

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 1st OCTOBER 2025

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[9:30]

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

PUBLIC BUSINESS - resumption

1. Statutory Pre-Sale Agreements for Standard Residential Property Transactions (P.61/2025): amendment (P.61/2025 Amd.) - resumption

The Bailiff:

We now resume debate on the amendment to the Statutory Pre-Sale Agreement proposition, and the next to speak is Deputy Ferey.

1.1 Deputy M.R. Ferey of St. Saviour:

The Deputy to my immediate left commented yesterday that he thought he had put the cat among the pigeons by asking us to debate this separately. But I think perhaps as a result we are having a richer debate on the subject. I rise to support this amendment, which reflects a considered and pragmatic approach to reforming Jersey's residential property transaction process, an area that touches the lives of many Islanders. Buying or selling a home is not merely a financial transaction. It is a deeply personal milestone, often accompanied by stress, uncertainty and emotional weight. As legislators, we need to have a duty to ensure that the systems governing these transactions are fair and transparent. The original proposition, while well-intentioned, risked binding us to premature conclusions. The amendment, by contrast, offers a pathway grounded in consultation and evidence. The call to undertake a comprehensive consultation on the effectiveness of the residential property transaction process is a commitment to due diligence. The amendment replaces a prescriptive language of "must" with the more considered "should", and introduces the phrase "to undertake a consultation", a shift that places emphasis on listening before legislating. This is important because the issues at hand - gazumping, gazundering, chain collapses and mortgage refusals - are symptoms of a broader systemic challenge. To legislate narrowly on pre-sale agreements without understanding the full landscape would be akin to prescribing treatment without diagnosis. The amendment recognises this and proposes a holistic review, which includes, but is not limited to, the timeliness of information sharing, the mortgage offer process, conveyancing timelines, and Jersey's unique court-based completion system. This is not just about process, it is about people. This acknowledges that failed transactions can have devastating consequences for families, first-time buyers and those navigating complex chains. But rather than rushing in to impose penalties, it asks us to consider the root causes. It invites us to engage with stakeholders, estate agents, legal professionals, mortgage providers and, more importantly, the public, to understand where the system falters and how it can be improved. I draw Members attention to the revised paragraph (b), which replaces "must" with "may", and introduces the phrase "and consideration given as to whether this should be stipulated in law." This is a crucial refinement. It allows us to explore the use of financial penalties and pre-sale agreements without prematurely enshrining them in statute. It opens the door to flexibility and proportionality, qualities that are essential in any legal framework that touches on personal and financial well-being. Similarly, paragraph (c) shifts from "establish" to "consider" a list of exclusions to financial penalties. This is not weakening of resolve. It is a strengthening of fairness. By explicitly naming exclusions such as mortgage refusal followed by adverse survey, substantial property damage, and chain collapse, we ensure that we do not penalise individuals for circumstances beyond their control. This reflects a compassionate and realistic understanding of the housing market. Paragraph (d) further reinforces this approach by replacing the directive to bring forward legislation with a request to present a report to the Assembly no later than June 2027, which will detail the outcomes of the consultation and offer evidence-based recommendations. In supporting this amendment, we are not rejecting the idea of pre-sale agreements. We are embracing the possibility of their thoughtful integration into a modernised transaction process. We are saying that reform must be rooted in understanding, that penalties must be proportionate, not punitive. The Council of

Ministers is not seeking to dilute the original proposition. On the contrary, it is seeking to strengthen it by ensuring that any future measures are robust, fair and effective. The amendment reflects a shared commitment to improving the housing experience for all Islanders. It is a call to action, but one that begins with listening. I urge Members to support the amendment.

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

I rise to mirror what Deputy Ferey has just said. I am sure none of us condone gazumping or gazundering but, as many people have said, there is already a possibility at the moment of signing a pre-sale agreement between the 2 parties, and I would not be comfortable at the moment with making that mandatory. I would just like to point out that in the original proposition there are exemptions, but I think there are more exemptions that would need to be taken into consideration, such as if, say, the buyer lost their job as the proceedings were going through, or if there was a breakdown of relationship when 2 people were buying a property together, or also if you had a major illness diagnosis. So I am very sorry that I cannot support the original proposition, but I, too, urge everyone to support the amendment.

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

I must say that I am very grateful to Deputy Mézec. He stepped in and he contacted me, and we sat down in Santander probably about a month ago and had a coffee. It was about 4.00 p.m. and we had a coffee for about an hour. But it was a very good conversation because I think really what I got out of that conversation was, look, you are touching on a very sensitive topic that matters to so many people but there is a bigger job to do here, and we do need to modernise the property transaction process. I think we probably need to be taking a good look at some of the other jurisdictions and the way their process works because here it is very different. It is unique. But again, I think it needs to be modernised. I think the Council of Ministers are embracing the fact that, look, this is an issue, but we need to explore pre-sale agreements more broadly. We need to be speaking to property professionals, but we also need to be speaking to Members of the public who have been gazumped and have been gazundered as well, because we really need to have a greater understanding of the true extent of the issues that exist. As far as I am concerned, as a Back-Bencher, I am limited in terms of what I can do. I have got limited resources, but I have put myself out there. I have tried to engage as many people as I can. Several property agents have contacted me to say that they are in support of pre-sale agreements becoming statute, but I think it is probably wiser to go ahead with a consultation. I think it is only fair, if some people happen to be maybe antithetical about pre-sale agreements, I think their voices need to be heard as well. I think that is the whole point of democracy. All views need to be respected, and I think this consultation is probably the best way of doing just that. I just want to say thank you to the Minister for his time, and I hope Members will be supporting the amendment.

