

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 12th NOVEMBER 2025

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[9.30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Tribute to former Connétable Silva Yates of St. Martin

Members will be saddened to hear of the death of the former Connétable of St. Martin, Silva Yates, who passed away at his home on Monday night, aged 91. Silvanus Arthur Yates, known throughout his life as Silva, was born on 14th October 1934 in Tidworth, Hampshire, but his family was from Jersey. He went to school at St Peter's Primary. His family moved to England in 1940 for the duration of the war. He returned home in 1948 and finished education at Victoria College in 1952. He began his career in the early 1950s as part of the Civil Service Commission within the Ministry of Defence, Mechanical Engineering section. Between 1957 and 1969 he worked in a light engineering business in Jersey before setting up his own business designing and building boats. He was married to Nancy and together they had 5 children; 4 sons and a daughter. Several of his members of the family are here today in the gallery, and we welcome you. **[Approbation]** Silva Yates was an active member of the Honorary Police in his Parish of St. Martin and was elected Connétable in June 2006 and re-elected unopposed in 2008. As a Connétable, he spoke infrequently in the States but was described by former Senator Francis Le Gresley as having a knack of saying in a few words what some people would say in 20 minutes. Perhaps his most memorable speech came during a debate on the transfer of health funds from Social Security to Health, where he spoke of his grandmother's household accounting system, which involved money being placed in jars on the mantelpiece to cover the various household costs, and a separate small pot in which she kept ship ha'pennies, which were used to fund any medicines required. He drew comparison with that second and separate pot and the Health Insurance Fund. This resonated with Members and was in fact repeated by Senator Le Gresley, then Minister for Social Security, when the matter came before the States again in 2012. He was a man of independent thought and would often vote differently from his fellow Connétables. His work on Scrutiny involved a review of the income support system, social housing, Homebuy and income support benefit levels. He retired from the States in 2011, but maintained an active and keen interest in Parish life, particularly as a member of the St. Martin Housing Association. He regularly attended annual C.P.A. (Commonwealth Parliamentary Association) events, including one held earlier this year, and proudly represented Jersey at the C.P.A. Conference in Gibraltar in 2008; a place where his father had served in the armed forces. Our thoughts are with his family, his children and grandchildren, and others who know him well at this difficult time. I invite Members to stand and reflect on Mr. Yates and his contribution to the work of the States. **[Silence]** May he rest in peace.

The Bailiff:

We now return to the Order Paper.

Deputy C.S. Alves of St. Helier Central:

Sir, before we start Public Business, I would just like to let the Assembly know that I will have to leave at 12 o'clock to attend a hospital appointment, but I will be back after lunch.

The Bailiff:

Thank you, Deputy.

Male Speaker:

Sir, could I raise the défaut on the Constable of St. Helier?

The Bailiff:

Are Members content the défaut is raised? The défaut is raised on the Connétable of St. Helier.

PUBLIC BUSINESS

2. Draft Dogs Law (Jersey) Amendment Regulations 202- (P.63/2025)

The Bailiff:

The next item of Public Business is the Draft Dogs Amendment Regulations lodged by the Comité des Connétables. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I now will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Dogs Law (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 13C of the Dogs (Jersey) Law 1961.

2.1 Connétable M.K. Jackson of St. Brelade (Chair, Comité des Connétables):

I would like to start my speech by declaring an interest in that I share a residence with 2 Dachshunds who consider themselves dangerous, but do not fit the characteristics I will highlight later. I mention this to highlight the fact that 2 dogs of the same breed can have different personalities with one being more tolerant of children than the other. I am less inclined to let one off a lead near children, despite training early on in its life; but I will come back to children further on in my speech. The aim of the proposed amendments to the Dogs (Jersey) Law 1961 is to strengthen public safety, align our Island with other jurisdictions and, most importantly, protect children. The proposals will define what is a dangerous dog and set out clear requirements for the keeping of such dogs. The aim is to introduce a registration scheme for dogs which meets the criteria of a dangerous dog as set out in the new Article 1B. This means a dog of a type listed such as a Dogo Argentino, a Brazilian Mastiff, a Japanese Tosa, a Pit Bull Terrier, and XL Bully dog. A person must have regard to guidance about the dog type, which is published by the States veterinary officer. That guidance includes a dog that may fit the characteristics and measurements of an XL Bully, such as an American XL Bully, a American Staffordshire Terrier, an American Staffordshire Bull Terrier, an American Bulldog, a Cane Corso, or a Presa Corso. One might ask why these particular dogs? Dogs have been our best friends for centuries, and Jersey is home to over 10,000 dogs, which are family pets, working dogs with police and Customs, lifelong companions which take part in our joy and well-being, with some finding roles in schools and as therapy dogs and as, of course, companions for the blind.

[9:45]

However, the dogs which fall under the dangerous dog category have been bred for different purposes. They are large muscular dogs of a certain breed or type with guarding instincts; status and an increased bite. They have been bred for herding cattle and livestock, hunting large game, and security and fighting purposes. As a side note, the term “dangerous dog” should not be conflated with a dog dangerously out of control. The Dogs Law already has provisions for any dog. This is dangerously out of control in Article 11A of that law. It would be appropriate at this juncture to remind Members of the unfortunate and recent case of a family XL Bully attack in Wales, where a 9 month-old baby was killed, as was confirmed by the Gwent police earlier this month on 5th November. This is the latest in a number of attacks in recent times. In Jersey between 2013 and 2023, there were 9 recorded incidents involving Pit Bull-type dogs, 7 of biting other dogs, and 2 of biting people. In the UK, in 2023, there were 16 fatal dog attacks, more than double the 6 fatalities recorded in 2022. Around half of these deaths were linked to XL Bully dogs. In the UK, XL Bully dogs were added to the Dangerous Dogs Act from 31st October 2023, and since 31st December that year, it has been illegal to breed, sell or rehome these dogs. Existing XL Bullies must be muzzled and leashed in public, and it is now a criminal offence to own or possess one without a valid certificate of exemption. In France, there are 2 categories of dangerous dogs. Category 1, banned breeds; and category 2, restricted breeds. Restrictions in France include compulsory third-party insurance,

vaccinations, sterilisation and the requirement that such dogs are kept on a lead and muzzled in public, including on public transport. The proposed amendments for Jersey mirror these restrictions with adjustments for our jurisdictions, such as the minimum age for ownership being 18. The focus, though, is on implementing restrictions on dangerous dog ownership to prohibit breeding and emphasising public safety measures, such as always being walked on a lead, being neutered and being muzzled in public places. The reason we feel that Jersey needs the proposed controls is that there is presently no means of restricting numbers of the type of breed mentioned. While the States veterinary officer is currently aware of a number of dogs that may fall within the definition of a dangerous dog, there are no powers to control or impose conditions to enhance public safety. The veterinary officer has given advice to a number of dog owners that Jersey is looking towards adopting similar conditions to the UK, but a litter of XL Bully puppies was born in 2024. These puppies now are of breeding age. We are keen that the legislation is enacted without delay. There are potentially 30-plus dogs of breed or type on the Island which may meet the criteria of a dangerous dog. The new restrictions for dogs classified as dangerous dogs in Jersey are proposed to be as follows. They must always be kept muzzled and on a lead in public places. They must be under the control of a person aged 18 and above. The owner must always hold valid third party public liability insurance approved by the veterinary officer. There must be one sole registered owner. The dog must be kept in a secure location in order that it cannot escape. There will be a prohibition on breeding and requirements enforced to neuter a dangerous dog to mitigate the numbers increasing in the Island. There will be a prohibition on abandoning, giving away, selling or transferring a dangerous dog. All dangerous dogs must be microchipped. These are not new or untested ideas. We are mirroring restrictions already imposed elsewhere, such as the UK and France. The amendments are intended to be preventative, before the numbers of dangerous dogs increase in Jersey. Such requirements have already been adopted by our close neighbour countries, the UK and France, which makes the Island vulnerable to imports of these types of dogs if we do not have our own restrictions in place. The process proposed is that the States veterinary officer will register all dogs meeting the dangerous dog criteria. It is considered that given the low numbers estimated that there is sufficient resource within her department to deal with it. The Jersey registration scheme will require the States veterinary officer to maintain a register of dangerous dogs and it will be an offence to own a dangerous dog unless it is registered with the States veterinary officer. The sole registered owner of a dangerous dog must comply with the conditions imposed by the veterinary officer mentioned previously. The Parishes will be liaising with the veterinary officer under a data-sharing agreement to ensure that all dogs which may fit the characteristics of being a dangerous dog are contacted. The States veterinary officer will be issuing correspondence to those potential dog owners impacted. A Parish dog licence will only be issued if the dog is registered as a dangerous dog with a veterinary officer and the insurance is maintained. Parish websites, which is the dog licensing portal and internal administration processes, will be updated to reiterate dangerous dog restrictions accordingly. The Comité will liaise and notify Customs, professional dog-walking businesses, vets, shops, States of Jersey Police, DFDS, Jersey Aero Club, among others, of the new restrictions. The aim is to align the proposed amendments and their enforcement to take effect before the dog licensing registration renewals in January 2026. I am mindful of our obligations under the U.N. (United Nations) Convention on the Rights of a Child, I turn now to the impact on children's rights. A full C.R.I.A. (Children's Rights Impact Assessment) has been prepared and published and the findings are as follows. Only positive impacts have been identified. The safety and protection of children in public must be our priority. The proposed amendments are in line with the Island Plan, which seeks to protect and enhance the amount of open space available across the Island. These proposed measures prohibit dangerous dogs from being walked in public off lead and oblige them to wear a muzzle, thus implementing public safety measures. Areas of play, including beaches, parks, leisure and sports facilities, natural woodland environment, cycling and footpath routes are included. The proposed controls aim to mitigate the risk of dangerous dog attacks, which have taken place in other jurisdictions. No negative impacts have been identified. All children will be positively impacted if

these amendments are adopted. The ultimate goal is simple. For Jersey to be and to continue to be a safe place for children. We must also recognise, sir, the evidence. Children are among the most vulnerable victims of dog attacks in the U.S. (United States); 29.4 per cent of fatal dog attacks involved children aged between one and 4. More than half, 56.7 per cent of victims killed by dog attacks were aged 16 or under. Young children are at a far greater risk because they cannot always recognise the signs of aggression and their behaviour may inadvertently provoke a response and their small size makes them less able to survive an attack. These stark facts emphasise the necessity of implementing robust measures to mitigate the risks of encountering dangerous dogs in public and play facilities. There have been some late submissions to the Environment Scrutiny Panel with whom we have been working from the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) and the States of Jersey Police. There were 2 meetings held in June and September with the J.S.P.C.A. It is worth mentioning, that there is an agreement in place between the Parishes and the J.S.P.C.A. to collect and house stray dogs. This will include the dogs that fall under the category of dangerous dog. Discussions have been held to locate a local trained dog handler, because I appreciate that handling a dangerous dog is a specialised duty. Discussions have been held with a trained dog handler for dealing with dangerous out-of-control dogs. One dog trainer has been contacted and keen to discuss further. It seems to me that the Comité will need to incorporate that process in their contract with the J.S.P.C.A. I also note that J.S.P.C.A. has offered muzzle training. With regard to the States of Jersey Police, I had a conversation yesterday with an officer responsible for the area. While the Article 7, I think it is, of the existing Dog's Law ... sorry, Article 11(7) of the Dogs Law existing, indicates: "A dog seized under paragraph (2) or (4) shall be transferred to and detained at an establishment suitable for the reception of dangerous dogs (including any premises in the ownership or control of the States Police Force) and dealt with thereafter in accordance with this Law." The reality is that the States of Jersey Police no longer have a facility, and this is something that we need to discuss among ourselves to see how that can be provided should the need arise. I would like to think there will be little in the way of need should this legislation be approved by the Assembly and we do not get an influx of dangerous dogs. But clearly there is a gap, shall we say, in the provision and that is historic and applying already. I am prepared to draw the various parties together to discuss how we might achieve a facility to provide for the retention of dangerous dogs and their handling should the need arise. I am well aware that the police are not presently resourced to deal with any errant or dangerous or indeed out-of-control dogs, which is another area which we will need to be looking at, but this is not the law to be dealing with that, and I am prepared to commit to bring the various agencies together in order to achieve an equitable solution. So the amendments proposed 2 Articles, 5 and 9, revolve around a collar and the what might go on the collar in Article 5? The present situation is that it is an obligation for a dog owner to have on a dog's collar the name and address, name of dog and telephone number. We are proposing that that be altered to just have the name of the dog, the telephone number and in fact the dog registration number, which with our new technology is available and once allocated to a dog remains with them for life. The risk of an address for one is that an address can be quite large to put on a small disc and I think it is something which is not done universally. In all practical terms, the dog's disc can be the size of a penny, which Members will realise is limited in space. This is just a practical proposal to utilise that modern day technology. Article 9 referred to in the previous iteration of the amendment to damage to agricultural land. It was not clear how that could be progressed through a court process. While we are cognisant that there is a need to do further work on that, we will be doing that and discuss with stakeholders how that can be best achieved and also of course with the prosecuting Centeniers. At this point I, therefore, make the proposition and look forward to answering Members' questions.

The Bailiff:

Thank you, Connétable. Are the principles seconded? **[Seconded]**

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

When I came back into Government earlier last year one of the first things I said to officers was that I want to make sure on XL Bullies I found it unconscionable that I would sleep at night if something happened while I was Minister and I had not taken action. Of course in my naivety I was reminded quite quickly that this particular law does not sit under my jurisdiction and was for the Comité des Connétables. I apologise to the chairman, my Assistant Minister, who has received regular emails from myself since that time to pester him as to where this amendment was and why it was not coming forward.

[10:00]

But I am grateful now and I stand today in full support of the Comité who have highlighted this urgent need to implement safeguarding measures in respect of XL Bully dogs. As a dog owner myself, I understand the loyalty, the companionship, the sheer frustration and the joy that comes with having a pet. But we must also confront the reality that the XL Bully-type dog in its current form and without the implementation of safeguard measures poses a well-evidenced and escalating threat to public safety. We in this Assembly have a duty to our communities and a duty to protect the fundamental right of every citizen to feel safe. In this particular regard the Island's laws need strengthening. We are not here to demonise any specific breed but what we do need to look at is the wider evidence. A number of serious and fatal attacks involving XL Bullies has increased dramatically in recent years. The number of XL Bully-type dogs, as the Connétable has already said, in Jersey has grown. These dogs are often far larger, more muscular and more powerful than other breeds and they are capable of inflicting serious injuries in a matter of seconds. Their bite strength and body mass make them more likely to inflict life-threatening injuries quickly and it is more difficult to prevent harm once they begin attacking, even with the efforts of multiple adults. Sometimes the dogs show unpredictable behaviour. Some attacks come from dogs with no known aggression history, shocking even their well-experienced owners. Authorities in the U.K. (United Kingdom) have reported cases where dogs turned suddenly, sometimes due to pain, triggers or stress. In 2023 there were 16 fatal dog attacks in England and Wales, more than double the 6 fatalities recorded in 2022. Around half of these deaths were linked to XL Bully dogs. These dogs, originally bred from pitbull types for strength and size, can weigh up to 80 kilograms and possess powerful jaws capable of inflicting severe injuries. Let me be clear, most dog owners are fully responsible but responsible ownership alone is not enough. A loving owner is not a substitute for effective control measures; that is why we must implement control measures to minimise the risk of an incident. I am supporting the call for mandatory safeguard measures for the ownership of XL Bully dogs and those to include keeping the dog on a lead and muzzled in public, prohibiting breeding, prohibiting selling them or giving them away and prohibiting abandoning the dog. I reiterate that these measures are not an attack on the breed, they are a protection measure for the public. Because without safeguards there could be a serious incident, as they have been increasingly in England and Wales. We must act with compassion but also with courage and common sense. Just as we regulate vehicles, chemicals and other potentially dangerous tools, we must regulate the ownership and handling of XL Bullies. Safeguard measures are not punishment, they are protections. Through the implementation of clear and enforceable safeguard measures for XL-type Bully dogs we can promote public safety, support responsible ownership and ensure that our policies reflect both accountability and animal welfare concerns.

