I do not think that if meanwhile use is going to be happen, because it has got to, I think, because it is going to be inevitable otherwise we are going to have a rotting asset, I think it should be as unamended by Deputy Warr. But I am happy to hear the clarity and certainty that the Council of Ministers I know will be able to give us in relation to the primary school funding and whether or not this is an aspiration or a realistic and timed calculation that has got a head of expenditure and the purchase of the site and the rest of it.

9.2.6 Deputy J. Renouf of St. Brelade:

I do like a challenge and so I will happily take up the Constable of St. Helier's challenge to demolish the Council of Ministers' very weak arguments as put in the paper that accompanied this as they refer to the amendment. I do feel for Deputy Curtis here because the debate that we have had so far, despite his very best efforts to be clear about what the debate is about, has strayed all over the place into various areas that have nothing to do with his amendment. My point about the paper that the Council of Ministers put as it refers to the amendment is there are only 2 references in that paper from the Council of Ministers to the amendment; 2 references. The first says: "The Council's concerns regarding the original proposition, particularly around timing, operational constraints and clarity of responsibility, remain equally relevant in the context of the amendment." Well, how can that be because, as Deputy Curtis has said, at the very end of the thing there is a get-out clause in any case? If there is really a problem here, then there is a get-out clause in the amendment, but the timing, operational constraints and clarity of responsibility that they refer to in reference to the original proposition, all those comments related to issues which do not have to apply, and we know they do not have to apply because the current meanwhile use is in use. There is a meanwhile use, it is being done. It is being done without any of these issues that are supposedly in these comments. They

cannot be objections because it is already happening. The second reference to it: “The Council acknowledges the intention of Deputy Curtis’s amendment and it seeks to reinforce the principle that public land should not lie idle. The Council supports the general principle of encouraging productive meanwhile use where feasible and appropriate. Indeed, the current use of the Gas Place site by ROK Construction to support the delivery of much-needed housing is a good example of this in practice.” Sorry, that is supporting what Deputy Curtis is doing. That is saying: “We agree with it.” I am afraid the arguments advanced against this amendment just simply do not exist. The amendment is really simple. It broadens out the original proposition to include things that are already happening, so we cannot object to those. It creates a get-out clause for the Government but it allows us to state as an Assembly, because it leaves parts of the original proposition in place, that we do like the idea of meanwhile uses, that we strongly believe in the case of Gas Place that we should be using it for something. The question about whether it should be a youth use or so on is not in the proposition. It is not in the amendment. It is perhaps slightly unfortunate that the Deputy who brought the proposition has so much of this in the report but the report is not what is being voted on in the amendment or in the proposition. It is just about a meanwhile use for Gas Place. We have enough of these sites to know let us make this an example, let us be clear that we support that principle. I will just draw attention to one thing else, one extra thing that is in the Council of Ministers’ comments: “Enabling works are expected to begin in October 2026, approximately 9 months prior to the main construction works. The timeline would allow for a temporary or meanwhile use of the site for a period of approximately 4 to 6 months.” That would be great, would it not? I have to say that I have a very healthy degree of scepticism about whether that timetable will be met, given all the things that have gone on so far in relation to that site, some of which the Minister for Education and Lifelong Learning alluded to. That reinforces the reasons why we would support this amendment because the current meanwhile use may well run out, in fact the Council of Ministers admit it will run out, and we may end up with a longer period of void again. This amendment allows that void period to be used for another economic use if necessary. It could be another building site. Great. That would not be permissible under the original proposition. I really cannot see why there is an objection to this amendment, which simply loosens the criteria around what a meanwhile use would mean on this site. So I really hope Members will accept it and then we can have a decent debate on a proposition around the meanwhile use for that site.

Deputy M.R. Scott:

Sir, a point of clarification, if I may?

The Deputy Greffier of the States (in the Chair):

Deputy Renouf, do you accept a point of clarification?