The Bailiff:

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

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

In all honesty, I do not think I have too much to say in summing up on this. I think most of the points have been made particularly ably by Deputy Ferey, who I am very pleased on this occasion we can advance forward together towards reform. I thank him for his contribution on this. But also of course to Deputy Andrews, who I reiterate what I said in my opening, that I am grateful to him for his approach on this. He has highlighted an issue that does matter to lots of people, and I am also grateful for him being open-minded about stretching that out a bit further so it can be more all-encompassing, and make sure that we try to tackle everything rather than just one particular area on its own. I

absolutely appreciate the reasons that Deputy Curtis outlined for him wanting to have this amendment taken separately.

[9:45]

He explained what he thought; that this, as a way of achieving an outcome, was not necessarily the right way of going about that. That is obviously an entirely legitimate perspective to have, and I respect it. I just do not agree with it. I believe that this is a perfectly acceptable way forward, and I hope the majority of Members will agree with that as well. I know he is not physically present in the room but Deputy Renouf, in his speech yesterday, did seek to draw a distinction between my approach on this versus the approach that I outlined in Question Time yesterday about not wanting to consult when it came to changing first-time buyer policies. There is a very specific reason for that distinction, which is that when it comes to the issue of making our residential property transaction process fairer is that I actually do not know what the perfect solution is, and I would like to do an exercise to find out what it is. Whereas on other policy areas, when you are more sure about what the solution is, you should not prevaricate, you should get on with it. I do think there is a clear distinction here between those 2 things and you adopt the right political approach for the right political issue. I do not have anything further to add on to that other than to thank Members who had taken part in this debate and urge them to support this amendment. 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 amendment to P.61, 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.

Deputy H.M. Miles of St. Brelade:

Sorry, Sir, all my lights are flashing, but my buttons do not seem to be working. **(Laughter)** Something I thought I would never say.

The Bailiff:

Other than the sounding rather like an internet meme ... I do not think anyone else has that problem. Has the Deputy recorded a vote? Maybe you would like to record your vote verbally.

Deputy H.M. Miles:

My vote is pour, Sir.

The Bailiff:

We will try and sort out the technology. The amendment has been adopted.

Pour: 39		Contre: 4		Abstained: 1
Connétable of St. Lawrence		Deputy S.M. Ahier		Deputy J. Renouf
Connétable of St. Brelade		Deputy D.J. Warr		
Connétable of Trinity		Deputy H.L. Jeune		
Connétable of St. Peter		Deputy A.F. Curtis		
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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 R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

1.2 Statutory Pre-Sale Agreements for Standard Residential Property Transactions (P.61/2025) - as amended

The Bailiff:

We now return to the debate on the main proposition, P.61, as amended. It has been proposed and seconded. Does any Member wish to speak on the proposition?

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

It will be of no surprise to Members I do not think this is the correct approach for deciding how we pursue work in this area. I am grateful that the Minister for Housing highlighted this is just a point of difference as to how to pursue this. This is the way I pursue where I think we should go, and as such, for no doubt, I shall be voting contre on this.

1.2.2 Deputy M. Tadier of St. Brelade:

Looking back over my emails, something Deputy Andrews said yesterday struck a chord, and I have obviously spoken in the previous debate on gazumping and if not on gazundering ... although I think I did mention something about gazundering. I will not repeat that this time about what gazunder is. But I do recall that constituent having contacted me and the sum is actually familia, so I do know that this is a longstanding issue, and it is something that I raised in the States for that constituent at the time. I think that Deputy Andrews needs to be congratulated for not just bringing this back, but also being open minded to different ways of working. Because I know that in the past, I suppose, when I have raised similar issues, for example, the one that springs to mind quite early on was when I had a