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

I am speaking as chair of the Environment, Housing and Infrastructure Scrutiny Panel to outline the panel's position on the Draft Dogs Law Amendment Regulations and to summarise the key findings of our Scrutiny work. The panel published its first set of comments in late September after receiving briefings from the Comité and since then, following the decision of the Comité to defer the debate. We have held a public hearing and received additional evidence from the Comité, Parish officials and the States vet, which we have issued an additional comments paper after this work. This has

been put on the Order Paper but I have discovered that the new comments paper is not displayed on the States website where P.63 is referenced, for those who want to go and find it. I want to begin by recognising the steps that have been taken since our initial comments were lodged. The panel welcomes the fact that the Comité has responded to the concerns raised by both the panel and the States stakeholders and lodged an amendment, which in our view represents a more balanced and proportionate approach to some areas of the law that the amendments would have affected all dog owners. In particular, we welcome the clarification and amendment to the new Article 6 which will no longer require every dog owner to replace or update their tags by February 2026. That original proposal would have created unnecessary cost for dog owners. The revised approach at requiring the addition of the licence number on the tag to be added when it is a new registration, change of address or change of phone number is a sensible and more proportionate adjustment. On the new Article 9 the panel is also pleased the Comité has removed the new wording on damage to agricultural land. In their proposed amendments, that amendment was not properly consulted upon, as it would have affected all dog owners. Yet the intent was unclear, including definitions and enforcement. The Comité's commitment to undertake a separate consultation-led review of livestock-worrying provisions involving the farming community, animal welfare experts is the right next step. The panel heard from members of the public who highlighted both gaps in enforcement and a lack of clarity around what counts as agricultural land. For example, there is a lack of clarity if the law covers chickens kept in someone's garden or sheep grazing on the north coast; areas where dogs have previously made attacks and caused serious damage. After careful deliberation the panel is broadly supportive of the introduction of a new registration scheme for dangerous dogs, which will strengthen public safety by ensuring that ownership is properly regulated, recorded and subject to clear conditions. We also support the creation of new restrictions, including requirements for insurance, public control and neutering, which were designed to reduce risk to people and to protect animals. We are very aware of the terrible attack on a baby recently in the U.K. and others in the past. All are shocking and awful situations that could have been prevented, and we need to do what we can to protect; especially children and babies. However, we do have some remaining concerns in these amendments. Firstly, the panel remains disappointed that consultation throughout the drafting process was not as robust or transparent as it should have been. The panel only became aware of some of the key proposed changes during our review, not during initial briefings. This lack of clarity undermines confidence in how legislation changes are being communicated, especially when they impact thousands of Islanders. The panel is concerned that the States of Jersey Police were only consulted late in the development of this legislation, which limited their ability to provide meaningful input, particularly on provisions that specifically reference their role in enforcement. While I believe the police have welcomed the introduction of a register for dangerous dogs, they have raised concerns about the lack of suitable facilities and trainings to manage such cases. For example, new Article 11 provides that: "A police officer may seize a dog believed to be dangerously out of control." However, there appears to be no current provision for trained or licensed dog handlers within the police force, nor clarity on whether specialist officers or resources will be made available to fulfil this function in the future. Further, new Article 11(7) states that: "A seized dangerous dog must be detained in a facility suitable for the reception of dangerous dogs (including any premises in the ownership or control of the States Police Force)." There seems to be no such facility currently existing in Jersey. The panel would like clarification from the Comité on how it intends these provisions to be implemented in practice, should the law be adopted. What plans exist to establish or fund appropriate facilities and trainings? I am concerned that we only hear now today from the Connétable of recognition of this lack of facilities and handling and training, as it was never raised with the panel that this was a concern or how the Comité will mitigate this. The panel received correspondence late last week from the J.S.P.C.A. who stated that they were not consulted on the development of the dangerous dog provisions. Given the J.S.P.C.A.'s operational role in both welfare and enforcement, this was a missed opportunity. Their perspective could have strengthened the drafting and reduce ambiguity around enforcement. They have raised concerns that they also do not have facilities or

trained staff to handle dangerous dogs. Even though the Connétable has counted these concerns, I would like to see it come from the J.S.P.C.A. themselves to ensure any of their comments in their letter received last week is now abated. The panel believes this highlights a broad issue that structured formal consultation with enforcement and operational bodies must become standard practice in the development of any further legislation affecting public safety. Thirdly, we have highlighted the need for clearer justification of the breed-specific approach taken in relation to dangerous dogs. The J.S.P.C.A. and other welfare experts have cautioned that behaviour and ownership practices are often stronger predictors of risk than breed alone. This is also being raised in a petition with, to date, over 595 Islanders signing and supporting these calls. While the States vet acknowledged the issue as complex, the panel has not yet seen a clear evidence base of the approach adopted. We, therefore, recommend the Comité set out its reasoning and consider alternative frameworks focused more on responsible ownership and behaviour-based regulation. Fourthly, we are concerned about resourcing and capacity within the States veterinary office to introduce and operate the new registration scheme. While we received a letter of comfort from the Assistant Minister for the Environment, it advised that the department did not anticipate any unreasonable impact from the implementation. It was acknowledged that if there was significant non-compliance with the new regulation requirements, this could increase the impact on staff, time and resources. We remain concerned that the department's response underestimates the potential resource implication and notes that the new Article 5B(5) of the proposition grants the Minister an order-making power to prescribe fees for the registration of dangerous dogs. I would urge the Minister to make use of this power to ensure that the States veterinary officer is appropriately resourced to deliver the scheme effectively, especially given budget constraints for his department going into 2026. Finally, the panel wishes to stress the importance of a joined-up approach to dog control and animal welfare legislation. The current legal framework spans several separate laws and regulations from the Dogs Law 1961 to the Animal Welfare Law, the Policing of Beaches and the Parks Regulations. That complexity risks creating gaps or inconsistencies, especially around enforcement and general control of dogs. We urge the Comité and the Government more broadly to ensure any future reforms are co-ordinated across these related areas. We appreciate the Comité's responsiveness to Scrutiny and public concern but we remain of the view that stronger consultation, clearer evidence and a more coherent framework are essential if these amendments are to command public confidence and be effectively enforced. We fully recognise that time is of the essence. There is an urgent need to take action on dangerous dogs, particularly as their numbers continue to rise in Jersey. However, it would be remiss of me as chair and of my panel to overlook the significant gaps and weaknesses in the legislation-drafting and consultation process that have been brought to us up to this point. Therefore, as outlined in Standing Order 83, I would like to propose a reference back, Sir.

2.2 Draft Dogs Law (Jersey) Amendment Regulations 202- (P.63/2025) - Reference Back

The Bailiff:

You will need to specify under Standing Order 83 what further information relating to the proposition should be provided to the States or what ambiguity or inconsistency, information relating to the proposition which has been given to the States needs to be clarified. You need to specify, what is the purpose of the reference back that you proposed?

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

Absolutely, Sir. As outlined in my speech on the proposition, the panel's concern is that the proposition has been brought forward without sufficient consultation or supporting analysis. The Comité des Connétables has not demonstrated that key stakeholders, including the J.S.P.C.A. and the States of Jersey Police, were meaningfully engaged. We only hear last minute today from the Connétable of potential mitigation measures. But I am concerned this was thought of only after Scrutiny has raised concerns and discussions of reference back and not integrated or risk-assessed into the legislation development. The panel is requesting also reference back so that this consultation

can take place, which should include consideration of alternative approaches to addressing concerns of dangerous dogs, as highlighted by the J.S.P.C.A., who do not believe that a breed-specific approach would be effective or appropriate in Jersey. I should like to highlight in this reference back that the police have highlighted that there is a lack of trained dog handlers or facilities, once a dangerous dog is seized. I would like to hear from the Comité proposed solutions that will reduce this gap. I would like to ask for this reference back to enable the Comité to undertake this work and return to the States Assembly with answers without these outstanding concerns and follow a more in-depth process with supporting analysis demonstrating that the proposal is evidence-based and shows clear consideration of alternative approaches.

[10:15]

Deputy M. Tadier of St. Brelade:

Sir, would the speaker give way as well, Sir, for a point of ...

The Bailiff:

Yes. Before she does that, I have made a note, Deputy Jeune, the purpose of the reference back and summarising it, further consultation and supporting analysis, engagement with the States of Jersey Police and the J.S.P.C.A. and explore other ways of dealing with dangerous dogs. Does that sufficiently capture much of it? So I can summarise to Members the purpose of the reference back.

Deputy H.L. Jeune:

Yes, Sir, and also to provide mitigating measures for when a dangerous dog has to be seized by the police or the J.S.P.C.A., if that is at all possible in Jersey at this moment. If it is not possible, what other steps to make it possible in the future? Regarding the dangerous dogs, the alternative approaches to addressing concerns of dangerous dogs, to understand why a breed-specific approach was chosen rather than other approaches, so to understand a bit more evidence-based is why that was ...

The Bailiff:

Yes. Are you prepared to give way to a point of clarification for Deputy Tadier?

Deputy H.L. Jeune:

Yes.

Deputy M. Tadier:

I am wondering if the Member would also clarify whether she believes there needs to be clarification on 4 further points, which the Constable raised, one of which is the what goes on the collar of the said dog? There is controversy about that for security reasons what one should put on there. Two, whether there are sufficient safeguards in terms of the criminal background checks for those who would own such dogs. Three, how the facility that the Constable referred to for training such dogs will work, how it will be funded and when it will open. Four, also what happens to dogs that are no longer wanted if they cannot be transferred because ownership cannot be transferred and whether there is sufficient alternatives to euthanising? Does the chair of the Scrutiny Panel think that those are also areas that need to be clarified in the reference back?

Deputy H.L. Jeune:

Absolutely. I believe some of those I did mention in my speech before but I realise I may have had to reference back first and then done my speech. Because my speech did say some of those things but, yes, those are important for the reference back.

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

Please, may I raise the défaut on Deputy Scott?

The Bailiff:

Forgive me. Yes, are Members content? A reference back has been proposed, is it seconded?
[Seconded]

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

Sir, I was just wondering if I could ask a point of clarification as well, please.

The Bailiff:

Yes. Are you content to accept on a point of clarification?

Deputy H.L. Jeune:

Yes, Sir.

Deputy K.F. Morel:

Yes, thank you. I was just wondering if in asking for a reference back if the chair could clarify whether there is a mechanism for the panel to call this legislation in or if that is really the reason for the reference back is because there is no mechanism. I do not know.

Deputy H.L. Jeune:

No, we are able to call it back and we could, potentially, after this if the reference back is not passed. But for us we felt that there is a lack of clarity in many of these things that it is for the Comité des Connétables to bring to us as Scrutiny or to the Assembly rather than for us to do at this stage more work than we have done already.

The Bailiff:

We are now debating a reference back. The Members have put on their lights, Deputy Rob Ward, is it for clarification or ...

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

Yes, it is for clarification. I have lost track of what the reference back is for.

The Bailiff:

It is for lots of things.

Deputy R.J. Ward:

Because there was a lot of things added, there is about 9 things on the list now.

The Bailiff:

Yes, the purpose of the reference back is further consultation and supporting analysis from the Comité, engagement with the States of Jersey Police and the J.S.P.C.A., exploring other ways of dealing with dangerous dogs, other than a breed-specific approach, further consideration of mitigating measures in respect of the seizure of dogs, information on background checks to owners, training of handlers and further consideration of the fate of unwanted or abandoned dogs.

Deputy M. Tadier:

Or maybe the collar, Sir.

The Bailiff:

Yes. What was your point about the collar again?

Deputy M. Tadier:

It is just about what information should legitimately go on the collar for security.

The Bailiff:

Yes. It is referred to specifically by the amendment on the draft law but you want that added too, do you?

Deputy M. Tadier:

Yes, Sir.

The Bailiff:

All right. That is the purpose of the reference back. Deputy Doublet, do you want to speak in the debate or do you want to ask a question of clarification from the proposer?

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

I will be guided by you, Sir, because I am not sure if this is something that can be dealt with now as a point of clarification. But I have just written down the points that you listed there. It seems to me that many of them are already dealt with in the legislation or could be dealt with by guidance after the legislation. I just wanted somebody to reflect on that. Also, it seems to me that the procedure for seizure of dangerous dogs, I have looked at the legislation and that is already a procedure that is part of the legislation. I am not sure how that is currently working and whether there is any more information that could be sought. I think where I sit with this at the moment and this is a speech I suppose ...

The Bailiff:

Yes, I think it is, yes.

Deputy L.M.C. Doublet:

... is I would rather carry on with the debate because the point made by the proposer of the legislation about children's rights I think is really important. The proposer of the reference back herself mentioned that time is of the essence. Weighing those things up with the points raised, I think that it is most important that we put the legislation in place and have the protections there. I believe that some of these points raised could be dealt with with procedures and guidance subsequently.
[Approbation]

The Bailiff:

Thank you, Deputy. Does anyone else want to speak about the reference back?

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

I am not sure if I need to declare an interest, being an owner of 2 dogs, a Labrador and a Spaniel but they are only dangerous in the context to those who do not like to be licked or have to tickle their tummies. I am not sure, Sir, if the microphone picked up that comment. **[Laughter]** I suppose it depends who is walking the dogs. The reality is that Government and legislative processes are purposefully slow, so that they can be thought through, they can be consulted upon and they can be appropriately considered. Sometimes that is a frustration for the public, and in a fast-moving world it is difficult for legislatures and governments to compete with expectation for instant action. This, I think, is one of those rare occasions where we can take action today. We can approve the legislation in advance of something awful happening to an Islander at the hands of a dangerous dog, as described in this legislation. While I appreciate the concerns of the Scrutiny Panel, and they have done good work, for my part the benefit of approving this legislation today and getting on with designating this breed as a dangerous dog so that we do not have an incident or a fatality, as we have seen happen elsewhere with these breeds, far outweighs a need for a reference back. Because I think all of the questions that have been asked and all of the issues that the Scrutiny Panel wishes to see addressed in a more fulsome manner can be done during the process of getting this legislation on the statute

books. I, as a dog owner, do not like all of the things around ... I am going to have to buy new collar bands. But that, again, is a minute inconvenience to me and to other dog owners in light of the overarching benefit that this piece of legislation will bring. I ask that Members consider very carefully. We are in a position to be able to take action in advance of something awful happening in Jersey. Do we really want to delay when something awful could happen in that intervening period because of the puppies that we have heard about that are now reaching breeding age? It is a simple equation for me and I have got to take the action today. I will be and that is why I cannot support the chair's request for a reference back.

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

I just stand to thank Deputy Doublet and Deputy Gorst for their words. All I can say to the Assembly Members, please do not miss the point here. This is the second delay, it is very frustrating and I just ask them to think: how would we feel if something happens, a child dies while we are here pontificating over the detail of how many letters on a tag, on a collar? **[Approbation]** We surely cannot refer this back today. I implore Members to vote in favour of moving forward with this legislation. We can deal with the detail later. We want to deal with the detail but let us please not miss the point. Let us get this protection in place for the public and let us get the protection in place today.

2.2.5 Deputy M. Tadier of St. Brelade:

This will be scrutinised one way or the other and I am firmly of the opinion that this definitely needs further consideration. It would be much more preferable if that consideration were done holistically from the Comité des Connétables in this case taking on board the legitimate concerns, not just from the Scrutiny Panel that they have raised today but also to the wider public on this issue. There is a big reason for that, which is we should have learned in the proceedings of the last few weeks that it is highly important to take the public on board with us when we make far-reaching changes. We are not just talking about some technical issue that is going to affect a few people potentially. Because of course the target of this new policy legislation area is primarily around dangerous dogs but it will affect all dogs. It will affect all dog owners and we know that there are thousands of dogs in the Island who are not just animals, not just property but they are members of the family. It is absolutely right that I also declare an interest. I have a Spaniel myself and I will not necessarily fall into the same trap, like the Minister said, in the ambiguity. Because he can get quite narky if he does not get his ball immediately when you come home through the door. He is safe by the way, he is not in any way an aggressive dog. I think some Members of the Assembly will know him. The point I would come to is that, for example, a Spaniel which has been trained to be aggressive and to attack people will be more dangerous than an XL Bully that has been trained not to attack people. What does that mean? The reason I am contextualising this, I know it is a reference back and I think this will explain part of the reason why I think a reference back is necessary because I think the whole ethos and the starting point of this legislation has been incorrect. Therefore, the consequences of the route that the Comité have taken us down is, potentially, also incorrect. If I am allowed to modify the lyrics or let Members do it themselves, the song I have in my mind is from Goldie Lookin Chain from 2004 and if we change the word guns to dogs: "Guns do not kill people, rappers do, ask any politician they will tell you it is true." It is not necessarily dogs that are dangerous, of course there can be individual differences in the breeds which make their nature different. But it is the owners themselves that need to take responsibility and can be dangerous. The concern I have got and the concern of course that is widely the case in the U.K. is that the starting point is completely different. There is a gang culture in the U.K. that does not exist in Jersey. There is an underlying criminality that we hear about because it is a bigger country and not necessarily because they are any worse morally. It is just that there are problems that exist in these bigger countries of France and the U.K. which do not exist in Jersey. We hope that they never come to Jersey. I am wondering whether we are trying to legislate here to fill a legislative gap. Because of course people and children do get bitten and, as the Constable said, they

are just as likely to get bitten by a Spaniel. A child may get in the way of them, the dog may be getting excited, et cetera. It does not necessarily relate to the breed, although I accept the harm that the jaws of a dog can also do that. In getting round to the reference back, I think it is absolutely legitimate that we question not just the Articles because Scrutiny can do that if they call it in; they will be looking at the Articles but the starting point to ask whether that is legitimate. We are, effectively, copy and pasting the U.K. legislation into Jersey law without appreciating whether or not the Jersey context merits that, and I do not think it does on this occasion.