9.2.7 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

For the time being I am just going to say that clearly, as set out in the Council of Ministers’ comment paper, we do not support the main proposition and the amendment does not address any of our concerns with the proposition. Therefore, I cannot support the amendment.

The Deputy Greffier of the States (in the Chair):

Does any other Member wish to speak on the amendment? If no other Member wishes to speak, I call on Deputy Alex Curtis to reply.

9.2.8 Deputy A.F. Curtis of St. Clement:

I enjoy a brief speech, so I would have wished I could have enjoyed the brief response of the Minister for Treasury and Resources, which I feel is unfortunate because Deputy Renouf so clearly went through the comments paper, articulating the challenges between what it says and what this amendment does. I feel I have got an uphill battle with Members this afternoon, so I will try not to keep us too long. No doubt we will be back tomorrow. It is tricky to know where to start. I felt I

was making a fairly clear case earlier. I do not like unworkable propositions. I do not like propositions that mean nothing but I do think sometimes we need to signal in principle intent. I will walk once through everyone who spoke to acknowledge them, to acknowledge what they said.

[17:15]

I will start with the main comment about what would these uses be and, I apologise, I do not really care. I do not mind what these uses are. I hope that is not unparliamentary. There is an easier way to describe what requesting a meanwhile use, if practical, because I have got that get-out clause, means. It means do not leave the site vacant. It means do not get to a point where the current user of the site rolls the last vehicle away, takes the last piece of building material away, hands the keys back and that is it. Nothing happens for, as we heard, 6 months, a year, 2 years. I really am not fighting here for a case that we should have a great economic use or a community use or any investment from Government or Andium. What I care about in bringing this amendment is I do not like sites being empty. That means for those who are really being unambitious, they go, okay, what do we do? We talk to our other delivery contractors and say: "Right, you are delivering a site. Would using the Gas Place site for a period of 3 months, 4 months, 6 months, help with your construction on the Ann Street brewery site?" They may say: "Yes, that would be really helpful." The site will be vacant from ROK, the construction company, so they will come in and use it for their vehicles, it will save them some time. That is a meanwhile use. It could be parking for other projects around town. It could be all the things people ... I do not think it is the Assembly's job to say that. I think it is our job to say that, as we know Maisons Les Arches as a construction project winds to a close, we know that ROK will be vacating the site, we are prepared, we are ready to say: "Well, when the keys come back, we have got an idea, we are trying to have an idea to use that site." It feels to me when different government offices were vacated in the move to the Union Street offices, there was not a plan for Philip Le Feuvre House. There was not a plan that when the keys were returned we went: "The site is on the market. We know the housing market is changing. Could we use that site? Anybody looking for a little excess office capacity on the ground floor? Are we looking to do anything? Could we do anything?" I see one Minister - I will not name them - shaking their head but the point is we should have those conversations. It is a corporate muscle to flex, as Jersey Property Holdings. We know that Jubilee Wharf was vacated and there has been a period where that has not been occupied. Of course now we know there are some tenants moving in, which are government bodies, but it is a muscle we should flex. What I care about is a site not being empty. Once more, I will run through those who spoke to really clarify this point. The Constable of St. Helier, if his view is finding a meanwhile use, should stretch a bit harder, ensure it has a community value, I urge him to vote against this. He has expressed why, as is his right. That is why I think it was good to keep the debate separate. Should we be a bit more challenging on the Minister for Treasury and Resources or should we really ask: "Do not be empty"? I am very glad she put that forward. To Deputy Rob Ward, likewise to him, I always value his contributions in debates, but he highlighted delay, delay, delay of the school and stated very clearly on the school being far more important, which with my pragmatic head on I thought that is why I put in a clause saying: "Whatever we do, do not hold up the development of the school" and I mean that in the proposition. If I sway the doubtful heads around here, that is what we would be voting for in this amendment. It provides that clause. It further recognises that hopefully the Minister and the Government will have ownership of the site soon because we want to move forward with that project. As I said in my opening speech, if we are able to move at such pace, there is no real gap between ROK leaving and construction starting, I and, I think, this Assembly should celebrate that. There will be spades in the ground on that new school and we should all be very happy, but what if that is not the case. We need to be ready to just say the principle is do not leave sites empty. Also the wording from Deputy Rob Ward talked about the risk that supporting this gives credibility to the project. I just want to be really clear, I am not talking about a project. We are not spinning up an organisation or a board. We are not talking about a project. We are talking about the development of meanwhile use, which can be as