lot of contact from people around the code of conduct for debt collectors in Jersey, where there seemed to be an issue, and it was not simply a straightforward issue of just do this, there is no other way. I did work with the Minister at the time; I think the Minister for Economic Development. Ultimately we came up with a voluntary code of conduct for the industry. But I think what Deputy Andrews is saying here is that he has come here with a particular way that this could have worked. He cited the French model as a way that that country works and, after a conversation with the Minister for Housing, has clearly understood that this is a wider issue. So absolutely what he has identified is correct and they are symptoms, rather than necessarily the causes of the problem that he has identified. I do welcome what is in front of us. I do know that the Minister will also want to bring a piece of work forward. I think this is a way to actually look at the whole piece around property transactions, which you could either say is rather quaint and traditional in the way that members of the public, and I know you are present, Sir, so I will be careful about what I say. The going to court is often a very big occasion for people. You see that they put photos on social media, they take photos, proud first-time owners with their keys, and perhaps go to one of the local drinking establishments after to celebrate that transaction. So there is, of course, a sense of occasion, which I am sure many in Jersey would not want to lose. But we do have to also accept that we are in the 21st century and that we all do work in different ways so there must be different ways to do things, which could perhaps eliminate certain of these problems at source. Even if it does not always force good behaviour in every circumstance. I do wish the Minister and Deputy Andrews all the best in this, and I certainly have no problem in supporting it. I did support it the first time round and I am happy to support it in this format too.

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

After my mental perambulations of yesterday, I did vote for the amendment for a number of reasons. First of all, the main proposition advice that it was with his approval, that it be curious to go against his wishes. Secondly, the consultation period referred to in the amendment is in fact shorter than that in the original proposition. It seems to me that given this long period of consultation, there is nothing to stop Deputy Andrews or anyone else introducing yet a further proposition to address this one particular point. I do wish to remind Members here that it is not a reforming point. The ability to have a preliminary contract for sale exists now. Deputy Bailhache said that in his day - sorry, not in his day - perhaps previously more usual to have preliminary agreements than it is today. I simply would like to revert to that system. It is within the gift of the legal profession and the estate agency profession to bring that option to the attention of their clients. I hope they do so now. I also suggest there are things that can be done to improve the general procedure. In England, for instance - I hesitate to hark back to England - as executor of an English estate I was selling a property. I was required to complete a package of measures, package of information as to sewage rights, boiler-makers, *et cetera*. These are all things which can be improved to help the overall process. I say that is with the gift of the professions to take that forward. I hope that they will not wait until the end of this consultation period to do so. The other aspect I mentioned, I hesitate to be pessimistic, that references were made to a consultation to get the views of lawyers, estate agents, *et cetera*. That is exactly what the review panel did some years ago. We came to certain conclusions. We aired the various problems and I am sure that they will be aired yet again. I simply question whether consultation will take us much further forward as regards addressing this particular point. I do hope that in the interim between now and the end of the consultation period, other Members, if not myself, will think about reintroducing this measure to, if not insist, advocate the greater need for preliminary contracts, so that certainty can be introduced to the equation and improve the present situation.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition, then I close the debate and I call upon Deputy Andrews to respond.

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

I do appreciate the support of Members of the States Assembly. I know many Members of the public will also appreciate the support here as well today because, for many of them, I think it is a positive move that they have seen their very own States Assembly take a decision where a consultation is going to take place to look at feasibility of pre-sale agreements to address gazumping and gazundering, but also about broader things within pre-sale agreements as well, because the pre-sale agreements really outline the process between the buyer and the seller. I think it is going to be a very informative exercise. I think even the policy makers, especially those who work in the department where Deputy Mézec is the Minister, for them, I think this is going to be a very informative exercise because they are going to be informed about some of the things that people are dealing with on a day-to-day basis, such as the lawyers, the banks, the estate agents. I think that is going to probably better inform government policy in this area. I think it is really sending out a very strong message that the States Assembly is taking this matter very seriously. I did fear, had this been rejected today, I do not know what I would have been doing. I think it would have been very difficult for me to go back to some of the people who I have engaged with because I think they were really expecting that with this proposal. There was an overwhelming level of support, like no other proposition that I have lodged before, and then to see that be rejected would have been very demoralising, not just for me, but for many people out there. I know there are many people who work in industry, such as several estate agents who have contacted me to say: “Look, we want pre-sale agreements in statute, and we have been calling for this for years.” That was from the previous consultation that took place with the Connétable of St. Mary. I think he had about 3 other panel members who were working on the review at the time as well. You could see, when you look at that report, there were a few people who came before the panel, and they were arguing that we really need to see something be done here because it is not right. The process, it has to be modified, it has to be improved, there has to be greater certainty. I think that is all people want when they are buying property. We know how expensive property is and to be gazumped or to be gazundered, especially late on when you have incurred fees, is not right. It is not okay. It is immoral. It is unjust. It should not be happening in our modern-day society. I am of the firm view that legislation is needed for this. But as I said before, it is only right that those who are antithetical to my perspective are also given the opportunity to contribute to the consultation. I think we need to really see that pluralism, and we should be engaging with everybody, no matter what their views. I will leave it there. But I again must thank Members for supporting me and the Council of Ministers’ amendment. I also want to say thank you to Deputy Mézec as well for meeting me on 2 separate occasions so we could really discuss this in a thorough and methodical manner. I call for appel.

The Bailiff:

The appel is called for, I invite Members to return to their seats. The vote is on P.61. I will 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 proposition has been adopted.