[10:30]

The reason we might want to ask the Comité to reconsider even a simple thing like what goes on the collar, is because there is very conflicting advice that responsible dog owners are given about what goes on to the collar of a dog in terms of the tag. Including your dog's name on the collar can be beneficial one site says for identification but it also raises concerns about safety and theft. Some owners choose to put their name on the tag instead of the dog's name, which can help verify the owner without giving potential thieves an advantage. What is the purpose of having a tag on a dog's collar? It is presumably that if you lose your dog you want to get your dog back, do you not? That is the prime reason for putting details on a dog's collar. Usually it is sufficient to have a phone number on there, which is your phone number and probably your name, so that if you find a dog roaming around Les Quennevais or around St. Martin's Village or on the Grouville Common and you say: "Okay, let us look at the collar, there is a phone number on there. It belongs to Dave or Louise. "I am going to pick up the phone: "Hi, is Dave there? I think I have found your dog." Thank you very much. You cut out the middle person. But if you go to a point where you have got to put other details, you have got to put the dog's name on there, what is the point in putting the dog's name on there? You cannot phone the dog up; you have got the dog. Even something as basic as that shows that it has not had the requisite thought process that has been put into it. You might phone the Parish Hall but what if the Parish Hall is shut? You might phone the duty Centenier but why involve him or her if that is not an issue? Are there sufficient safeguards in terms of any criminal background checks for those who own such dogs? I am hearing a lot in this legislation about things that will happen to the dog, consequences for the dog. If you are an XL Bully, if you are a Pit Bull, whatever dog it is, you have to wear a muzzle, you have to be kept on a lead. What is all that about? What if you have a dog that needs a lot of exercise? These dogs inherently need a lot of exercise. If you are going to have one of these dogs to, effectively, live the life of not a pet but of a caged animal, effectively, you have to question if that is why these dogs are allowed in the Island at all in the first place. I would prefer much more scrutiny to be given of these dog answers to say that if you are somebody who is not a fit and proper person, if you are somebody who has got a criminal background and you are, potentially, prone to violence and you want to have your dog not as a family pet but as a security agent for you and as a weapon, then you are not the type of person who should be owning a dog. Is there a course that those kind of people should go on? I am not talking about people with a criminal background. We of course do get into the very thorny issue of human rights here. But we also need to consider the rights of the animal and whether or not somebody is a fit and proper person to own a dog. Would we issue the same guidance for guns? We do not do the same for guns, do we? If somebody goes to the Parish Hall and says: "I want to own a hand pistol or I want to own an AK47 or a Bazooka", of course there is a difference there. But if you can prove that you have a legitimate reason to own a hand pistol or a shotgun for whatever reason, whether it is for sporting purposes or for legitimate use on your property, on your land, then you will not unreasonably be given a refusal. But I think the Constable, if he knows that you are somebody who has got whatever kind of issues, including background issues, that would be an alarm bell. They can refuse a gun licence on that basis. I would have thought that the Comité would also want to have the similar powers to somebody who, potentially, wants to own a dog, not as a pet but as a dangerous weapon and that is completely absent from what is being proposed here in this proposition. We have heard about this facility for training that the Constable has proposed, I think almost on the hoof. We do not know anything about

this facility. We do not know how it is going to be funded. We do not know where it is going to go. We do not know who is going to staff it. We do not know how the dogs will be referred there. The fourth point that I am particularly keen to know about, what happens to a dog if it is no longer wanted? One of these XL Bullies, any type of these dangerous dogs, we almost seem to be painting something into the legislation which is a catch-22. Somebody has got a dog that they know that they can no longer after, they may have inherited it or got for completely innocent purposes, realise it is not the type of dog they want, they no longer want it but they love that dog, they cannot pass it on to anybody. It is something that I am not raising but it is something that the J.S.P.C.A. in Jersey have raised. The only alternative if you want to extricate yourself from ownership of this animal would be to have it euthanised and that seems to me to be completely disproportionate without having first explored all the other avenues that should be looked at. In supporting this reference back I do this, first of all, as somebody who does care about humans and about children. I do not want to see people getting attacked or harmed by any type of dog at all. But I also accept the fact that dogs are widely owned in Jersey, that they are part of the family. What I think this legislation is legitimately seeking to do on the surface may not be fulfilled when it comes to the reality. The choice is I think today is we either refer it back to the Comité des Connétables, allow them to give it further consideration. I would ask quite reasonably, is this something of an issue that could be raised with their individual Parishes through Parish Assemblies? We know that there are hundreds of dog owners, thousands in St. Helier and in the bigger Parishes, who must have an interest in the future of policing of dogs. They pay a dog licence for the privilege to own their dogs. Maybe that dog licence is not enough. Maybe there needs to be dog wardens in Jersey. We do not know how all of this is going to fit together more holistically. I think I have spoken enough but I think you get the message that I am fully in favour of this reference back. It does need more work and it does not mean in referring this back that we are seeking to delay it. It just means that we want a proper workable piece of legislation that covers all the boxes for a Jersey-specific context, not for a copy and paste job for a bigger jurisdiction.

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

I am glad to be the third Member to rise who has or has had a Springer Spaniel because they are definitely a particular type of breed, very energetic, very intelligent but absolutely they can get a little bit antsy when they have not been walked properly. I support this reference back because I feel that there are so many items that have been highlighted by the chair of the panel that we just simply do not have the full and proper answers to. This idea of trying to do things by guidance afterwards becomes very difficult because we know that guidance is not law. We are going to create restrictions and problems for individuals for something. I get really turned around with this idea of a description of a breed. Because as we have seen with the XL Bully, the XL Bully itself is not a particular type of breed in its own right. It is something that is crossbred and it is something that comes from breeding different dogs together. Are we just not creating a problem that in 10, 20 years' time there is going to be another type of dog that is going to be considered a dangerous dog that we have to add to this list? Why are we not creating something now which can be reactive at the time than when we are seeing behaviours of dogs that require better controls of dogs at that point? We can get a good bit of legislation through our Assembly and lead the way. I think Deputy Tadier has made some very good points about how we look at the people who want to own dogs, why they want to own that particular type of dog. The Connétable of St. Brelade says he has got Dachshunds. Now let us face it, we are not going to be using those as weapons. However, like he said, when you get dogs that are persistent and crazy that you have an issue that can come up. I think there are gaps. I think the idea if we do not have dog handlers at the moment for the police, how are people going to be able to take these dogs away from people who can use them as weapons? Are we going to stick them into J.S.P.C.A., which is a charity and that dog just has to - I am going to use the term - rot in a cage? Because that is what will happen to that dog, which is by no fault of its own, by somebody else's decision to breed them in a particular way. Breeding is mentioned in the Dogs Law but is mentioned

specifically for this breed of dog or this type of dog, where we should be making people take more responsibility for their choice to breed dogs. There should be better controls around the breeding of dogs rather than just allowing it to be ... it almost feels like a freefall. There is no condition about breeding a dog. We are talking about having a dog licence but it is not a dog licence. It is a dog registry, because it is literally only registered. Because there is nothing that says you have to do this to have any type of dog. As we know, any type of dog can become aggressive. There are just so many unanswered questions. It is not that I do not want to support the Dogs Law as presented but without this further detail I certainly would not be able to support it. I think the reference back is the right way to go.

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

I stand to speak because I am very concerned about the lack of consultation, the lack of research that has gone into the law that is being proposed. Two things have made me concerned about that. The first one was the letter from the J.S.P.C.A., which, let us face it, no matter how many dog owners there are in this Assembly, none in this Assembly are as experienced as the J.S.P.C.A. in owning and handling dogs. I am not a dog owner, never have been. I have no particular affiliation to any particular types of dogs or not dogs. But the second thing, and this is a thing that worries me a great deal, was that even me as a non-lawyer, I have over the years become very aware of a particular piece of legislation that is used as a case study in the U.K. for how to do bad legislation in a rush. That piece of legislation, and it worries me if other lawmakers in this Assembly do not know about it, is the U.K. Dangerous Dogs Act 1991. It is renowned for being a rushed piece of legislation which had negative impacts. Just looking up a few review facts about it because it is now 30-something years old; 1991, it is 34 years old. This is 10 years ago on its 25th anniversary, in the U.K. since 1991 sadly 30 people had still died from dog-related incidents but 21 of those incidents involved dogs that were not prohibited by the law. Speaking to the J.S.P.C.A.'s concerns about breed-specific legislation, as opposed to legislation which mandates ownership behaviours and ownership controls, and I think that is a very valid piece of information. It does concern me that there are, clearly, 2 very different types of approaches here. One is breed-specific legislation, another is taking a different approach about owners' behaviours and understandings. The Comité has not entertained the alternative, has not looked, to my understanding, at the alternative. Yet when you read the submission from the J.S.P.C.A., when you read around the subject even a little bit, you do discover that there is a strong cohort of people and not just people but professional organisations involved with dogs that believe the latter is the more appropriate approach and will have better protective results for children and adults alike. I think it is really important that this is looked at properly. The irony of us rushing through a piece of legislation knowing about dangerous dogs, knowing that the case study and poor rushed legislation is the U.K.'s Dangerous Dogs Act does concern me. Today, 34 years later, the U.K. Dangerous Dogs Act, it has been amended various times to try to bring it into the appropriate place. It is still not seen as necessarily being effective in the way that it should be. Certainly attacks on and incidents with people and dogs have been continuing to rise over the many decades since. It has not slowed or stopped those events and attacks. I, as I said, am not a dog owner. I do not have a particular view. I just want to know that we have got the most effective legislation in this area because I agree with Deputy Doublet, I agree with Deputy Luce, Deputy Gorst, I agree with the Connétable of St. Brelade and the Scrutiny Panel. We want to protect people in this Island from dog attacks. But we need to make sure we are doing it in the right way, in the correct way. I asked earlier about the prospect of calling this in, and I think it was Deputy Tadier in his speech who implied or at least referred to the fact that obviously if you call it in you can only look at the Articles; the course of action has been set. As I am saying, the course of action is the bit we need to look at. Should we go down the breed-specific route or should we take other routes, which the R.S.P.C.A. (Royal Society for the Prevention of Cruelty to Animals) and the J.S.P.C.A. are both in agreement with, is the way that we should go, not down the breed-specific route? I do think it is a fundamental review that needs to be done here, a fundamental look at the path we are taking. If it was not for that then I would say

just call it in. But because there is evidence from the professionals in this area that suggest strongly that we are, potentially, going down the wrong route, I think it is really important that we look at that. I think the Scrutiny Panel are correct, that it is the proposers of the law who should make sure that that work is done, rather than leaving it to others to do that work for them. I have to say that I am in favour of the reference back.

[10:45]

2.2.8 Connétable M.K. Jackson of St. Brelade:

I thought I would just read from a letter from the States veterinary officer, which was given to me some time ago and it may assist Members. She says: "I am not aware of any charities in the U.K. being in favour of the U.K. legislation change. Most argue regarding the inefficiency of breed-specific controls and are in favour of specific dog behaviour assessments but this is not realistic." What would happen if a dog assessed is not aggressive would cause a fatality? Liability? Who would assess the over 10,000 dogs in Jersey? As was indicated earlier, it was discussed before that several other countries have similar legislation in place, including France. It is also pointed out that any intention to delay the amendment will result in an increase in the number of XL Bully-type dogs and wider welfare concerns in the future. I would not wish to be unreasonable, and I listened to what Members have said. If it would help I would be happy to accept a reference back but it has to be to the next sitting if that is doable, on the basis that I do not think we should delay this legislation any further. If Members would accept that reference back to the next sitting, that would seem to be a pragmatic way forward.

The Bailiff:

The Connétable of St. Mary, do you want to speak?

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

I was going to speak, Sir. Given the chair's comments maybe it is not necessary. The only point I was going to say was that we are discussing here the reference back and certain other aspects of it introduced regarding dog ownership and dog control. I have previously spoken to the chair of the Comité and others that one area of absence of legislation relates to professional dog owners. I was going to raise in the main debate that this would be a useful opportunity to introduce actual legislation rather than rely on the code of conduct. But I suggest that I think the chair of the Comité has almost pledged to look at other aspects of dog control in any event. I am happy to park that for the moment. Certainly I am in a difficult position in the sense that I am a member of the Environment Scrutiny Panel and I accept the concerns raised by the chair. I am also a member of the Comité. If there were a vote on this I would feel obliged to abstain. But in view of the chair's comments maybe we are proceeding to a consensus.

The Bailiff:

Chair of the Comité, the matter could come back at the next meeting of the Assembly. You are saying you are not against a reference back.

The Connétable of St. Brelade:

I am not, Sir, provided it comes on the agenda on the 25th, Sir. I think that would be a solution.

The Bailiff:

Yes, if that is your wish then it would do. I still have Members who want to speak. Deputy Millar, do you still wish to speak?

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

Sir, I was going to oppose a reference back. I think we should get on and do something rather than kicking it down the road but if it is ...

The Bailiff:

Yes. There will still be a vote on it. All right.

Deputy M. Tadier:

Sir, can I ask for clarification? I just want to know what the normal time is for bringing it. I am concerned there is not enough time for a reference back. It is less than 2 weeks we have now; we are not on the normal cycle. If further Constables speak, could I ask them to address the issue of whether there is enough time to do proper consultation?

2.2.11 Deputy M.R. Le Hegarat of St. Helier North:

Yes, there has been a lack of consultation which is identified by all those parties in relation to the States of Jersey Police. What I will say though is that from my understanding of this is that if we do not bring in this legislation fairly swiftly, then this will mean that we have lost 12 months. Because those animals that fit that certain criteria will not be registered as of 1st January 2026. From my perspective, in reality the States of Jersey Police, if we are talking about my specific area of responsibility, do not have dog handlers and I would suggest it is probably unlikely that they will have one in the next 12 months due to resourcing, et cetera. But, more importantly, they do not have kennelling either. Previously at the Rouge Bouillon site there were some facilities that you could have taken in, so there is a lack of training. However, this will not change from now probably for the next 6 months. Yes, we can have the consultation with the Comité, et cetera, but this in reality will not change in the next 3 months, 6 months. Because there is nobody trained as a dog handler. Even if you recruited one tomorrow it is going to take a significant period for that person to have a dog to be trained and to be able to assist with that facility. In relation to the person that the Constable talks about, yes, they have had a conversation and obviously the States of Jersey Police, as they always do, will work to support both kennelling and training. I am aware that the chair of the Comité said that they were looking at the possible person. In reality, I just wanted to make the point that the delaying of this will make no difference if it is 2 months or whatever because training and the facility requirements will take some time.

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

I do not support a reference back. When I look at this reference back there are 8 parts to this reference back. I will try to focus on the reference back because the debate has gone way beyond that, and that is a very key point with regards to this reference back. The first thing asked about consultation; I do not know how you are going to measure an appropriate level of consultation because that is a qualitative thing and it is opinion. There is not enough consultation now or there is enough consultation. We have just heard that some things can be consulted on as much as you want but there is a reality of what we have to do. We have heard about the States of Jersey Police engagement. This reference back seems to be asking for different methods to be explored. I am concerned that that is not in line with Article 83(2), which says that: "The proposition cannot be referred back if the effect will be to prevent the debate on a proposition resuming at a future meeting." If we are going to resume on a completely different approach of a completely different piece of legislation, we are not going to be resuming to debate this. My point would be do not have the reference back, just vote against it if you do not agree with it. I think that is what we are here for. We are here to say I do or I do not agree with legislation, vote for or vote against. In terms of mitigations we see, all of the points made in this reference back, I do not know how they are going to be brought back as a reference back with any new information that is not going to affect this debate that is not already there. I think what these 8 things are, are a Scrutiny process. They are a Scrutiny review on this piece of legislation. Call it in and do a piece of scrutiny but be very careful as to what you are going to bring back. I am

trying to stick to the reference back. I think we have got a juxtaposition between the U.K. and Jersey that is being brought to this piece of legislation, which is saying reference back; I do not know. Reference it back because the U.K. legislation did not work. Are we talking about this piece of legislation for a reference back or not? There are wider points I would like to make on this piece of legislation in the main debate, if we ever get to it, regards the dog licences and what could be done. But I think we need to debate this piece of legislation. I do not understand how this reference back is going to clarify this piece of legislation without simply changing it to do something completely different. I think there is an interesting position with regards talking about background checks on people. It would be interesting if a piece of legislation is brought to say that every owner of a dog would have to have a background check on their character, who they are, et cetera and where that would fit with human rights legislation and whether we would be standing up in this Assembly and saying hold on a second, this is incredibly intrusive into people's rights. I think this has been turned into ... I am trying to avoid the phrase which is an obvious one about a dog's dinner. It has got to be said, let it go on Hansard. With this reference back there is no clarity. I have never seen a reference back before with 8 or 9 pieces of clarification that are required. I do not know what we will be debating if we reference this back. We will be debating exactly the same piece of legislation with some more information or this piece of legislation needs to be amended. These amendments have not come forward to do the things that are being suggested in the reference back. Amend it. At the moment I am a dog owner, I have to declare that, I have a Borador; a third Border Collie, two-thirds Labrador Retriever. He is lethal because he has a penchant for laying in dark corridors and doing so very silently. He has indeed hospitalised one of my family in the nicest possible way by just simply tripping people up. But that happens, I am a dog owner. I have no problem with the collar. Okay, I do not believe it is a data protection issue for me to have my number on it. Again, we are talking about there are not the problems with gangs here as there are in the U.K. with dogs; I absolutely accept that. But do we have the problem with kidnapping dogs in Jersey as they do elsewhere? Suddenly we do. I have no problem with having a dog's name. You know where the dog's name is. If you are looking after a dog you call it by its name, with a telephone number and the licence; that makes complete sense to me. It makes it simpler, rather than putting your address down. I would urge the Comité to not accept the reference back. Let us move on and debate this piece of legislation and then let us all do our job in this Assembly, which is to vote for it or vote against it, according to whoever you think is right or wrong. It is as simple as that.