simple as allowing a construction company to use it. Project sounds like we have to create an organisation, create a board to organise stuff. I will be really clear, the proposition as worded, accepting the amendment, is purely about ensuring the site is used and there is no project needed, just like there was not a project set up to organise ROK's current use of the site. Deputy Scott's main concern was that "Government shall" was the language. That was my real concern as well. That is why I have amended that sentence: "Government shall ... provided such use does not impede any long-term plans for future development." I am not proposing this proposition. I am trying to amend it into something that I think the principle is workable. The Deputy welcomed an expansion on this and I hope that clarifies, and I will give way at the end on that. Deputy Ozouf said he will come out on one side. Again, that is fantastic. If he wants to push the Ministers to have a community meanwhile use, that is great. That is not what I want out of this proposition. I do not want it empty. Deputy Renouf I thank for being very clear that we are not talking about a project, we are not talking about a specific use. It is about this principle about how do we ensure the expectation on the site is it is not left empty for a prolonged period of time. Deputy Millar, as many words as she used in her speech, there is nothing to say. I would really have liked the Council of Ministers to have reflected on this to seeing that what I have tried to bring forward here is a principle. We heard Members and Ministers say a proposition, on the round, about meanwhile use is a good thing. As I said, we have to start somewhere. With that, there is no point taking up any more time of the Assembly. If we see that this site is not vacant between ROK's exit and the construction, I will be a very happy person, but if we do, I think we know why we need to set principles and I think the principles should start here. I call for the appel.

The Deputy Greffier of the States (in the Chair):

Deputy Alex Curtis, you were going to accept a point of clarification.

Deputy A.F. Curtis:

I was from Deputy Scott, of course.

Deputy M.R. Scott of St. Brelade:

Thank you. I would like to thank Deputy Curtis for giving way to me, having been rejected by Deputy Renouf and Deputy Tadier in an earlier debate. The point about this creation of an obligation the Deputy suggested that he ... and I appreciate him accepting and sharing that concern about creating an obligation but he said that he created this proviso provided it did not impede any long-term plans for future development. What I would like him to clarify is whether he considered that notwithstanding whether it got in the way of long-term development or not, that when you say "shall" it creates an obligation to find a use and that that may itself be putting an obligation on Government to do something. In the lack of ideas or even suggestions, it is asking Government to do more rather than have community come to them with some sort of idea. It is saying: "You will do this" rather than "consider this".

The Deputy Greffier of the States (in the Chair):

Deputy Alex Curtis, is there anything you wish to clarify?

Deputy A.F. Curtis:

Well, I can clarify that I felt an even broader principle should be, and I tried to take this in 3 parts, (a), (b) and (c), feedback from the Greffe was there needs to be something tangible. However, I am just thinking most legislation, most things we do, if you include the word "except", it is not 100 per cent of the time something shall be done, "something shall be done except when ..." and I used the phrase "subject that". It is an exception clause. Whether there is a ruling needed, I think an exception clause is a fairly standard term to use to ensure that you are not creating perverse consequences by your actions. I felt the use of "except" or "subject to" or "such that" are all things that say "shall but

common sense prevails here”, given the overriding public interest test on the site is to develop a school without delay. I hope that clarifies the matter.

Deputy M.R. Scott:

Sir, could I just ask the Solicitor General for his position on this?