Pour: 44		Contre: 2		Abstained: 0
Connétable of St. Helier		Deputy S.M. Ahier		
Connétable of St. Lawrence		Deputy A.F. Curtis		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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 R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
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 A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

2. Draft Telecommunications Law (Jersey) Amendment Regulations 202- (P.62/2025)

The Bailiff:

The next item is the Draft Telecommunications Law (Jersey) Amendment Regulations, P.62, lodged by the Minister for Sustainable Economic Development. The main respondent is 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 Telecommunications Law (Jersey) Amendment Regulations 2020-. The States make these Regulations under Article 57 of the Telecommunications (Jersey) Law 2002.

2.1 Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):

The proposed regulations amend the Telecommunications (Jersey) Law 2002 to provide the necessary functions to the U.K. (United Kingdom) Office of Communications - that is Ofcom as more usually known - and the Jersey Competition Regulatory Authority, in relation to telephone numbers in Jersey. Telephone numbers, as we all know, are unique addresses that enable our phone calls and text messages and are essential for everyday life and modern communications.

[10:00]

Jersey telecommunications providers and Islanders themselves have, of course we all know this, used U.K. telephone numbers for decades and Jersey is part of the U.K. national telephone numbering plan. That plan is the regulatory system managed by Ofcom to allocate telephone numbers. It dictates the format for telephone numbers. For example, our landline telephone numbers begin with 01534 and our mobile telephone numbers with +44, the U.K. country code. As Jersey is part of the U.K. national numbering plan, Ofcom has been responsible for allocating telephone numbers in Jersey, and local telecommunication providers have applied directly to Ofcom for any allocation. While this has been the case for decades, at the end of 2024 Ofcom discovered that the legal basis for this practice is not, and in fact has never been in place. Ofcom has therefore decided that it is unable to allocate any more telephone numbers in Jersey until this legal basis is put in place. The inability to allocate new telephone numbers, I can imagine, does not take too much of the imagination to understand that that would likely disrupt critical telecommunications infrastructure projects, such as network transformation programmes and launch of services, such as the expected launch of a new mobile service later this year, both of which require further telephone number allocations. Furthermore, without the proposed regulations, Ofcom and the J.C.R.A. (Jersey Competition Regulatory Authority) are unable to enforce security requirements regarding the use of +44 telephone numbers, potentially allowing activities harmful to the security interests of Jersey and the U.K. These regulations seek to address these issues and simply put into law what is already custom and practice. But, as I am sure Members can realise, that if we were not to adopt these regulations, Jersey would be left in a very difficult place, as Ofcom has made it clear that it would not be able to allocate new telephone numbers to the Island. I think Members will likely be interested to know that this is the same for the other Crown Dependencies, the Isle of Man and Guernsey, and they have similarly taken measures to assuage Ofcom and its need for a legal basis for the system. With that, I make the proposition.

The Bailiff:

Do you move the principles?

Deputy K.F. Morel:

Yes, Sir.

The Bailiff:

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

2.1.1 Deputy M. Tadier of St. Brelade:

The panel is grateful for having received a briefing from the Minister and his officers on this, what is, I think for some, may be quite complex language, but it certainly ... I think after 2 attempts, I at least half understood what was being proposed, notwithstanding the fact that I used to work for Jersey Telecom. I do not know if that gives any reassurance. But more importantly, I think I understood the politics of what was going on, if I could not necessarily write a paper on it. Essentially here we understand that global titles, the way that they are used, these mobile numbers, which can be leased out and then sub-leased again, has given rise to security concerns. We understand that Ofcom