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

I am also not in support of the reference back and the reason is - and I very much appreciate the work and the points have been raised in respect of Scrutiny - I think though it is a bit like people; there are no perfect laws. There is this point about if this law is passed in this form right now, that there is an opportunity that it is going to be missed in terms of getting it in the statute books and understanding a bit more about a dangerous breed, as it is described, in the Island. I do very much agree though in terms of points that have been raised by Scrutiny that perhaps might have been part of the process in bringing forward this law. A particular point that has troubled me has been from a data protection point of view. One aspect that still does not sit particularly easily with me has been a change that apparently has been prompted by data protection concerns when it seems to be suggesting that dogs evade data protection rights that basically an owner does not tend to put their own name on a collar but they do volunteer details in order to have dogs found. There is, I think, that ability to say: "Well, you do not have to put the address down. You could put down the dog licence. That is up to you", and it gives a bit more flexibility. It is not perfect. I also note, quite logically, that the chief States veterinary officer was consulted on this, and she said this thing that there may be no definitive right answer. Dare I say, it is almost like online harms that there are so many different ways of cracking a nut and that maybe the important thing is to do what we do in politics and go in the right direction. The statistics show that XL Bullies, for example, do perpetrate more attacks and therefore you have to question why people are bringing them into the Island and these things, so maybe that is a point

that may help people reflect. There is this danger in terms of the point when you can just question something to the point where you just do not get anywhere, and I feel that this happened a bit earlier when we were talking about the harbour regulations and that there is so much you could do about regulating boats, but it is a different culture. Anyway, the long and short of it is I do not support the reference back. I do believe that the States veterinary officer, with her support, is something that gives me reason to support the law going forward.

The Bailiff:

Thank you, Deputy. I call upon the proposer to reply.

[11:00]

2.2.14 Deputy H.L. Jeune:

I start by disputing Deputy Luce saying that this is all about the dog collars. As I said in my speech, the panel is content with amendments to amendments on this issue, and I am completely aware of the importance and need of the proposed registration and restrictions on dangerous dogs. I am not taking this lightly. I am as frustrated as anyone else that this has not been a clean process because this has been sloppy law making. To be clear, we never got told about the amendments related to all dog owners. That is just not acceptable. The amendments made by the Comité to their own amendments shows they were not well thought through as they have been strongly amended or deleted by the Comité. Deputy Gorst says that good lawmaking is about talking it through and it being appropriately considered but the panel believes this did not happen and this clearly did not happen because only last week - Thursday of last week - did the J.S.P.C.A. send the Scrutiny Panel a letter that says that they had not been consulted and they are one of the main stakeholders within this law. They are not the general public; they are very specific to this law, and also the police. Last minute I also saw police concerns that were sent to the Comité, as I highlighted in my speech. I am just doing my job as Scrutiny chair to call this out and to question a potentially weak law. Yes, this law will help designate dangerous dogs but what then? What happens after? There is nothing and no teeth to enforce it and this has never been brought up to Scrutiny Panel at all throughout the whole process. The Scrutiny Panel was not shown that it had been thought through after the seizure of dogs what will happen, even though it potentially is in law and written in of the responsibilities of what will happen after the seizure of dogs, Scrutiny never was told that at the moment this is not possible to do it and therefore these are the mitigating circumstances to ensure that in the future we could do that. We were never told any of these situations. I am coming to Deputy Ward's point about: "Well, why do we not just amend this?" But amend what? The only way we could do it is to take out Article 11 about seizing and the facilities, and that is not what we want to do. It is very important to have the police, who are protected and supported, to be able to handle dangerous dogs. Afterall, these are dangerous dogs, and also facilities to put there. We have heard from both the police and the J.S.P.C.A. that they are unable to do this but that will not help us by amending anything. It is about what happens next, and we heard from Deputy Gorst to say: "Okay, that will happen through guidance", but we have not been told about that. We do not know what that means and what those steps are that will help Jersey be able to enforce those dangerous dog scenarios. That is what we are concerned about and about the discussion about how much is consultation and how much has been consulted. We only received this letter last Thursday and the information from the police late last week as well. How would you - and I would say that to the States Assembly as a whole - receiving this information think that there is a well thought-out plan for implementing this law? Of course, we wanted to talk to the Comité to discuss how to do this and they were notified last week that we potentially would be bringing this reference back so that they could come and answer those particular questions of concern that we had about implementation of the law, not able to amend it but the implementation of it effectively. We heard from the Connétable only today during his speech about potential round table. If that is only the beginning, that should have happened already. That should have happened ages ago to have gone: "Okay, we have got this situation coming. We have got these

amendments to make.” When it is signed into force, and it will happen from the date it is signed off, what happens if the next day we have to seize a dangerous dog? What happens? We do not know what happens. Even if that is just a thoughtful process at the moment, Scrutiny was never told. We welcome that the Connétable says that he will accept the reference back and take it back for 2 weeks’ time, but I would like to question: would he be able to answer those questions and come with the evidence that those discussions have happened already so that we know specifically what the general outlines are of what will happen after the point? Also, of course, that analysis around a dog-specific breed approach to designating dogs, as a Scrutiny chair, I do not have an opinion on which way is the best. It would just be, I think, important to show within the report when it was presented to the States Assembly that those other ways have been thought through, that there is left with little doubt that the way that they have chosen to designate dogs is the right way and that argument was not presented to us. It was presented as *fait accompli*, and we would like to see the underlying evidence around that. I think this is more than dog collars. It took a turn with that, and I feel that that is a small part of this whole thing which, for us, is about the concerns about stopping lawmaking then afterwards being able to have an efficient and effective law that we can implement in Jersey, otherwise it is just for the lawbooks, but we cannot do anything real if and when unfortunately something happens with a dangerous dog.

The Bailiff:

Is the appel called for?

Deputy H.L. Jeune:

Yes, Sir.

The Bailiff:

Members are invited to return to their seats. Voting on a reference back. may I ask the Greffier to open the voting. If all Members have had the chance of casting their votes, I ask the Greffier to close the voting. I announce the reference back has been defeated:

POUR: 19		CONTRE: 22		ABSTAINED: 2
Connétable of St. Peter		Connétable of St. Helier		Connétable of St. Brelade
Connétable of St. Martin		Connétable of St. Lawrence		Connétable of St. Mary
Connétable of St. John		Connétable of Trinity		
Deputy G.P. Southern		Connétable of St. Clement		
Deputy M. Tadier		Connétable of Grouville		
Deputy K.F. Morel		Connétable of St. Ouen		
Deputy C.S. Alves		Connétable of St. Saviour		
Deputy S.Y. Mézec		Deputy S.G. Luce		
Deputy T.A. Coles		Deputy L.M.C. Doublet		
Deputy B.B. de S.V.M. Porée		Deputy M.R. Le Hegarat		
Deputy D.J. Warr		Deputy S.M. Ahier		
Deputy H.M. Miles		Deputy R.J. Ward		
Deputy C.D. Curtis		Deputy I.J. Gorst		
Deputy L.V. Feltham		Deputy Sir P.M. Bailhache		
Deputy R.E. Binet		Deputy M.R. Scott		
Deputy H.L. Jeune		Deputy J. Renouf		
Deputy A. Howell		Deputy M.E. Millar		
Deputy R.S. Kovacs		Deputy T.J.A. Binet		
Deputy L.K.F. Stephenson		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		
		Deputy M.B. Andrews		

2.3 Draft Dogs Law (Jersey) Amendment Regulations 202- (P.63/2025) - resumption

The Bailiff:

We now return to the principles. Who wishes to speak on the principles?

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

The point I wanted to make earlier regards this is that it is always going to be a challenge to try and control any form of threat, real or perceived, in our society and the threat of what are labelled dangerous dogs is real. I think the coverage of it publicly in our media is sometimes sensationalist, but it is not sensationalist for those people it directly affects. It is very real, and it is a very real concern. I come from a position of that incredibly real concern for individuals, for those that might have been harmed, and I am certain that is not the intention for that to happen. I do feel for those breeds of dog that are classified in this way, but the reality in our society is that they exist and there needs to be some form of control. I will mention, if I can - people who read from their laptops and I am really not very good at it - but from the comments paper, if I may, that was published, it says: "The panel is broadly supportive of the aims of the proposition. In particular, it welcomes the introduction of a new registration scheme for dangerous dogs, which is intended to strengthen public safety by ensuring that ownership of such dogs is regulated, recorded and subject to clear conditions. The panel also supports the creation of new restrictions on dangerous dogs, including requirements for insurance, control in public spaces, and neutering, which it understands are designed to reduce the risks posed to the public and to animal welfare." I agree with that. I accept that. I think that is the right thing to do and so therefore I can be supportive of this. As I mentioned before, I do not have a problem with collars. It is a bit of a pain that I have to replace a collar, although I do not have to replace a collar yet. However, being a responsible owner, I will replace the collars because I think it is a good idea to have the registration number on and my phone number because if my dog goes missing, I want to know where he has gone. It would probably be wherever the latest food source, I would imagine. It would be somebody's kitchen when they have opened a packet of ham, I would imagine, because he would be there without you even knowing, but there you go. I will say that I would suggest one thing I would ask the Comité to look at. There are around 10,000 dogs on the Island and I believe that the dog licence fee is going up to £20. That is an income of £200,000 if there are 10,000 dogs, £100,000 if it stays at £10. That is a significant amount of money, and I think that money should be pooled, let me suggest, and I am pleased to see the Comité working together on this. I think that could be pooled in order to provide employment for dog wardens, call them what you will, who are not there just simply to be punitive but as part of the process of information. For example, if there is a reactive dog, a dog warden can go to the owner and say: "I see that you have a reactive dog. You are doing the best that you can with them. Here is some advice. Here are some trainers who could possibly help you. Here are some other sources of information for you and here are places you can go to help change that behaviour in your dog." It is proactive, it is supportive and it is co-operative. Indeed, if that was happening, I would happily pay £20 a year for my dog licence because I know there would be more protection for my dog who although he is not a small dog - he is quite a big dog - is also not particularly good at protecting himself. He is a bit of a cowardly boy, but he is a big, soft gentle boy and he can at times face larger dogs that I know I am worried about. I can support this for the reasons in the comments paper, and I think it does reflect what is happening in that comments paper that the panel has produced. I think if we want to go down the line of vetting people, then fine, but that needs to be done separately. I think that is a separate piece of law. It might be a very good idea if you want to have this type of dog, but then we go down the line of labelling types of dogs, unless you are going to say that every single dog owner on this Island needs to be vetted for their appropriateness for owning a dog; it may be a good idea. I will say that my dog was a rescue dog and before we had that dog, we were vetted by Jersey Rescue Dogs, who were absolutely fabulous; quite rightly as well. During that process of them visiting us, the dog coming to visit us and stay with us for a few hours and then a bit longer, they were checking us out, quite rightly, as to

whether that was the right home for that dog. I have no problem with that whatsoever because I wanted to know if we were the right home for that dog because we want to do our best by that dog, who had had a difficult time and now has become the most important thing in my life, I think. This is a challenging debate because we are in the realms of saying we will label certain creatures as dangerous to our society and I do not know whether that is entirely the right thing to do. However, I think we have to put caution first in this circumstance. I would like to see more support for dog owners across the Island for the spend of their dog licence. I think that is something that could be explored. I am quite happy to come and talk about that.

The Bailiff:

Apparently, we are inquorate, so could Members please return from the tearoom. Okay, we are quorate now. Yes, please continue.

[11:15]

Deputy R.J. Ward:

I had finished anyway, but I would say that I can support this legislation at this stage, or the principles at this stage, for the reasons I have given, and I support the first part of the comments paper from the Scrutiny Panel.

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

It is strange when you completely agree with one of your colleagues but will come to a different conclusion at the end because there is absolutely something about dogs being dangerous that needs to be controlled. I remember one of the first dogs I had in our family home, I was out walking her around Ouaisné and all of a sudden there was a ...

The Bailiff:

I am sorry, we are still inquorate. Can you please go to the tearoom and ask the Members to come into the Chamber speedily. Yes, please continue.

Deputy T.A. Coles:

Yes, as I was saying, I was walking my dog around Ouaisné Common and, all of a sudden, another dog attacked my dog quite viciously with the owner nowhere in sight because, again, the owner was nowhere to be seen. Of course, this was an incident that involved a friendly black Labrador and a Doberman but mine was the Doberman that got attacked by the black Labrador because it proves that any dog can be dangerous. My issue with how this law is proposed is that it is only specifically targeting a single dog that will be registered as a dangerous dog and give its requirements under that law of what has to happen to it. There are other parts that change and adjust it about dogs which are dangerously out of control. However, if a dog is dangerous, has bad habits or has been bred or reared in a way that means it has ill temperament, the changes are that if that dog is bred, it can pass those bad temperaments on to its offspring because this is the problem we are facing with the breeding on XL Bullies. These are not bred from soft, light, fluffy, friendly dogs if we are going to consider them dangerous. They are bred from dogs which have been bred from fighting dogs because that is the breed type. That is where they have come from. That is the realistic point that the XL Bully has been bred from Pit Bulls. Pit Bulls were named because they used to fight in pits and that is the point, but any dog can be dangerous. This law should be incorporating the fact that if a dog has reacted in certain ways or is proven to be dangerous that the same conditions should apply to that dog, that it should be legally required to be muzzled, it should not be bred from and it should be neutered but, of course, this law does not do that. The other problem that I still have is the fact that there are no issues and controls on to the owners. There needs to be more restrictions about people who have dogs because, like I said, it is a registry. You do not get a dog licence; it is a dog registry. Anybody can turn up with £10 at their Parish Hall annually and say: "I am having a dog", regardless of whether

they know how to deal with a dog, whether they have got conditions to have a dog. As Deputy Ward said, I also have had a rescue dog. I used to live in a one-bedroom apartment. The J.S.P.C.A. came around, did a number of inspections, looked where we lived and they looked at our dog history, what experience we had had with dogs, what our working hours were to ensure that we knew we could not leave any dog that they gave us for more than 4 hours, that it had good access to exercise, that we were active people to suit the type of breed we were looking to rescue. We were quite surprised when they agreed to give us a Springer Spaniel in that apartment because anybody who has had a Spaniel knows they are energetic dogs but also that they like to speak. The good thing is where we lived at the time, we did not have to cross a road to get to the beach, so we knew we were appropriate dog owners. We had experience, myself having a Doberman as I grew up, my wife had had a Border Collie, both dogs which required good experience and, I will be honest, in our early days when we first got those dogs, we probably should not have had these dogs. Border Collies, like I say, are really intelligent, but they are quite neurotic and, again, you need to understand the breed that you are having. I get concerned time and time again when I look on social media with people asking: “We are thinking of getting a dog. What breed would anybody recommend?” Sorry, but people should be doing that research before they get a dog to understand whether not only the breed is suitable for them but if they are suitable for that breed. Again, we had an opportunity within this Dogs Law to make that more of the point. There have been questions around whether the dog licences are increasing this time around. I do not believe that it is and it will stay as £10 but, as I have said to other people within our Scrutiny Panel, I would personally, as someone who likes dogs, who wants another dog in my life as soon as I ... there is a big thing that has happened next year which will affect what my working hours might be. Once that has concluded, I will know whether I am in the position that I can have another dog or not and once that is ... sorry, I have lost my train of thought slightly there. Personally, I would support an increase in the dog licence if it meant there was a single point of contact for any dog-related issues on an Island-wide basis because where I used to live in the Parish of Grouville, there was a particular dog owned by a particular person who caused a lot of problems in the Parish. There were multiple calls made to the Centenier. Words of advice were given to the owner but not enough was done. That dog should not have stayed with that owner. That dog was in a case of neglect but, of course, because it was fed, it was sheltered, it was seen as okay. But that dog was not exercised according for its needs and that dog became aggressive towards other dogs. That owner continuously failed to keep that dog on the lead because he was in his 80s and this dog weighed 30 to 40 kilograms and had been known to pull him over the seawall but, of course, there was no power to remove this dog from this person. I am not going to go as far as to say that I will vote against the principles. I am likely to abstain because I do appreciate that these particular breeds of dogs have been bred for the wrong reasons. I just do not think that this law is going the right way about solving a problem for the future as well. It is only looking at this one specific thing, and I think there is a lot more that we should be doing, not only to protect children from dogs, but also to protect dogs from people because the wrong people have dogs and that is where I will leave it.