The Deputy Greffier of the States (in the Chair):

If it is a question about the wording of the proposition, I am not sure that is a question for the Solicitor General. That would be a question for the Chair.

Deputy M. Tadier:

Sir, the debate has finished, as I understand it. That was a point of clarification.

The Deputy Greffier of the States (in the Chair):

That was a point of clarification that has been addressed, so we move to the appel. I invite Members to return to their seats, which I think all Members have, and I ask the Greffier to open the voting. If all Members have cast their votes, I ask the Greffier to close the voting, please. I can announce that the amendment has been rejected.

POUR: 16		CONTRE: 26		ABSTAINED: 0
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of Trinity		Connétable of St. Peter		
Connétable of Grouville		Connétable of St. Martin		
Connétable of St. Ouen		Connétable of St. John		
Connétable of St. Mary		Connétable of St. Saviour		
Deputy L.M.C. Doublet		Deputy G.P. Southern		
Deputy S.M. Ahier		Deputy C.F. Labey		
Deputy I. Gardiner		Deputy M. Tadier		
Deputy K.L. Moore		Deputy M.R. Le Hegarat		
Deputy D.J. Warr		Deputy R.J. Ward		
Deputy H.M. Miles		Deputy C.S. Alves		
Deputy J. Renouf		Deputy L.J. Farnham		
Deputy H.L. Jeune		Deputy S.Y. Mézec		
Deputy A.F. Curtis		Deputy P.F.C. Ozouf		
Deputy B. Ward		Deputy T.A. Coles		
Deputy L.K.F. Stephenson		Deputy B.B. de S.V.M. Porée		
		Deputy M.R. Scott		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		

		Deputy M.R. Ferey		
		Deputy K.M. Wilson		
		Deputy M.B. Andrews		

The Assistant Greffier of the States:

Pour: Connétable of St. Lawrence, Connétable of Trinity, Connétable of Grouville, Connétable of St. Ouen, Connétable of St. Mary, Deputy Doublet, Deputy Ahier, Deputy Gardiner, Deputy Warr, Deputy Miles, Deputy Renouf, Deputy Jeune, Deputy Alex Curtis, Deputy Barbara Ward, Deputy Stephenson and Deputy Warr online.

The Deputy Greffier of the States (in the Chair):

I think that was Deputy Moore online.

The Assistant Greffier of the States:

Sorry, Deputy Moore online, apologies. Contre: Connétable of St. Helier, Connétable of St. Peter, Connétable of St. Mary, Connétable of St. John, Connétable of St. Saviour, Deputy Southern, Deputy Labey, Deputy Tadier, Deputy Le Hegarat, Deputy Rob Ward, Deputy Lyndon Farnham, Deputy Mézec, Deputy Ozouf, Deputy Coles, Deputy Scott, Deputy Catherine Curtis, Deputy Feltham, Deputy R. Binet, Deputy Millar, Deputy Howell, Deputy Tom Binet, Deputy Ferey, Deputy Wilson, Deputy Andrews, Deputy Alves and Deputy Porée.

The Deputy Greffier of the States (in the Chair):

Thank you very much.

Deputy L.J. Farnham:

We did a little bit of overtime at lunchtime, Sir. I wonder if I might propose the adjournment 2 minutes early.

Deputy P.F.C. Ozouf:

Sir, can I just ask a question for the continuation of the debate tomorrow, just about the funding of the primary school, which seems relevant? Could Ministers circulate kindly where the funding is and is it there?

The Deputy Greffier of the States (in the Chair):

Thank you, Deputy.

Deputy R.J. Ward:

Sir, I can answer that.

The Deputy Greffier of the States (in the Chair):

No. You will have an opportunity tomorrow when the debate resumes on the proposition. The adjournment has been proposed. Is the adjournment seconded? **[Seconded]** Members are happy to adjourn. We adjourn until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:28]