certainly are looking to clamp down on that and we understand that Jersey and the operators over here understand that. I do have a few questions that I would put to the Minister or a question that I would seek comment on behalf of the panel for during this debate, just with regard to perhaps the financial impact that it may have had or may be having on the revenues of those companies. The panel notes that at the end of 2024, Ofcom discovered that it lacked the necessary legal authority to continue its longstanding role of allocating telephone numbers in Jersey and other Crown Dependencies. This prompted the need of Ofcom to be provided with the necessary legal framework to allow it to continue allocating telephone numbers and the subsequent drafting of these regulations. Of course, that is the other big part of this legislation. The amendment that is coming forward today is that, of course, that in order for Jersey to continue to be able to use the +44 and allocated numbers that go with that, that there needs to be this underpinning. The panel understands that there are serious implications arising from the absence of the necessary legal framework including, most notably, Ofcom being unable to issue new telephone numbers to Jersey, limits on the regulator's authority to safeguard telecoms security and impacts on any upcoming telecommunications infrastructure projects, with the example of the Co-op mobile service. The panel also notes that this telephone numbering issue impacts on all Crown Dependencies, and the Minister noted within the accompanying report that the Government of Jersey and the Isle of Man Government has also participated in the engagement process. We also understand that Guernsey and the Isle of Man were progressing their own solutions. So we understand that while Ofcom will be responsible for allocating numbers, the J.C.R.A. will remain the regulatory authority holding the core regulatory responsibilities, and that recourse could be sought through the J.C.R.A. Ofcom remains responsible for the allocation and withdrawal of telephone numbers, but the J.C.R.A. will hold responsibility for regulating telephone numbers in Jersey and, where necessary, can make recommendations for Ofcom's action. The panel did have some concerns, which we put in our comments. We requested a follow-up briefing from government officials, which took place on 10th September, after we identified the issues of global titles as requiring further consideration and clarification given the risks they pose for Jersey. During the briefing, we heard that since Ofcom's ban on the leasing of global titles to third parties, and with the draft regulation enabling the J.C.R.A. to impose similar conditions on third parties in Jersey, the risks are being addressed. On this basis, the panel is satisfied that the risks associated with global title leasing are effectively mitigated both through Ofcom's prohibition and the new powers that the draft regulations, if adopted, would provide to the J.C.R.A. The panel also understands, just in concluding, that we are supportive of the need for these regulations to provide Ofcom with the legal framework to continue issuing and allocating telephone numbers in Jersey as a continuum of its longstanding practice. Furthermore, my panel also recognises the risk to both service delivery and security should the legal framework not be implemented. The panel does consider it important to note its concern that the legal anomaly that the draft regulations aim to address went undetected for so long. We would maybe ask the Minister, in his summing up, to speak to that point as to why it took so long to find out that there was this issue. It was only brought to the Minister's attention by Ofcom. This is a matter that the Minister, as I said, hopefully will address in the summing up. Otherwise, the panel is supportive and content that the J.C.R.A. is a local regulator and will retain core regulatory responsibilities. Members, of course, may wish to consider the relationship between Ofcom and the J.C.R.A. themselves and ultimately consider what real autonomy Jersey has in terms of its number allocation. I just put those comments out there for potential fuel for the debate. There is also just one question I was wanting to ask the Minister, and it really relates to the fact that certainly until our attention was drawn to the changes that were happening globally in global titles ... of course, we understand the rationale for having to cease global titles. One of the questions we did ask, because the answer came back that while global titles leasing has been quite standard in the industry and it provides a good revenue base, it is often the subleasing and then subleasing again. So companies and governments, especially security agencies, do not know who is ultimately behind the services that are being provided. So those services can be used for all sorts of potential nefarious purposes to track individuals, to spam people, but also to defraud people. It

becomes very difficult to trace. So this is part of a global clampdown on those nefarious practices. But of course we did ask, well, why cannot you simply ban the subletting of these global titles rather than just the initial letting? The answer we got was, which we understood, that it becomes very difficult. You cannot really stop subleasing and then the subsequent subleasing. So that is why Ofcom are just saying no, this practice has to stop. But in its response to the consultation last year, Jersey Telecom, for example, did put a response. Their point 4.63 in their submission said that: "Lessors currently generate revenue from leasing global titles. A ban on global title leasing will therefore result in the loss of these revenues. Although these revenues could currently be large for some lessors, the relevant net impact on lessors is likely to be significantly lower for the reasons below. This is likely to impact or possibly remove revenues from the M.V.N.O. (mobile virtual network operators) vertical and, more importantly, squeeze this high volume/low margin business if intermediate technical solutions are introduced. These costs are likely to be passed on to the M.V.N.O.s to the end customers. Possible alternatives could provide an unfair advantage to large U.K. M.N.O.'s due to scale and make M.V.N.O. propositions unattractive for smaller players." Our concern, and I suppose this is partly understandable due to the sensitive nature and the security nature of what is going on here, and also the fact that this only came to our Scrutiny Panel quite late, I think both as a panel, but also as a private Member and a citizen in Jersey, I would ask what analysis has been done of the financial impact that this has had, both on the companies themselves. We know that we are in a situation in Jersey where there used to be 3 mobile network providers, and one of them is - I think it is common knowledge, is it not - is going out of the market. So we have Jersey Telecom, which is an entirely States-owned company left, and we have Sure, which is another big player in the market. We know that, of course, in addition to this, there have also been other pressures in terms of hardware changes in terms of legislation about what kind of hardware is allowed to be used for security reasons. It seems in a time when we are all being mindful of economic competitiveness and the security of our wider economic viability in the Island, that this does not seem to have gathered any comment in the public realm about (a) what impact this is having on those businesses, and secondly, I think we should all be concerned as part of shareholders, if you like, through the Minister for Treasury and Resources, in Jersey Telecom and also through the fact that the other utilities give tax revenue to the States' coffers, about whether or not we are going to see reduced taxes and reduced shareholder revenues from this. If it is possible for the Minister to speak to any of that and to indicate either what analysis has been done to date on that, and if none, why not? And what analysis might be done in the next few years to see the impact of this. Essentially, it is a necessary imposition from the U.K. and elsewhere. So the panel does not disagree with what is being done, but we do have to be very realistic that this will have potentially unintended financial consequences for the Island's telecom market.