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

People often do not realise how much work States Members do behind the scenes. One of the things which I have worked a lot with or been in quite a bit of communication with the Comité des Connétables has been on the subject of dogs, and this came from me looking at the possibility of the restrictions on beaches being changed. I invited members of the public to give me their views and, as a dog owner, I could see all of the arguments for saying maybe they should be changed in the winter and during term-time, all these sort of things, and I became aware that there were so many people in our community who have a fear of dogs and enjoyed walking on the beaches when there were not dogs around. Some of them really did have a problem, children with issues with dogs and these things, and so it got me more focused on the way in which, as owners, dogs are controlled and just accepting dogs run up to people and that is not always welcome. How good are people in terms

of addressing recall of their dogs? That led to me having communications with the Constables about the contents of the dog licence and the notices that might be given to educate people in training dogs and indeed even in terms of a certain protocol with dogs. I mean male dogs can be quite aggressive. They do not necessarily attack each other but they can make a lot of growling, and even that can be interpreted by owners. Female dogs on heat can cause male dogs to go completely A.W.O.L. (absent without leave) and even fight over each other. So this need to be more aware that dogs can be dangerous creatures, even the ones that you do not associate with being a dangerous breed, and even that they can cause distress, is something that I do hope that the Constables will continue thinking about. I also have mentioned the doubling of the dog licence, asked questions about where the money goes and how this might be used in the education of dogs. Coming back to this proposition, I think the really important thing is that the legislation is proportionate; we are a small Island. I am going to bring back the attention to the comments of the Scrutiny Panel itself and the work that they did, and in particular the comments showed that the police were spoken with and that they were generally supportive of the dangerous dog provisions: "The chief States veterinary officer acknowledged that the issue was contentious and there may be no definitive "right" answer", I am quoting from the report by the way, "but stated that, based on the evidence currently available, the proposed approach was considered the most pragmatic means of reducing risk." I do read into this that there has been thought given to the most practical way forward in this issue. Yes, there is some more work to be done. Yes, there are some more discussions happening and, for this reason, I do hope that given the short time before dog licences are renewed again that the Scrutiny Panel will think about not calling this in and just accepting that this is the most pragmatic solution going forward and can be worked with more. I support the principles and hope others will too.

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

I have got quite a few points I would like to make, and I am trying to organise my thoughts, but I wanted to open by picking up on something the previous speaker said about the Scrutiny comments. I watched part of the hearing that the Scrutiny Panel held, and I thought that the scrutiny has been very good on this legislation and, indeed, on Scrutiny we are very keen to be diligent and thorough. I think given the previous debate on the reference back, I do think it is worth us reflecting on the fact that several holes in the existing wider legislation that this amendment would be amending have been identified, and I would like to suggest that a review of that legislation is necessary. One point in particular that was raised by the panel around the seizure of XL Bully dogs where this amendment to be put into the legislation. The Minister for Justice and Home Affairs informed us during the reference back debate that the police would not be able to seize a dangerous XL Bully dog. However, currently in the legislation if a dog is identified as being dangerously out of control the police should seize that dog. I think it was the Minister for the Environment who mentioned that any dog could become dangerous, and indeed the statistics reflect that. There is quite a lot of information out there when you look for it, which I have. In the last 10 years - this is up to 2023 so it will have increased - there have been 349 dog bites. None of those dogs were XL Bully. The question I would like to raise at this point is what is happening currently before this amendment to any other dogs that become dangerous? Some of those dogs might be much loved family pets that, at the complete surprise of their owners ... I think the Minister mentioned that due to pain or other reasons a dog can become dangerous. I would really like to know what is happening currently and how that legislation is being enforced. So I do hope that the panel will follow this up because this is possibly something that could go in a legacy report - the various points that have been raised by myself and other Members - that do need addressing in the wider legislation. Turning to that data, which was the result of an F.O.I. (Freedom of Information), a previous speaker mentioned that it is not just children that we need to protect from dogs, it is dogs that we need to protect from humans. Indeed, dogs need to be protected from other dogs at times because of those 349 dog bites 197 were adults and children who were bitten, but 152 of those dog bites were dogs biting other dogs. I know that there are a lot of concerned

dog owners out there who do not feel that their perhaps timid or vulnerable dogs are being adequately protected. We have spoken about children and I wanted to mention about vulnerable dogs as well.

[11:30]

Something that was raised - I think by Deputy Ward - and I think it was a brilliant idea, I think he called it a dog warden. I listened with interest to his speech and I think that is a fantastic idea. Some of the points raised by Deputy Scott about things that happen at the point of registering a dog, which of course this amendment does address some of those things that happen when you register your dog, I do think that idea ... again, if there is a Scrutiny review into this area - probably not this term, maybe next term - or whether there is any further work by the Minister or the Comité, I think that idea should be taken up. I think it would help with a lot of these problems. It would help with perhaps the monitoring and the policing, it would help dog owners, it would help general members of the public - especially those with children - and just generally help us for things to be a bit smoother when we are all using outdoor areas. Indeed, dog ownership has increased. Another document that I found - again, really useful - was a briefing produced by the Policy Forum or the Policy Centre, and there was one about dogs which was really interesting. I urge people to read it and, if there is a Scrutiny review, to take that into account. But dog ownership has increased massively in some Parishes, by around 30 per cent in some Parishes. The reason why I mention this is I wanted to make the point now that is made very well in the C.R.I.A. which accompanies this amendment. My reason for not supporting the reference back centres around children's rights. That is my primary focus, certainly in this debate today. I think several Members received this email but we had an email from a member of the public who is concerned about XL Bully dogs and is also concerned more widely. To quote from this member of the public: "I am concerned generally at the prolific increase in the number of out-of-control dogs on the Island in recent years. Both myself and my young son have been confronted numerous times by vicious dogs off leads. My son is now very scared of dogs. In fact many places, including the cliff paths and St. Catherine's Woods are now no-go areas for us." I believe this is a fear that is quite common among children of the Island, and I have concerns around it. I wanted to put those concerns before Members today. I do not know what the solution is. I think that some careful consideration of the issue is necessary, and I do think Scrutiny have a part to play there. I think that some thought needs to be given to how we can all co-exist in a way that allows people to own dogs and to have those much loved family pets that are very important to people, but also for people to be respectful of each other and particularly of the needs of children. I am thinking particularly of children perhaps with autism who can be quite afraid of dogs. That fear can stop children accessing outdoor areas and from being able to play outside. So I will be supporting this amendment today and my plea is that somebody - whether it is Scrutiny, Government or the Comité - looks at that wider legislation and takes on board some of the points raised today and does some work there. Particularly I would like to take that idea that Deputy Ward raised about dog wardens; I think it would be supportive for dog owners and I think it would help those without dogs as well. It would be very good for our community and a great idea. So, yes, I will be supporting today.

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

There are just a few questions that I have regarding several Articles. Article 4D, review of decision to refuse or revoke licence. Obviously the Connétable has a responsibility to refuse a licence or to potentially remove a licence should a dog, for instance, potentially attack another dog or a human being. But I think it is only right that there is an appeals process as well in both instances. I see here that should there be an appeals process there would be 3 Connétables who would be sitting on a panel to adjudicate the appeal. I was just wondering whether any consideration was given to other forms of adjudication for the appeals process, maybe to allow it to be a bit more independent perhaps. Could it have been Deputies who could have adjudicated on such matters so it could potentially be a decision away from the Connétables? I would be interested to know as to whether that was something that the Connétables deliberated upon before they then moved to bring forward this proposal. There

is also a second part as well, and that is to do with a dangerous dog living in temporary accommodation. For instance, it might only be the case that they are living with somebody for a week or 2 because the owners are travelling overseas, or it could be the case that maybe if the owners are working and they stay for one or 2 days throughout the year, somebody else is then looking after the dog. Because it is quite specific, and obviously it is going to be imposed in law, such details will probably be very difficult to come by should this matter arise. So I think there is probably a need to make sure that this information is known to the owners of such dangerous dogs because, of course, there is the potential of a 6-month sentence in prison if the dog owner is not abiding to those rules. There could be difficulties for whoever is looking after the dog as well, and also there could be implications for that individual too. But overall I have to say I think this is definitely something that has to be brought forward. There have been articles in the past where children have been attacked, other dogs have been mauled, and something has to be done. There has to be a certain level of enforcement. I know from my own personal perspective, I have got a Glen of Imaal - a very rare terrier, there are only about 3,000 worldwide - and one day I was walking into a pub in St. Aubin and there was a Bull Terrier off the lead on the porch and it attacked my dog. So I had no choice but to make the difficult decision but to intervene, and I had no choice but to pick up the dog quickly. I was struggling to hold that dog; it must have been about 25 kilograms. The owner was heavily intoxicated and he was stumbling a bit towards me. I thought: "I do not really feel confident handing over your dog back to you when you are so drunk." It happened in front of so many people and I just remember being with a friend who thankfully rushed my dog away. He was only about 5 months at the time. He was a puppy. He is such a mellow and lovely dog, but of course I am going to say that, but he was shaken up for about half an hour. I thought: "No, we cannot stay here, we have got to take him home, it is not right. It is not right." He has been okay, thankfully, ever since but I was thinking after: "That could have been a small child." It was before 9.00 p.m., it was about 7.00 p.m. maybe, and so that could have been a 6 or 7 year-old walking along with Mum and Dad, being attacked by one of those dangerous dogs. You do hear about it quite often, but I think there are quite a lot of incidents that are probably not reported as well. The true number of these incidents is probably a lot higher than the actual figures show. I have to say, I am also concerned as well when I sometimes come across some of these dogs on the beach. They are so powerful and if they attack another dog or a person there is no stopping the attack with some of these dogs. They inflict so much damage as well, and that is the other thing. Everybody has a right, in my view, to be able to go into a public place and to feel safe. I also get the fact that, yes, dogs also should have an element of liberty as well, but for some dogs there has to be a certain element of constraint because it is the harm that they pose to others in society. You have to be very careful at managing that. You have to get your enforcement right but you have also got to recognise as well that just because we are designating a status for certain breeds to be a dangerous dog, not all dogs are dangerous. It is more about the risk they pose and it is about ensuring that we are providing adequate protections to prohibit such incidents from happening. I do not think you can say nothing is going to happen, but I think you can minimise it. So I will be supporting the principles, but I would also be grateful if the proposer could just respond to my 2 queries about the respective 2 Articles.

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

I suppose it was always the case that this debate would overflow from the specific aspect of dangerous dogs to the more general nature, and so it has proved, and my purpose and wish to speak is to try and get us back on track to deal with the dangerous aspects and acknowledge that there are other aspects to deal with regarding dogs generally. In her litany of problems relating to the Dogs Law generally the chair did refer to the fact that the question of control of dogs was split between numerous amounts of legislation with no central focus on it. I had hoped that, given that I was aware that an amendment to the Dogs Law was coming, that something would be included in it as to control of dogs. While there is reference to dangerously out-of-control dogs, I had rather hoped it would go far beyond. My interest stems mainly from general concern but only this week did I meet a parishioner who no longer

takes her own dog for a walk on the north coast. The reason for this is that is a favourite area for professional dogwalkers and someone having a large number of dogs “under their control” she is concerned for the safety of her dog and others, that they are not actually in control. She did refer - or maybe another parishioner referred - to the fact that only recently there was sighted 20 dogs under control of 3 professional dogwalkers. That is, I suggest, a major problem. I appreciate that professional dogwalkers do have a place in life but with so many in their charge it does create fear among dog owners and it cannot be right that they are effectively prevented from going where they want. That is an area I wish to see addressed. I had not overlooked the fact that there is a very helpful Code of Practice issued by the Environmental Health Department on professional dogwalkers, and it does contain the clause: “This guidance relates only to the transport, walking and exercise of dogs by those caring for them in a professional capacity. However, some aspects also apply to anyone walking a dog in a public place.” That is very valid. The point I wish to make is that is purely a guide. I have seen nowhere in legislation an actual obligation to control dogs in a certain way, to limit the number of dogs under control, to require that they have professional indemnity insurance and such matters. I think I am, I would say, pushing into an open door with the chair of the Comité. The Comité understands my concerns and I think they were generally onside with that. Having done most of the work already, I cannot speak for the chair of my panel, but I think we may be well open to the idea of conducting a review and working collaboratively with the Comité should they wish to take it further. The point I wish to make is that there is - as various Members have mentioned - a dearth of legislation concerning control of dogs, which is control over the owners rather than dogs themselves. It should be rectified and I think if we could discipline ourselves to agreeing that this will be done as a separate matter, that might assist the consideration of the particular proposition we have before us as to dangerous dogs.

[11:45]

2.3.7 Deputy M. Tadier of St. Brealde:

I made a lot of my comments in the reference back speech so I will not repeat those, but I will focus on a number of issues that have been touched upon. The first is this idea of a dog warden. I know it is not central to this proposition but I think it is ancillary and adjacent to it. I go back to 2011, so 14 years ago I was on a Scrutiny Panel under Deputy Le Hérisier at the time, and one of the recommendations we made was that the Minister for Justice and Home Affairs should work with the police and Parishes to establish a dog warden role, as used by other authorities, to act as a point of contact for members of the public should they want to report an incident. But the wider benefit of that dog warden role - as other Members including Deputy Ward have suggested as well - could be a wider, more proactive role, and indeed it might be more than one in an Island with the levels of dog ownership, to be able to give words of advice but perhaps also to issue on-the-spot fines for certain misdemeanours that have up to date never ever been enforced. We think of course on the one hand of littering; I do not think anyone in Jersey has ever been prosecuted for littering. Nobody has ever been prosecuted for dog fouling, even though those are offences which are largely annoyances but do have health issues. Of course when it comes to this proposition in front of us, they could also have a key role in that. So 14 years is never too late to dust off an old Scrutiny Report and perhaps stick it in a manifesto, if one were minded to perhaps run for Constable of St. Helier. It is something that may well be popular and certainly could be afforded from the many thousands who own dogs in the Parish. There were at least 2 occasions where I have been bitten by a dog, and before I proceed can I just ask, do you understand the meaning of the word “tchu” in Jèrriais, Sir?

The Bailiff:

Well, if it is rude do not use it. **[Laughter]** If it is polite then you can.

Deputy M. Tadier:

I will not use it, Sir, but that is where I was bitten.

The Bailiff:

Oh. Right. **[Laughter]** I think you may have just used it. I could be wrong.