The Bailiff:

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

2.1.2 Deputy K.F. Morel:

I thank the chair of the Scrutiny Panel for his comments and the panel itself for the comments that they provided. It is an unusual situation that we are in. There is no question. I think this is a case of something worked for years and years and years. No one really needed to look any closer at how it was working. So this issue, I think, effectively predates Ofcom for decades. Jersey, the other Crown Dependencies and the U.K., worked within the U.K. numbering system without any questions. I think Ofcom was founded about 20 years ago, maybe 30 years ago at the time of the breaking up of the U.K. monopoly in telecoms. We, as the Channel Islands and the Isle of Man, just passed into that new system without anyone questioning the fact that the U.K. had been passing telephone numbers to the islands to use, that carried on and no one thought anything about it. When Ofcom took over the role of regulating telecoms, that just continued. It was only because of not just the issue of global

titles. I know the chair has spoken a great deal about it, but there are other areas around telecoms security, as we have been bringing telecoms security laws to this Chamber as well, that Ofcom then looked a bit more closely at the situation and realised that actually there is no legal basis for it to be allocating telephone numbers to Jersey. Certainly on the issue of global titles, I imagine in itself it felt it wanted a bit more direct authority in that area because it has become very clear in the last few years that unfortunately, while global titles do provide revenue to Jersey and Channel Islands and Crown Dependency telecoms companies, they are in some instances being used for inappropriate purposes.

[10:15]

It is that simple. Sometimes illegal purposes, sometimes not just inappropriate purposes. as the chair of the Scrutiny Panel has pointed out, it is not really possible to regulate at the subleasing level. It has become necessary to steer the telecoms companies away from using global titles. It will have a significant impact on their income, potentially. I do not know what that impact is because in this case, it is a case of national security trumps their income. It really is that simple. We have had various stories in the national media about global titles that were operating from Jersey being used for illegal purposes, which obviously shines a light on the Island, an Island which needs a strong reputation for security in all sorts of areas, but particularly in the financial services sector, which uses the telecoms network to be a globally connected society. It is a rather unusual story. I think it is one of those where it almost tells the tale of going from simpler times to more complex times. In these more complex times, we do need to have this legal basis. I am very pleased that Ofcom understands the jurisdictional differences between Jersey and the United Kingdom and hence has been comfortable with the Jersey Competition Regulatory Authority maintaining the direct management here on Island, and is working together for a partnership agreement or an M.O.U. (memorandum of understanding) with the J.C.R.A. so that Ofcom and J.C.R.A. work together in an appropriate manner, which recognises those jurisdictional differences. But at the end of the day, and I hope the Assembly agrees with me, this is something that needs to happen. We do need to pass these regulations because the consequences of not doing so would be unbelievably severe in terms of the inability for telecoms companies to issue telephone numbers. It really is as basic as that. If they cannot issue telephone numbers, then they cannot issue services to people. That would be an awful place for us to be in. On that upbeat note, I will move the proposition.

The Bailiff:

Do you call for the appel? The appel is called for. I invite Members to return to their seats. The vote is on the principles of P.62 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 principles have been adopted.

Pour: 46		Contre: 0		Abstained: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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 I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
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 A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
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 panel does not wish to call the matter in.

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

No, Sir.

The Bailiff:

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

2.2 Deputy K.F. Morel:

En bloc.

The Bailiff:

Are the regulations seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? Those in favour of adopting in Second Reading kindly show. Those against? The regulations are adopted in Second Reading. Do you propose in Third Reading, Minister?

2.3 Deputy K.F. Morel:

Yes, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

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

I rise because the discussion we had under the principles, there were points made very strongly about security and the need to issuing numbers and understanding the national security. I was just wondering if the Minister can talk a little bit, because I was surprised when I first came back to Jersey having been, of course, a long time in Europe, and also travelling the world, that many times when you do a pay-as-you-go card, you need to provide I.D. (identification) when you go and purchase a pay-as-you-go card but in Jersey, and I believe in the U.K., that that is not needed. I was wondering if that is something as well because in Europe it is done because of national security related to counter-terrorism, preventing fraud and kind of traceability of communications. If that is something that the Minister has talked to Ofcom about and about something that would potentially be looked at in Jersey. I know especially ahead of the terrorist attacks in Brussels, I witnessed ...

The Bailiff:

Deputy, I hesitate to interrupt you. I do not wish to be overly fastidious, but Standing Orders require that any debate on Third Reading is simply do we or do we not adopt the regulations in Third Reading in their current form?

Deputy H.L. Jeune:

Okay, sorry, Sir.

The Bailiff:

That is quite all right.

Deputy H.L. Jeune:

I was hoping that the Minister would be able to see if there was something that he would look into within the national security aspect.

The Bailiff:

I understand what you were saying. It just does not belong in Third Reading in accordance with Standing Orders.