Deputy M. Tadier:

I will leave it to the imagination. One was when I was young and I had a paper round on Petite Route Des Mielles - for Machon's in fact - and there were 2 large ... I think they were Weimaraner, they were tall dogs, and I can still remember the exact house. I got bitten, I will say it now in English, on my rump. I went back home later to my mum and told her what happened and she was so indignant that she paraded me ... she did not phone the police or anything, she paraded me in her French fashion, desiring I suppose some immediate retribution, to the person's house who owned the dogs, and then proceeded to show them where I had been bitten. **[Laughter]** Which was probably more of a punishment for me than it was for the owner of the house. The second occasion was when I was a bit older and I think I was due to be playing some music, and I had turned up on my motorbike. The 2 big dogs that they had in the yard - I forget the name of them, they were big, fluffy types ... Newfoundlands, they were 2 Newfoundlands. Lovely, beautiful dogs, very friendly. I went in with no problem but then when I came back out to move my motorbike I think the motorbike spooked one of them, and again it bit me in exactly the same place. That time I did not show it to my mum because I did not want a repeat of what had happened maybe some 20 years earlier. But the long and the short of that is, what was the consequence of that? If I had have reported that to the police that would of course been recorded as a bite. I did not really want anything to happen, I think because I was circumspect. I probably made sure that I had my tetanus jabs and that they were up to date. But I certainly was not going to be asking for those 2 dogs to be destroyed. I completely understood - certainly in the latter case - the psychology of what had happened with that dog, and I put it down to experience. But of course I should have probably even in that latter case notified the owner to let him or her know what was going on. That is no way to undermine the more serious attacks that do happen in the Island for people who do get bitten or even, I would say, savaged by dogs. Of course that is the purpose of this law. But what I would like to see ultimately in this law is much more focus, as I suggested earlier, on the owners of the dogs rather than on the dogs themselves as being the problem. It has quite correctly been said that what we are talking about here are wild animals, albeit wild animals that have been tamed and selectively bred, largely for domestication purposes and nowadays to be kept as pets, but which can of course sometimes display erratic behaviour. On the other hand of course I can vouch from experience that dogs can be incredibly empathetic. Even only last week when we were visiting some family with our dog, and the dogs are related as well, they are brothers, my sister-in-law and brother-in-law have one dog, we have the other, and the fireworks were going off. The brother dog became particularly agitated during the fireworks and let out a muted howl, I can only call it, which was certainly very pained and distressed, which our dog does not do. He is a bit more relaxed around fireworks. Immediately our dog got up, crossed over the room, and went to see if his brother was okay, and started licking him and trying to reassure him. He recognised that there was some distress there. So we are not just dealing with wild animals, we are dealing with dogs who have got a wide capability for emotion and empathy as well. I would like to see the punishment and penalties as well as the pre-emptive conditions in what we are proposing to look at the owners. To the point where I think if a dog is out of control and it - especially in an unprovoked way - causes damage either to livestock or indeed to another dog or a human being, and let us focus on that latter, I would like to see the owner of that dog treated in the same way as if they perhaps had caused the injury themselves. So if you have not got a dog under control and your dog has caused serious bodily damage to another human being then it could well be that the owner of the dog should be up for G.B.H. (grievous bodily harm), A.B.H. (actual bodily harm) or assault, rather than the dog itself. Because of course the dog is only able to do what the owner allows it to do. In the worst-case scenario where somebody is killed by a dog then I think it should be open within the law - I am not sure if I am speaking naively here, or if it is possible already, but I do not think it is - for that person to be tried with manslaughter or whatever equivalent. If those provisions were put

into the law and owners of dogs realised that ... especially if they are deliberately seeking to choose a dangerous type of dog, and a dog which they decide to make and keep in a dangerous fashion, that they should be not only responsible for it but they should be subject to the consequences of it in these extreme circumstances. There are those, for example, who say that if boy racers - and possibly girl racers - are caught to be doing excessive speed, that the car should be destroyed. I have always found that a slightly illogical position. Why would you scrap a perfectly good car just because somebody is using it irresponsibly? A car is not the same as a dog of course, but I cannot help feeling that in circumstances even where a dog has bitten another dog that there should be a suggestion that the dog should be destroyed automatically without looking at the owner of the dog. Those are my comments. I do welcome further scrutiny from the Scrutiny Panel if they are going to call this in. I would suggest that I do not think that the public have fully had their say on this matter. We do tend to live in a bubble; we might prepare for these debates in a way but the public often only start to think about these issues when they are on the front page of the local paper, and that is often after the facts have been debated and the decisions have been made. If the Scrutiny Panel had the bandwidth and were minded to do a number of roadshows - maybe one in the west, I would certainly welcome them in St. Brelade, one in St. Helier and one in the country Parishes - they would have no shortage of dog owners and interested parties with some great ideas. I think we all want the same thing. We want a proportionate law in place which protects the vulnerable, protects children and protects humans from the worst excesses of dangerous dogs, but also seeks to resolve the problem at source so that dangerous dogs should be discouraged and that those who would be likely to own dogs for nefarious purposes are prevented from doing so in the first place. If we can stop the root causes of many of these potential attacks then I think that is what we should be best doing.

2.3.8 Deputy J. Renouf of St. Brelade:

Listening to this debate I note that Members are raising a number of problems with issues that are not tackled by the legislation. There are issues with owners more than there are with dogs, there are several problems still not being tackled by this proposition, and all of those seem to me to be entirely legitimate issues but I do think they are missing the point of the proposition. For me it is primarily about stopping a problem getting worse. It is not primarily aimed at solving existing problems with dogs that may be out of control, and so. That does, as people have referenced, require a bigger piece of work. However, if we do not take action we would be adding to the issues with dangerous dogs that may already exist by not putting in place controls on breeds that are potentially lethal, that may start to come into the Island in greater numbers. So if we pass this proposition we will be making it much harder to bring those breeds into the Island, to breed them and to exchange them, and that it seems to me is good. Therefore, I would say a corollary of that is I do support a breed specific approach. Yes, we should be doing more in all sorts of ways to protect people from dogs, and indeed - as Deputy Coles says - dogs from people, and dogs from dogs as Deputy Doublet said. But we have before us a proposition and the question is does it help. It is precisely because dogs cannot be responsible for their actions that the simplest and easiest way to control their behaviour, if you like, is their ownership and presence in the Island. A dog that when it attacks is much more likely to be lethal is more in need of control than a much smaller breed. That is why I do favour a breed specific approach. It is why cutting this problem off at source by limiting as much as possible the import and circulation of potentially very dangerous breeds will stop the problem with dangerous dogs getting worse. It gives greater regulatory control, and I place strong weight on the words of the chief vet in that regard in support of this legislation. For me the Island will be a safer place without the breeds mentioned in this legislation, and this proposition gets us into a much better place in being able to achieve that aim. I do think the process of getting to this point has not been great. It feels like it has been sloppy and the chair of the Scrutiny Panel's comments in this regard are very well made. However, in the end the proposition is about lessening risk; it is not perfect, there are still gaps, but I think on the basis that it does reduce risk, I support it.

2.3.9 Connétable M. Labey of Grouville:

Of course I am sure most Members would realise what I used to do for a living and how we put ourselves at risk on a daily basis out on a postal delivery. My colleague behind me I am sure will back me up. However, there were some very serious incidents over those 23 years. I was bitten twice: once by a neurotic Border Collie, already mentioned by Deputy Coles. A Collie unfortunately that was so neurotic it had to be restrained and unfortunately got out that day. But that was not my fault. The second incident was, unbelievably, with a Chihuahua. A lapdog, indeed, but that Chihuahua had a very bad day, very bad-tempered that morning. I knew the dog well - as most postmen know most dogs - but nevertheless it drew blood and I had to go and get a tetanus injection. Ridiculous, I know. But 2 of my colleagues, one of them had to retire early as a direct result of a dog injury; the other had 38 stitches in his chest and nearly died because of blood loss. So this cannot be underestimated. However, statistically if you think about 120 delivery officers going out on duty 6 days a week, it is a relatively minor incidence if you were to say statistically. The C.W.U. (Communication Workers Union) issued directives about breeds to watch out for. Statistically a German Shepherd is the most dangerous, the second most dangerous a Jack Russell, which is no surprise to anyone, but third on that list - quite unusually - was a Labrador. Now, that is only because there are a lot more Labradors in the country, so the statistics are slightly skewed. But that is what I am actually wanting to talk about in this respect, is that statistically there are 22 of these dangerous dogs in the Island, 4 of them of breeding age. If those 4 dogs all had litters of 4 puppies the numbers of this particular breed would go up by nearly 60 per cent in the Island.

[12:00]

That is a genuine concern for everyone, not at least of all ... strangely enough, I believe that some of these dogs have turned on members of their own family, and of course those dogs would not have a muzzle in their own house. But one thing I would like the chair of the Comité des Connétables also to respond to, if I may, is that some breeds are not able to wear collars. My brother's Podenco, for example, Whippets, Greyhounds, and whether he would consider adding the word "harness" into that where the label of that dog is in particularly, because some dogs literally can get out of their collars very quickly and easily. But this is a genuine fear that if we increase this amount of dogs in the Island with these capabilities by 60 per cent, that means that the chance of a serious incident goes up by the same amount. We must legislate for this breed and control them.

2.3.10 Deputy M.E. Millar:

The Constable has in fact taken half of my speech I think, because I was going to comment on the fact that all dogs can be dangerous in the right or wrong circumstances. One morning, when I was Viscount, I was told by one of my senior officers that one of the enforcement officers had been bitten by a dog the previous evening. I was very concerned, as any good employer would be, about workplace well-being so I went down to see him. I realised immediately on entering the office that there was very little sympathy on display from his colleagues. When I stopped to ask what had happened and how was he, it transpired that he had indeed been bitten by a Chihuahua which had jumped up and bitten his knee. It had drawn blood, so he had the appropriate treatment and all was well, but it caused a huge amount of amusement on the day. Also it has reminded me this morning that when I was campaigning last year someone offered to come with me doing a bit of door knocking in St. Lawrence. This person shall remain nameless but was a former Senator and I believe Minister for Treasury in his day. We went into the house and a little Jack Russell jumped up and bit him on the arm, which I was mortified about. All dogs have the capacity to be dangerous, but I will be supporting this legislation despite all the imperfections and challenges that people have already raised. I am a dog lover, there is no doubt about that, but I am also quite frightened of dogs. I was very frightened of them as a child and if even a very small dog ran towards me now barking I would be scared because it is a scary thing. I think we just have to remember there is so much more we could do. As a dog lover I think the issue of dangerous dogs could be vastly improved if we allowed dogs on beaches in the summer. Dogs are more risky when they are not exercised and they are

restrained, and we take them from the beaches and sit them on the north coast, as opposed to having vast expanses of beach in St. Helier, which have nobody on them at all. So I do think that is something we could look at. There is lots we could do. The issue of human behaviour is also something that we need to think about because people do some peculiar things and there are people who want that type of dog, they want a dangerous dog for reasons understood only by themselves. I would just take that one step further in terms of what people do. A few years ago I was in Canada skiing and as I walked through the village I saw a group of people clustered around a relatively young couple and they were all looking at something on the floor. So, being inherently nosy, I went to have a look and found that what they had was a big canvas thing and they had 4 or 5 puppies that they were selling on the street. These puppies were the most beautiful animals, absolutely stunningly beautiful animals, they were all cute and fluffy and white and grey and blue-eyed; they were absolutely adorable. They were selling these puppies for £2,000. I started off thinking they were some type of Husky dog, and as I listened it became clear from the person selling that they were not dogs, they were wolves. They were part Arctic Wolf and part Timber Wolf, and they had 2 as pets and they were breeding them and selling the puppies. They had quite an interested crowd around them. You just think: "Well, that is amazing, I cannot take one back to Jersey anyway." But when I got back to my hotel the chap was there speaking to somebody who worked in the hotel, and then when he went off the hotel worker said to me: "Yes, there are people in Canada buying wolf puppies as pets because they think it is a great idea and because they look so beautiful when they are puppies. But you have to be in control constantly. You have to be the alpha and the minute you stop being the alpha you have literally got a wild animal in your living room." Now, that is not going to happen in Jersey but we do have to think about human behaviour, and there will always be people who have dogs who cannot really control them, and that is dealt with more by education and guidance, and by having a framework to deal with incidents where things go badly wrong. So I will be supporting this today, thank you.

The Bailiff:

Thank you, Deputy. Does anyone else wish to speak on the principles? I call upon the chair to reply.

2.3.11 The Connétable of St. Brelade:

I am going to restrict myself to speaking to those who have spoken to the debate rather than the reference back. There were lots of points brought up by Members and I am grateful for those. I think Deputy Coles spoke of the identity of dangerous dogs and measurements, and I think it is fair to say that the States vet will be communicating the measurement issue to those who we know to be owners of dangerous dogs at the moment and there will be parameters, especially when you get to crossbreeds. There needs to be some parameters to which we will work. I am also aware through conversations earlier, and obviously with the police about the situation, that the police find themselves in. One of the perils of cost cutting in Government all around is that the police have lost the dog handling unit. We might think that has achieved savings but has it been a detrimental move for the Island in general. Maybe it is something the Minister will be considering, and I think we will need to work collaboratively to ensure that the issue is covered in the short term. Deputy Morel once again referred to bad legislation and the Dangerous Dog Act of 1991. I did comment when I read the letter from the States veterinary office that there is generally a lack of support by charities for the Dangerous Dog Act, that it is perhaps not as soundly founded as it might be felt on the surface. The Minister for Justice and Home Affairs did mention that it would be difficult to make any changes within the next 6 months, and there will obviously need to be provision made in terms of training and kennelling. Once again, between ourselves and the police, this is something clearly we need to do. I would like to think that the need for it would be very minimal, provided the legislation is accepted, because principally we will not be getting dangerous dogs coming into the Island. We will have to deal with the ones that are already here. There is no particular evidence of those already here being a problem but there is a risk, and if we can minimise the risk by agreeing with this legislation, that

has to be helpful for all parties. I think that Deputy Scott mentioned the data protection issue on collars. It is part of the reason for changing the inscriptions or engravings on a collar - not entirely - and in fact I am grateful to the Chief Minister who highlighted the issue when the initial amendment came forward. That has been changed to just incorporate the registration number, which of course has all the details that are required on it, and that will be backed up by the dog's name and telephone number. Deputy Jeune felt that the amendments were not communicated. I feel they were communicated by virtue of the Comité issuing an amendment to the amendment, if you can call it that, so that was a result of conversations we had with the Scrutiny Panel, and I am grateful for their input in that. In terms of the weakness of the law, to which she alluded, I think it is something that we do need to work on, and any Members who have been involved with the Honorary Police or Centeniers will know it is sometimes a difficult thing to charge. I would urge any members of the public who have a dog attacked by another dog to report it straight away; 2 weeks after the event is no good, quite bluntly, and it is difficult to get the evidence. A prompt reporting of any issues enables the police to deal with it far more effectively. The actual charging process has to be thought through. We have laws in place; we have to give the police the teeth to be able to take it and press charges at a Magistrate's Court and the Magistrate can take action thereafter. Yes, we need to think through a good plan for mitigation, and I am fully committed to doing that. I am hoping, once again, that there will not be much in the way of need and, therefore, not much in the way of the need for resource to deal with it, but we have to be prepared. Deputy Ward mentioned concern for individuals, and I am pleased that he is supportive of the legislation. He mentioned fees; fees are not £20, they are only £20 if people are late paying, it is normally £10. I think the concept of a dog warden is something that we could follow up. It might be through the Honorary Police, it might be through an enthusiast within Parishes generally. I certainly commit to looking further into that. There was once again the question of the right home for the dog, and I think that is exceedingly important. The dogs that have caused problems in the past are certainly not in the right home, or possibly with the wrong owners. Going back to Deputy Coles and the need to control dangerous dogs, I think he is conflating the dangerous dogs with dogs out of control, which is very easy to do. That is an area of legislation which we have to deal with, and there is certainly a hole in the law in that respect. We need to apply ourselves as to how we can deal with that and take that through legislation to give police the suitable tools to deal with it, should the need arise. I am well aware that certainly in my Parish there is a current live case where that is being dealt with, and the police do have concerns as to which piece of legislation they should use. There is this issue, as Deputy Coles also mentioned, about dogs being neglected and they become aggressive. He is absolutely right. It is once again down to the owners and the behaviour of the owners which can often manifest itself with the dog. Deputy Scott mentioned beach restrictions in the summer and winter. This is an area of debate which often comes to this Chamber, and I am sure it will do once again. There are different sides to this argument and maybe there is a question of whether we allow different beaches to be used in the summer and restrict others, is something I think this Chamber will have to debate. In terms of recall, that is sometimes a challenge. She mentioned training for recall, and I think that is probably easier with some breeds than others. Retrievers are probably trained to recall - or it is inbred to be recalled - and certainly I think we can put out guidelines with the usual dog licence issues, or on Parish websites, and I think that is something we have got to always keep on doing. Female dogs on heat is a problem for those that have had a bitch, and I think most people with a dog on heat will tend to be quite protective because if it is a pedigree dog they do not really want its pedigree nature changed in its litters.

[12:15]

Deputy Doublet mentioned once again several holes in legislation, and she is not wrong. I think that with a multitude of different dog laws there needs to be some consideration as to how they can be amalgamated. She mentioned seizures; seizure is the taking of a stray dog in terms of definition. That will tend to be referred to the duty Centenier and, as I mentioned earlier in the debate, the Comité had an arrangement with the J.S.P.C.A. who will receive seized or stray dogs. Some of them, of

course, will not have their collars, which refers to the point made by Constable Labey; some will slip their collars, which makes identification a bit of a challenge. But the Poodle system, as we call it - which is the name of the dog licensing system - does enable us to do searches on the various breeds of dogs, about which we will know. Deputy Doublet did support the dog warden concept, which I suggested I am happy to follow up. Dog ownership has increased, yes, and I think it is probably as a result of COVID. People got a dog to keep them - amused is the wrong word - as company during the COVID period when they were locked in, and I think the numbers have been maintained. With regard to Deputy Andrews, he mentioned Article 4 and the ability to revoke a licence. Yes, there is an arrangement whereby 3 Constables can adjudicate on an appeal. He suggested it might be more independent but Article 4E does take it back to the Court of Appeal, so there is a backstop on that, should someone be dissatisfied. In terms of a dog living in different accommodation, it does come down to whoever is in control of the dog at the time. Clearly his situation where a dog under the control, in theory, of an intoxicated owner, while being unfortunate should have been reported to the police because one does not know if these things are happening regularly or whether it is a one-off occasion because it is clearly an unsatisfactory state of affairs. The Constable of St. Mary mentioned the overflow of the debate from dangerous dogs to dogs out of control and I am empathetic with his proposals that dogwalkers need to be managed. It is an area that we will be getting into dealing with so that there are some teeth for the police to be able to use, should the dogwalkers be out of control. There are situations where a dogwalker will be walking 10 or 11 dogs, and this is a situation where they are clearly not under control. Deputy Tadier mentioned dog wardens once again. He also mentioned a Scrutiny Report from 14 years ago, so we will need to look into that, and I hope that his rump has made a satisfactory recovery. He mentioned fireworks; fireworks is always an issue and is reported every 5th November as to the effect on pets. I am probably in support of the point he makes in that it is upsetting for not only dogs but other pets and horses particularly in the Island. I appreciate Deputy Renouf's comments and he hit the nail on the head. He said it is stopping a situation getting worse with greater regulatory control, and the Island will be a safer place as a result. It reduces risk, and those are the succinct points which are very pertinent. Once again the Constable of Grouville will attest to the risks faced by postmen, and I think it is very unfortunate. One hears this tale time and time again. I suppose the dogs are protecting their domain into which the postman is walking, and I am sure that Jersey Post will be training their postmen accordingly as to where they can and cannot go. I thank Deputy Millar for her comments regarding electioneering particularly. Those of us who have been around knocking on doors will, I am sure, appreciate that fearsome creature hiding behind the door. You do not quite see it but you know there is something waiting to launch into you. One hears the election material being chewed up as it goes through the letterbox. So that is my response to the principles, and I would move on to propose the Articles.