2.3.2 Deputy M. Tadier:

The reasons I think we can have confidence in passing this in the Third Reading is that ... I am always impressed by ... well, I say not always but I am often reminded, especially in times when the public service can get a negative press, and there is a global theme going around that Government is too big in Jersey by the quality of some of the people that we have working in our government offices. So it was remiss of me earlier not to say thank you to my Scrutiny Panel and our officers who have done great work on this, but also the quality of the explanations and the passion that the officers have to be able to explain these things clearly, often things that we might think are quite dry but are vitally

important. It is important, I think, that we recognise that Government does need to have a good cross-section of highly-skilled individuals who could be working in the private sector, who often have been working in the private sector and bring their knowledge to us. They have certainly brought their intelligence and influence to bear on bringing forward what I think is quite a delicate, sensitive, piece here and one which we can have confidence in today. If the Minister would be happy to pass our thanks on.

The Bailiff:

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

2.3.3 Deputy K.F. Morel:

I thank Deputy Tadier for his comments about the team who have worked on this, and I fully agree with him. Coming from a telecoms background, as Deputy Tadier does himself, he used the word “dry”. There are areas in that subject matter which are extremely dry. But somehow, and I think Deputy Tadier may agree, also strangely fascinating. My officers in this area or Jersey’s officers in this area, I should say, are passionate about the role they play and they do do extremely good work. I will pass on his gratitude and his thanks accordingly. Very quickly to Deputy Jeune, without wanting to fall foul of the Chair’s ruling, I do not know, and I will look into it. With that, I move this proposition in Third Reading.

The Bailiff:

Do you call for the appel? The appel is called for. I invite Members to return. The vote is on the Draft Telecommunications Law Amendment Regulations in Third Reading. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

Pour: 46		Contre: 0		Abstained: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
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Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				

Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
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Deputy M.R. Scott				
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Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The next item was to have been the Draft Dogs (Jersey) Law but I understand that has been deferred, is that correct? It is correct. Very well then, that concludes Public Business and I call upon the chair of the Privileges and Procedures Committee for the arrangement of public business for the future.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

As you have just mentioned, the only change is that P.63 has been deferred until 11th November. The 21st October, the next sitting, is not too heavy on propositions, so I expect it to be completed by the end of the 22nd, that is the Wednesday. Otherwise, there are no changes. I make the proposal for the order of business, and I ask leave to address the Assembly once it has been accepted.

The Bailiff:

Do Members agree with the order of business? Very well, then that is the order of business.

FAREWELL TO THE BAILIFF

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

Sir, this marks the last occasion on which you will preside over the Assembly. In light of this fact, as chair of P.P.C. (Privileges and Procedures Committee), I would like to say a few words on behalf of all Members. You are President of the States Assembly and also Chief Judge in the Royal Court. You encounter reprobates, lawbreakers and ne'er do wells, and you also pass judgment in the Royal

Court **[Laughter]** where you deal with reprobates, lawbreakers and ne'er do wells. Your membership of this Assembly dates back 17 years to April 2008, when you were appointed as Solicitor General. You subsequently served as Attorney General and Deputy Bailiff, and for the last 6 of those years you have been President of the States and Presiding Officer in the Assembly's meetings since 2015. Not including this meeting, you have presided for a total of 1,300 hours, which is the equivalent of 54 days, roughly the same time it takes from base camp to the summit of Everest. Though I draw no comparison. No one could have foreseen in October 2019 what was to come and the times during which you would serve as Bailiff. I refer primarily, of course, to the COVID pandemic and the impact it had on Jersey and on the work of this Assembly. As public health guidelines were established and the full effect of the pandemic became apparent, the Assembly was forced to adapt. Physical distancing required us to move location to Fort Regent, and soon afterwards the Assembly's meetings went almost totally online. Indeed, the Assembly was the first Parliament in the Commonwealth whose meetings were conducted entirely online, with all Members able to participate remotely. I said "almost totally online" as while we, as elected Members, joined from home, you, as Bailiff, continued to attend in person. At first this was at Digital Jersey, but in time there was a return to the States building and the States Chamber itself. That must have been a strange experience with just you and the Greffier in the Chamber and all of us at home, and it presented its challenges, both technological and procedural. Suddenly all manner of noises from dogs barking to other impromptu interjections, that I will not mention, could be heard to interrupt the proceedings. Remote participation did raise the prospect for you to be able to mute any one of us at the touch of a button. A temptation to which I am glad to say you never gave in to. Although I am sure there have been occasions since then when you wished that you still had that ability. The pandemic required the Assembly to operate at speed, adopting and progressing legislation in a way rarely seen. Seldom has the Assembly been as busy, but other significant developments came during your Presidency. The passing of Her Majesty Queen Elizabeth II and the declaration of the new King in the Royal Square soon after, were both important and historic events. Brexit came to its fruition and the Assembly was required to meet remotely 2 days after Christmas 2021 on a Sunday to agree the final arrangements for the Island. A decision on the new hospital for Jersey, after various changes in direction, was finally taken after what can only be described as a foreshortened debate and perhaps, most significantly, the Assembly agreed to the introduction of the assisted dying legislation. The first step in that process was a debate on an in-principle proposition in November 2021, a debate over which you presided. You referred at the time to the respectful way in which the debate had taken place. You have approached your responsibilities in this Assembly with good humour, dignity and diligence. I understand that prior to being sworn in as Deputy Bailiff you sought to gain experience of what it is to be in the chair and to preside in this Chamber. Our year 5 primary school visits presented you with that opportunity, and you had the chance to preside over debates on the banning of homework and on bringing pets to school. From a presiding perspective, I wonder if you felt it was all downhill from there, but that preparation meant you were ready for anything that we, as elected Members, might throw at you. You have also presided when this Chamber has been used for the Youth Assembly and other public engagement events, like the People's Debate.