The Bailiff:

Well, shall we do the appel first?

The Connétable of St. Brelade:

Yes, I ought to, Sir. I will, therefore, ask for the appel.

Deputy L.M.C. Doublet:

Would the Constable give way briefly for a point of clarification? It might be clarification relating to my own speech but the Constable mentioned that the seizure of dogs in the law only relates to stray dogs. Is the chair of the Comité aware of the Articles 10 and 11 which deal with the seizure of dogs which are dangerously out of control, which was one of the areas that I believe needs to be reviewed.

The Connétable of St. Brelade:

Yes, I thank the Deputy. She is right; it is an area that needs to be dealt with. At the moment the definition of the “out-of-control dog” needs to be satisfied before it can be seized. But the advice I have received is a seizure is a dog which is wandering around, if you like, or lost, and that is what is coming back. But I think in terms of Article 11, which she mentioned, that is in the new law and I will just refresh my memory on that. It is effectively inserted in the new law that we are moving from seizure of lost dogs to a more formal approach. Does that satisfy your question?

Deputy L.M.C. Doublet:

Could the chair clarify that this amendment does not change the definition of a dog that is dangerously out of control, as it is stated in the law, and a dog is dangerously out of control if: “(a) it is causing or has caused death, injury, or other harm to an individual, a domestic animal, or livestock; or (b) its behaviour gives, or has given, rise to alarm or apprehension on the part of an individual for the individual’s own safety, the safety of another individual or the safety of a domestic animal or livestock, and that alarm or apprehension is, in all the circumstances, reasonable”? Where one of those definitions is satisfied the police may seize the dog that reaches those criteria. I do not think the amendment is changing any of that; could you clarify?

The Connétable of St. Brelade:

That is absolutely correct. The legislation is not changing that process at all.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the chance of casting their votes I ask the Greffier to close the voting. The principles have been adopted:

POUR: 42	CONTRE: 0	ABSTAINED: 2
Connétable of St. Helier		Deputy M. Tadier
Connétable of St. Lawrence		Deputy T.A. Coles
Connétable of St. Brelade		
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 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 S.Y. Mézec		
Deputy Sir P.M. Bailhache		
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 R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Deputy Jeune, does your panel wish to scrutinise this matter?

Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

Yes, Sir.

The Bailiff:

Upon which date do you wish the matter to return? It must be set today in no more than 4 meetings' time.

Deputy H.L. Jeune:

Though I will say 4 sittings' time I really hope that we will do this much quicker, given that the Connétable had already agreed when we sent it back in the last debate, and so hopefully we can work with the Comité quickly. But I would like it to be noted as 4 sittings.

The Bailiff:

The date set is 3rd February.

3. Commercial Properties and Leases: Improved Administration (P.68/2025)

The Bailiff:

The next item is P.68, Commercial Properties and Leases: Improved Administration, lodged by Deputy Miles. The main respondent is the Minister for Sustainable Economic Development. There have been some amendments lodged. There is an amendment lodged by you, Minister, and there is an amendment to that amendment by the Comité. Do you accept the Comité's amendment or not?

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

No, Sir.

The Bailiff:

You do not, all right. In that case there will be separate debates. It is probably appropriate for Members with an interest in owners or operators of commercial premises to declare an interest under Standing Order 106, if there are Members with such interests.

Deputy A.F. Curtis of St. Clement:

Yes, I own a commercial premises and operate from commercial premises as well.

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

I will second that, Sir.

Connétable M.K. Jackson of St. Brelade:

Likewise, I own premises and operate a business from it.

Deputy D.J. Warr:

Yes, Sir, we operate from Halkett Place in town.

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

I would like to declare one small place in David Place.

Deputy R. Binet of Grouville and St. Martin:

I am an owner of commercial premises.

Deputy R.S. Kovacs of St. Saviour:

Is it for renting premises as well, because we also rent as a business?

The Bailiff:

Yes, I think for these purposes, yes. Any other declarations?

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

It would be appropriate, that my wife also rents a commercial premises.

The Bailiff:

All persons who have declared an interest may, nonetheless, take part and vote in this debate, as interest is widely shared.

Deputy B.B. de S.V.M. Porée of St. Helier South:

I would like to declare that I rent a business premises as well.

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

I am an owner of commercial premises as well, Sir.

The Bailiff:

Thank you very much. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) that a mechanism should be introduced to discourage commercial properties from being left vacant for extensive periods and to request the Minister for Sustainable Economic Development to present to the Assembly an options paper identifying potential mechanisms, including fiscal mechanisms, before the end of March 2026; (b) to request the Minister for Sustainable Economic Development, in consultation with the Council of Ministers, to undertake a review of the structure of commercial leases in the Island identifying areas of concern and providing recommendations for the implementation of improvements including, but not limited to, minimum standards of repair, responsibility for maintenance, a standard template for a commercial lease and a set of best-practice principles for commercial landlords; and to report such recommendations back to the Assembly before the end of March 2026; and (c) further to the adoption of P.93/2020, to request the Council of Ministers to proceed with the creation of a digital register of all commercial properties in the Island, that contains details of the ultimate beneficial ownership of those properties for the purposes of aiding policy formation, reducing vacancy rates, and, if necessary, for the regulation of the commercial property market.

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

Members will remember that I lodged this proposition alongside P.67, Les Quennevais Parade and Precinct, which was adopted by the Assembly at the last sitting. When I lodged the proposition my intention was simple, to shine a light on longstanding inefficiencies and challenges in the management of Jersey's commercial property market. Issues which because they had been left unchecked have undermined the vibrancy of our local communities and the success of our small businesses. My intention there has not changed and I, in fact, deferred the proposition to allow the lodging of an amendment, and I just would like to say at this point that I am going to accept the C.O.M. (Council of Ministers) amendment but, due to the extra amendment, it is not possible to combine my amended speech into a single speech. So I have separated the 2, and I apologise in advance if it appears a little bit fragmented. We have a problem with vacant and neglected commercial properties, and as I outlined in P 67, in St. Brelade at Les Quennevais Parade and Precinct we are witnessing what happens when commercial units are left empty for years on end, where these units were once local hubs, places where people shopped, met and supported one another. Today many are shuttered, neglected and invariably unlettable. The paint is peeling, windows are dirty and the area looks tired and unloved. As I reiterated at the last sitting, this is not the fault of the residents or the small business owners. It is the consequence of inaction by shop owners who appear to have little or no interest in whether these units thrive or rot. Those owners are based off-Island, detached from the real impact of their neglect on Jersey, and we have no mechanism to intervene. Yet these properties sit within our Parishes, they affect our communities, our economy and our sense of pride in place. So their decline is not a private matter, it is a public concern and I do not think that is standard that we should be accepting for Jersey.

[12:30]

The first part of the proposition proposes the introduction of a mechanism to discourage vacancies. Now this is not about being heavy-handed, it is about being proactive and the proposition does not prescribe the solution, it invites thoughtful evidence-based policymaking. Incentives may well form part of that answer, incentives to bring properties back into use to encourage refurbishments and to reward landlords who invest in their premises and their communities. But equally we should not shy away from the conversation about fiscal mechanisms because if we are to discourage neglect there must also be consequences for deliberate or wilful inaction, and this ensures that we can explore the full range of options to discourage long-term neglect without rushing into measures that could have unintended consequences. Importantly, these measures should not only apply to private landlords. The States of Jersey too must lead by example. If we own commercial properties that sit empty for long periods then we are part of the problem and we must hold ourselves to the same standard as we expect of others. The second part of this proposition, part (b), addresses the fairness and clarity of commercial leases, an area that has been crying out for reform for a very long time. We have not long ago debated and updated our residential tenancy provisions, but in Jersey we have no commercial tenancy legislation or guidelines. At present, commercial owners in Jersey are under no statutory duty to maintain or repair their properties, and this lack of basic protection leaves too many small businesses at the mercy of outdated one-sided lease agreements. I have heard the stories and seen for myself the shocking state of some properties, particularly those in Les Quennevais Precinct. Repairs left undone, leading to unsafe or unsightly premises; complex full repairing and insuring leases that place disproportionate burdens on tenants; the hidden costs in service charges and insurance clauses; long delays in responding to maintenance issues and a lack of basic transparency around obligations and rights. Small businesses often struggle under these conditions as most cannot afford legal specialists or court expenses and the result, many simply walk away and another shop goes vacant. I think we need to do better. We need to help our entrepreneurs, we want to retain our young people who want to start their own businesses, and a 9-year, full-insuring, full-repairing lease is not the way to do that. So I am seeking a system that gives commercial tenants basic protection, sets clear standards for property maintenance, and introduces a standardised template for leases to

reduce ambiguity and dispute. I do not think these measures are particularly radical. They are fair, and they would bring Jersey into line with modern best practice. They promote mutual respect between landlord and tenant and they will strengthen the commercial fabric of our Island. In respect of part (c), my proposal calls for the creation of a digital register of commercial properties. That was a proposal that was brought forward by Deputy Higgins in 2020. That proposal was approved by this Assembly. But despite being adopted, it has never been fully implemented. For the purpose of this proposition, I am referring only to the commercial element of that. I address the features in my report, but currently Government has no clear record of who owns commercial property. As a result, this lacks the data to manage commercial property markets effectively. Finally, this proposition is not about ideology, it is about practicality and fairness. It asks that we take a long, hard look at how our commercial property market operates and that we take steps, careful, consultative, but constructive steps to make it work better for everybody. If we are serious about our economy, about supporting our small businesses, and about strengthening our communities, then we must not let the status quo continue unchallenged. For those reasons, I am pleased to make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]**

3.2 Commercial Properties and Leases: Improved Administration (P.68/2025): amendment (P.68/2025 Amd.)

The Bailiff:

There is an amendment lodged by the Minister for Sustainable Economic Development and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2, paragraph (a) – For the word “introduced” substitute the words “explored, as part of the delivery of the Retail Roadmap,”. For the words “to present to the Assembly an options paper identifying mechanisms, including fiscal mechanisms,” substitute the words “to work with the Comité des Connétables and update the Assembly on this work”. Delete the word “March”. Page 2, paragraph (b) – For the words “providing recommendations for the implementation of improvements including, but not limited to”, substitute the words “provide information for landlords and tenants on best practice in relation to”. Delete the word “March”. Page 2, paragraph (c) – For the words “the creation of a digital”, substitute the words “an assessment of the Jersey Land and Property Index’s”. For the words “that contains details of the ultimate beneficial ownership of those properties”, substitute the words “including retail properties, to identify areas of acute retail vacancy”. After the words “vacancy rates” delete the words “, and if necessary for the regulation of the commercial property market”.

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

I thank Deputy Miles for her proposition. I think in her speech Deputy Miles talked about trying to find a practical solution or process which can lead to solutions for something which can be a problem at different times, something which rears its head, which is retail areas which have vacancies that bring down the character of the area. I want to start as well by saying that in St. Helier I think it is really important that we do understand that Jersey has a really good retail offering, particularly along King Street. Queen Street, which has had problems with vacancies, is being done up, as we can see. There is plenty of activity. The Minister for Infrastructure is investing in the public realm in Broad Street and elsewhere on King Street, and we can see a very vibrant and improving retail space. But that said, there are streets around ... if I think about Colomberie; Colomberie often has vacancies and sometimes that is part of the churn, but sometimes there are vacancies which stay for quite some time. I know obviously from P.67 we talked about Les Quennevais Precinct and Deputy Miles

obviously has concerns there. There is no question in my mind that I am happy, particularly as Deputy Miles has indicated to be happy to accept our amendment, that the combination of Deputy Miles's proposition and the Council of Minister's amendment creates that practical situation whereby we can really get to grasp with some of these issues. Before I talk specifically about my amendment, I would like to refer to the Comité of Connétables amendment, and the reason is because I want to make it really clear that by not accepting their amendment, I am not trying to be belligerent or awkward. I am actually here to try to convince them to vote against their own amendment or even withdraw if they wished, because I think there may have been a misunderstanding due to a lack of consultation on my part. I accept that and I apologise for that. That was also partly due to illness. I think the Connétables may have felt that there was a great deal of work heading their way should their amendment not be maintained. I want to really confirm that that is not the case, that the reason we are asking the Comité des Connétables be part of part (a) was because we have already seen in St. Helier, working with the town team and the Constable of St. Helier, how the Government, working together with the town team, have been able to work with landlords. But that kind of approach of the Parish and the Government together has really worked with landlords, has helped us do up retail spaces while they are not in use to give them window dressings, window displays, effectively to encourage the landlords to open up those empty shops to us. So the work that part (a) talks about with the Comité des Connétables is not about sitting down and drawing up lots of rules and regulations. It is about us working with the Comité where there is a need. That would not be in all Parishes by any means. That would be, I have to say, in St. Brelade, it is highly likely, because of St. Aubin and Les Quennevais; St. Helier, where this work is already being done; and possibly St. Martin and Grouville with Gorey and Mont Orgueil and the Gorey Village areas. So off the top of my head, those are the areas that are most likely to be involved. There are obviously some small retail spaces. St. John has St. John's Village, but I think it is highly unlikely that we would focus on that area. It is not an area that has many vacancies, I do not think. It certainly does not have many shops. I think there has been a misunderstanding as to the work that would need to be done. It really is a case of my department picking up the work. But where there is, let us use Les Quennevais as an example, the possibility of perhaps getting some temporary uses into some of those shops in Les Quennevais, it would be working with Connétable and his team to engage with landlords to open that up. It is not about some onerous piece of work. It really is not. Part (a), just to go through my amendment itself, is about the importance of making sure that even when a shop is vacant, that we have practical ways of engaging with the owners to open up those spaces, whether it is just for a window display, whether it is for a charity to go in there to take it over on a pop-up basis for a short period of time, the amendment would enable, in conjunction with Deputy Miles's proposition, us to establish those sorts of engagements via other Parishes as well. We can talk about fiscal mechanisms, I think that is a discussion that we should have, but that is not something that we necessarily need to finalise. It is something that would need law at the end of the day to do that. But again we would be doing the heavy lifting in the department. Part (b) about commercial leases, and again this is a matter which I think is quite important and I, throughout this process, working with Deputy Miles, have always been aware that Deputy Tom Coles did approach me 2 or 3 years ago to highlight an issue that constituents had brought to him around commercial tenancies, and that he was concerned there were issues with that. So when Deputy Miles came with the similar issues ... I realised that when 2 States Members are talking to me from very different parts of the Islands about similar issues, then there likely is something that we need to do with here. Part (b) with this amendment would help us gain the information so we could publish this set of best practice standards and guidelines for commercial landlords. I think that is really important at the moment, that there is not that available to prospective tenants. While I absolutely understand and believe strongly that somebody going into business is going into business; they do not and should not have the same protections that we just debated recently with the Residential Tenancy Law. I think that somebody's home is very different to somebody going into a business. But at the same time, we really do want to support entrepreneurs in this Island. Commercial tenancies can be a very difficult place for the uninitiated to tread, and if

we can make it easier for Islanders to understand commercial tenancies that they are going into, then I think that would be a really huge help for entrepreneurialism in Jersey. It would take away one of those barriers to setting up a business. It could help small businesses grow larger because they would feel more willing to engage in contracts because the contracts themselves become more understandable and they know what they are signing up to. So I think that that work in part (b) would be really helpful to Islanders; any Islander who is either running a business or thinking of setting up a business. Part (c), really part (c) is very much a response to Deputy Miles's original proposition, which in this area she is absolutely correct about Deputy Higgins's past proposition by this Assembly, but the work in her original proposition was very onerous and costly. I think Deputy Miles had a half a million pound figure around it. That would have, of course, made it difficult for me to accept Deputy Miles's proposition. So what we have sought to work on here is a practical route to achieving similar benefits, but without having to go through the legislation and maintaining an up-to-date property register. But we do believe that this will help us understand where ownership of commercial property takes place and gives us another route to part satisfying, perhaps, Deputy Higgins's original proposition. With that, I ask Members to support my amendment. Whether the Constable's amendment is accepted by the Assembly or not accepted by the Assembly, I would still ask them to support this amendment, and Deputy Miles would then happily be able to support her proposition as amended by this as well. But I would obviously prefer the Comité des Connétables to be part of the process because I think it is really important to engage the Parishes.