[10:30]

You have always managed such events appropriately, pitching the tone exactly right and affording participants who are not used to speaking in these surroundings the best possible circumstances to deliver their contributions. Your duties as Bailiff extend beyond what happens in this place. There are your duties in the other place down the corridor from here, but there is also the important role you have played with the community and as part of Island life. All of us have witnessed first-hand your attendance at numerous community events, and have seen your dedication to the role of Bailiff and to your Island. Jersey has celebrated 2 significant anniversaries of liberation during your tenure. The 75th anniversary celebrations were muted because of the health restrictions in place during lockdown, but the Island was fully able to celebrate and commemorate the 80th anniversary this year.

You have received royal visitors to our shores, including the Wessexes for Liberation Day in 2022. But perhaps the most significant was the visit of King Charles III and Queen Camilla in July last year, which, despite the weather, was a great success and afforded you the opportunity to express on behalf of the Island our appreciation of Their Majesties. I know that in a few moments we will signal our appreciation of your dedication in the usual way in this Chamber. Your dedication was recognised by Her Majesty the late Queen when you were knighted in June 2022. I know that in the other place a portrait of you will be unveiled in line with the tradition of retiring Bailiffs. I can assure you, Sir, that it will be a true likeness, as I had one commissioned by the same artist, although not for my retirement, I might add. On behalf of the Assembly, may I express Members' thanks and appreciation for all you have done, both here and for the Island as a whole, and wish you the very best for your future. Thank you, Sir. **[Approbation]**

The Bailiff:

It may sound like I am choked with emotion, I actually have an extremely bad cold. **[Laughter]** But that notwithstanding, Deputy Ahier, I really do thank you very much indeed for those incredibly kind and generous words. I am not going to say very much in response because there will be an opportunity for me to speak to Members at a retiring dinner in two weeks' time, and I shall keep some, at least, of my powder dry until then. But you have certainly highlighted and made reference to many of the highlights of my time as Bailiff, which have made it quite an incredible and memorable journey for me. It is quite strange to be sitting here for the last time, having done so for 10 years also up to now. You never forget your first time, as they say, and my first time was as Deputy Bailiff shortly after I was sworn in. You also never forget your first point of order, that was Deputy Tadier. **[Laughter]**

Deputy M. Tadier of St. Brelade:

Guilty.

The Bailiff:

I lasted about 3 questions into Questions with notice before the Deputy thought it was time to test me with a point of order. Forgive and forget, Deputy. That is what I say, but I will not. **[Laughter]** It was also the same Deputy who gave me the other slightly challenging moment when he sought - and I can only assume he knew what he was saying, and therefore intentionally - to slip a non-parliamentary word into his speech in Jèrriais. It was quite fascinating to watch those who spoke Jèrriais crying with laughter, while everybody else looked quite non-plussed and wondered what was going on. It was lucky. It was one of the very few rude words in Jèrriais that I know, so I was able to spot it. *[Jèrriais spoken]* I am just going to say this, it has been an enormous source of pride for me, a great privilege and a genuine pleasure to have presided over this Assembly. It is a remarkable place in my view. It is challenging and it is high energy. There are the whole range of experiences from, frankly, the desultory to the absolutely wonderful. I think I should mention that through all of that, this Assembly has been supported, and is always supported, by the Greffier, Deputy Greffier and their staff. **[Approbation]** I can say with certainty that we all owe more to them than we realise by the quiet service that they give constantly to this place. I think I want to say one other thing as well. This Assembly is at its very best when we bring our best version of ourselves into the room, when it is tolerant, when it is kind, when it does not engage in *ad hominem* attacks and when it is the issue that is debated and not the behaviour of the individual. This Assembly is often able to achieve that, although sometimes it does not. But when it does, that is the Assembly I remember. That is the Assembly that I am proud of and have been privileged to have served. That is the Assembly I will carry with me as I leave it now for the last time in this capacity, that is not foreshadowing any intention to come back in any other capacity. But it is the Assembly that the public can and should respect. I shall miss it. Thank you all very much. **[Approbation]** Thank you. The Assembly stands adjourned until 9.30 on 21st October.

ADJOURNMENT

[10:37]