The Bailiff:

Is the amendment seconded? **[Seconded]** I note the time.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Are Members content to adjourn until 2.15?

[12:45]

LUNCHEON ADJOURNMENT

[14.15]

The Bailiff:

Now in the gallery this afternoon, we have 6 teachers and education officials from schools in Curaçao. Curaçao is an island in the Caribbean, which is part of the Kingdom of the Netherlands. They are visiting Jersey as part of an Erasmus exchange programme, aiming to explore how schools within a multilingual island context approach education. While here, in a fellow island community, they are keen to learn about Jersey's education system, about the ways in which linguistic and cultural diversity is celebrated within schools, and how inclusive classroom practices are promoted. They are going to visit a number of primary schools and secondary schools during their stay, and I invite Members to welcome them in the usual way. **[Approbation]** They are also here to witness our debate on commercial property leases. **[Laughter]** Come all this way.

Connétable M.K. Jackson of St. Brelade:

Sir, before we start off, could I ask the leave of the Assembly to withdraw the amendment of the Comité des Connétables, P.68 amendment amendment. Thank you, Sir.

The Bailiff:

The amendment is withdrawn. So we continue the debate on the Minister's amendment, which has been seconded, and Connétable of St. John.

3.2.2 Connétable A.N. Jehan of St. John:

I am pleased that my committee colleagues have withdrawn the amendment to the amendment. We absolutely need to collaborate to get the best results. In his speech just before lunch, the Minister mentioned St. John. Just over 4 years ago, coming out of COVID, we had 2 empty shops and a third seriously thinking of pulling out. That would have given us only a 66 per cent occupancy. I am proud to say that our precinct is now vibrant, with people coming regularly from all over the Island. Our challenge is parking, but what a challenge to have. Marketing is key. We have worked with local businesses encouraging them to use social media and traditional, such as Parish magazines. If Members have not seen the local butcher's Christmas messaging, I highly recommend it. But be quick. It is humorous, it is innovative and it is having very good results. Our traffic calming measures have allowed people who would have previously driven short distances to now walk or cycle, creating spaces for those who come from further afield. In Halkett Street, that is a great success story where the Government has worked with the Parish. The work in New Cut has seen 5 new alfresco applications that will bring the area to life next spring and summer. The investment in Broad Street will further enhance St. Helier, and that investment supports both the retail and the visitor strategies. But we need to do more. We need as many levers as possible. Regulation needs to be appropriate and proportionate and, as a former chair of Jersey Business, I am fully aware of the value that they offer and the further potential they have working in the retail sector and other sectors. They could be a driving force behind modernising leases, for example, and encouraging people who are considering going into business to work with them and get advice. The Constable of St. Helier has led on the work in the markets, and it is great to see businesses there now looking for larger premises in the high street as a good example of collaboration. I am happy to support the proposition as amended.

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

Could I just confirm if we are debating the amendment or the proposition currently?

The Bailiff:

The amendment from the Minister.

Deputy A.F. Curtis:

The amendment, okay. Thank you. I did rise to speak briefly on the amendment, which I know Deputy Miles has indicated her wish is to accept it, and I will absolutely vote with the amendment to see it read. Then finally, as amended. However, given the procedural process has led to this being debated separately, it may be helpful for the Minister in his, what may be brief, summing up to explain a little more about part (c), the amendments he brings to part (c), and how he foresees this work taking place. To remind Members, part (c) is to change the terms of the remit with regards to a register of commercial property. The comment alongside or the report alongside the amendment highlights part (c) is to now move to use the Jersey Land and Property Index, the J.L.P.I., as a source of information to better understand some of the commercial ... I will not say market, but the commercial assets throughout the Island. It highlights in the report that it maintains a list of all properties, those that are commercial and there are further subdivisions. However, the report says: "This data does not include a definitive list of vacant units and that this assessment would see officers undertake an assessment of all retail properties to identify specific areas of high vacancy and use this as part of the policy work the amendment seeks to deliver on." My quick questions to the Minister would be: how does he foresee the use of the J.L.P.I. data specifically to assess that? Did officers advise whether it is feasible to understand any meaningful assessment of the retail property? I will not say again market, but the estate of property for retail. The second part is wider. Is it in his view that this piece of work is to feed his department's evidence base to the Minister for the Environment with regards to planning policy? Clearly a large part of this, and I think the Minister for Sustainable Economic Development has highlighted his challenges about the Economy's remit and input into former Island Plan work. In particular, light industrial is an area I think has been highlighted by

many Members. I note that the amendment to part (c) inserts a particular focus to retail and acute retail vacancy. But it may also be very interesting if the work can extend to understanding where there are pinch points or lack of vacancy or a tightness in the market. I know that concerns have been raised about the provision of light industrial. It is merely for the Minister perhaps to put on record, as he sums up on this, his assessment as to how this work will undertake, how he and his officers will communicate the shortcomings that this data will inevitably have. But the logistics and the financial implications explain that. Lastly, how he sees this stream of work, perhaps in parallel, feeding into the policy work not just of the retail roadmap, but that of planning policy, knowing the Minister for the Environment is keen that work is ongoing in that area.

3.2.4 Deputy M. Tadier of St. Brelade:

I am wondering why we are debating this separately if, effectively, it has been accepted and I am wondering if it is because of the amendment that was going to be put by the Comité des Connétable that has now been withdrawn.

The Bailiff:

That is correct, yes.

Deputy M. Tadier:

So we are in a position nonetheless of being asked to opine on whether or not the amended version is better than the original version. So we do have a vote on it and we will vote on it. I would like to ask, I suppose, the Assembly and the mover of the proposition, notwithstanding the fact that she is accepting the amendment, to know whether or not we would have been better off sticking with her original wording, because it seems to me that often in this kind of scenario, the acceptance of the amendments is some kind of compromise. It hopefully still does what Deputy Miles wishes it to do, but I cannot help feeling that there is a lot more wiggle room, a lot less certainty, especially in terms of timings and of exactly what is being asked for. Looking at the 2, I still prefer the original wording of Deputy Miles, but I am also mindful of the fact that she may wish to speak to this and explain what it is that she is willing to accept, why, and whether or not she believes that it does not necessarily water it down excessively, and why she can stomach it, if that is okay.

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

I thank the previous speaker for that direction. As I say, I had intended to address this as one speech. So this is the second part of what I perhaps would have said the first time around. We have had some constructive engagement and discussion with the Minister for Sustainable Economic Development, so I have been able to agree the set of amendments that I feel refine the approach. They make the proposals more deliverable, but I still think they do retain the core purpose of my original proposition, which is to tackle long-term commercial vacancy, improve fairness in leasing, and enhance transparency across the sector. It was on those grounds that I was content to accept all of these amendments, but on the understanding that it is a first step. I do need to thank the Minister for the Economy and all his officers for their very collaborative way in which they have approached this matter. He recognised that this has not been a political context but a shared effort to find some long-needed practical ways to strengthen Jersey's retail and commercial landscape. I think the amendments that were proposed really demonstrate that shared intent. I think they balance my ambition with what is practical and ensure that any measures that we take are proportionate, achievable and also aligned with our position as a place that welcomes enterprise and investment. Also in terms of the open-ended nature of dropping the March and agreeing to the end of 2026 just to be really practical. In terms of part (a), tackling the empty commercial properties. I am pleased that the amendment acknowledges the importance of tackling those, but it also recognises that not all vacancies are bad or abnormal. It is a normal part of business. Short periods of inactivity due to refurbishment or renegotiation are a normal part of commercial turnover, but that is not what we are

talking about here. We are talking about long-term vacancies of properties that are effectively unlettable. It is not about being heavy-handed, it is about finding a way of being very proactive. I also like the amendment's focus on encouraging meanwhile use, stuff to be temporary, creative, community-focused. It is a particular problem up at St. Brelade where landlords have refused pop-ups, they have refused temporary use. I am looking forward to the collaboration with the Minister's team about how we might move that forward, and that intention to replicate the partnership model not just in St. Brelade, but other Parishes. The proposition, as amended, takes a very pragmatic and proportionate approach to supporting commercial tenants and fair practice. It is about gathering and analysing the information that is available and producing best practice guidance and a standard lease template for use by landlords and tenants alike. At this point, it is not about legislation, it is not about aiming to introduce a commercial law, it is about trying to assess what the problems are and what might be done about it to everybody's benefit. I consider this to be an important step in the right direction. It provides immediate practical benefits for small businesses, helping them to avoid some arrangements, which are frankly quite exploitative, and also laying the groundwork for the more informed policy in the future. I am really encouraged that Jersey Business will lead this work, engaging directly with the landlords, owners, tenants, and also legal experts to develop a set of resources that reflect our specific commercial environment. Again, to reiterate what the Minister said, I think this kind of partnership between government, industry, business and the Parishes is exactly the constructive approach that we should be taking to tackle tricky challenges rather than just acting in isolation.

[14:30]

In respect of (c), and alluding to Deputy Curtis's point and Deputy Tadier's point, this amendment recognises that much of the data already exists through the Jersey Land and Property Index and that it would be more efficient to build upon those existing systems rather than creating a new and costly register from scratch. We see from the Minister's report that it certainly would be expensive. The decision to conduct a targeted assessment of retail vacancies is sensible and proportionate compromise, which I am happy to agree. It does achieve the same end, better information to guide policy and support revitalisation without significant financial administrative burden that a wholly new register would entail. This approach respects both the public interest in transparency, but also the practical realities of such a register. In conclusion, I think what this amended proposition achieves is a workable roadmap for change, and that is why I have accepted the amendments. It reflects the concerns raised in my proposition, but in a way that Government consider to be deliverable and balanced and manageable. Preserves the key principles that motivated me to bring this forward, as I said at the beginning, tackling long-term commercial vacancy, supporting particularly small businesses with fair leasing practices, and enhancing transparency in how commercial properties are managed and maintained. I hope they do so in a way that builds consensus across the Assembly. Again, in accepting these amendments, I do need to emphasise that I do not see this as the end of the conversation. It is the beginning of a more co-ordinated effort to improve the way Jersey's commercial spaces are used and maintained. The success of this work will depend on continued collaboration between departments, Parishes, landlords, and all of those who really do care about keeping our retail areas lively and sustainable. I was really disappointed to see the Comité des Connétables amendment come in yesterday afternoon. I did have quite a long speech prepared about why that would not be a good idea. At the end of the day, the Connétable are the heart of our Parish. We could not possibly do this without. The very first thing I said to the Minister when we discussed this, when he said about putting the Comité des Connétables in, was I should have put that in at the beginning. I was very pleased to see that go in. As I say, I am grateful to the Minister for working constructively with me, and I believe that the amended proposition represents a strong and very practical foundation for progress.

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

I would like to thank my fellow Deputy of St. Brelade for bringing this proposition, but also for being amenable to the amendment that has been brought by the Minister for Sustainable Economic Development. I agree with her that the amendments go a lot more in the direction of supporting the small businesses that have had difficulties in that area. Combined, I think that what is quite important, and we have to be realistic, it is a private site, it is not a government-run community centre, but it opens up a greater understanding of what the issues are, why it is not so straightforward as to say: "Right. Let us do this to the landlord or let us do this to the rates." It is investigating what has been found in different areas and different jurisdictions, what has worked, what has not worked. But more importantly, just not rushing into things and risking unforeseen consequences. The original proposition gave me some concern because it seemed to be immediately going into the area of there should need to be something done fiscally. It is something that I have myself sometimes contemplated in the area of hotels and the change of the land use. There is some more work, I suspect, to be done in the planning area too. But this is great, looking at the these first steps that need to be done to support small businesses, but also to identify the extent to which the numbers work and are sustainable in that area too. I do urge Members to support this amendment and the amended proposition.

The Bailiff:

Does anyone else wish to speak on the amendment? I call upon the Minister to reply.

3.2.7 Deputy K.F. Morel:

I would like to thank everyone who has spoken. I would particularly like to thank the Comité des Connétables for withdrawing their amendment. I am really grateful because I think we can work well on this together. As I was saying, it is very much my department will be doing the heavy lifting, but we will need to speak to the Comité from time to time to understand and to get the Comité's views on things, which I will be really keen to do. I will not speak for too long. I think Deputy Miles has in many ways stolen the speech I would have made. But what I want to say, and this is very much to Deputy Scott's point, is that this is a learning exercise. When it comes to commercial premises in Jersey, we do not know very much about them. We do not even know necessarily where they all are. This proposition, as amended, will give us the ability to start to learn about that. I think, to Deputy Alex Curtis's perspective, is that this work will help us inform the Island Plan in the next Assembly. It will also help us inform a wide variety of other policies and laws, and pieces of work as we go through, because precisely we will have information that we previously did not have. There are really 2 parts to Deputy Miles's proposition and my amendment. The first part is very much focused on the idea of empty vacancies, empty properties, particularly in retail areas. That is something that is difficult to manage. At the end of the day, commercial leases are private contracts between 2 parties. But when those contracts lead to a situation where there are either vacancies or properties becoming run down, or looking run down, those private arrangements can have huge impacts on the public realm and the public psychology as well. It is important that we begin to understand what can we do where there are vacancies or areas of a high street or areas of a shopping and retail area, which have a large amount of vacancies. What can we do to encourage the owners of those properties to put them into some sort of use, even if it is only temporary? That will make a big difference to the public feeling about the Island. In the lunch break, I had the pleasure of talking to one of my constituency colleagues, Deputy Alves, and she was quite right in expressing her concern about engaging in commercial leases, kind of meddling, for want of a better word. My word, not Deputy Alves. I think it was a very good point, because it is the sort of point I was raising during the Residential Tenancy Law debate. One of the important things about this amended version of Deputy Miles's proposition is it takes us away from that legal realm. We are not going to be meddling with commercial leases. What we will be doing is seeking to understand how the majority of commercial leases work in Jersey. Once we have that understanding, we will then be in a better position to be able to help particularly new entrepreneurs, and Jersey Business will be able to help

particularly new entrepreneurs ensure that they know what they are getting themselves into and how they can best protect themselves when engaging into a commercial lease for the first time because they really can be, and I know this from my own experience, very different beasts compared to private residential property leases. So, I think learning about that and Jersey Business having a better armoury with which to guide entrepreneurs in Jersey will be incredibly helpful. Part (c) I have already spoken to, which is the Land and Property Index, using that and that piece of effectively just research work so that we can understand where commercial property, and particularly retail property, in Jersey are mostly sited, and that sounds silly because obviously people say: “Well, King Street is where most of the retail property is in Jersey.” That is correct, but there are many pockets of it around the Island which often spring up without people even particularly knowing about them, because we have seen obviously areas where farm shops, which once upon a time used to be farms, have now become quite vibrant retail areas as well. Having that understanding, I think, will be hugely helpful for future policy making. With that brief summary, I would like to move the amendment for a vote, please.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. All Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. I can announce that the amendment has been adopted nearly unanimously:

POUR: 43		CONTRE: 0		ABSTAINED: 1
Connétable of St. Lawrence				Connétable of St. Clement
Connétable of St. Brelade				
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 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 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 H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
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				

3.3 Commercial Properties and Leases: Improved Administration (P.68/2025) - as amended

The Bailiff:

I move back to the proposition as amended. Does anyone wish to speak on the proposition as amended?

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

I really just want to talk about various things, because I think the Minister alluded to this idea of Government coming in and telling everybody what to do in a market economy. I recognise that the Minister has basically said: "I am very sensitive to this point." I just want to come back to this point of what is the purpose of government. One of the purposes of Government is to facilitate. It is really important that we remember that fact. My question always is: why are these properties empty? Real estate is very valuable in Jersey. It just makes absolutely no sense for properties to remain empty and having no return. The question is: why have we got this problem? The next thing I turn to, and then this is about the research in the marketplace, is do we have too much retail space? Do we know what the size or scale of retail should look like in Jersey in some way? Is there anybody measuring that in some way, shape, or form? Then that begs the next question after that, and that is about change of use. One of the things I know is really challenging in Jersey is getting change of use done, and cheaply. So, I come back to being a facilitating Government, and that is how does Government make it easy for businesses to achieve change of use? In other words, if the Les Quennevais Precinct is full of potential shops, how do we change that into something else? How do we help businesses? How do we help landlords churn those areas into something different? How do we encourage that? I think that is really important. The other thing is about location. Historically, the kind of a precinct or certain retail areas where retail was done. Is that still the case? Are we still putting retail in the right places in today's market? How are we accommodating that? That brings you into the Bridging Island Plan and the plan of where we do stuff these days. What I am trying to probably get to ultimately is it is a very dynamic market, a very dynamic place. Have we got in place the governance, the rules, the laws, the flexibility to accommodate that dynamism? I think we do not have. We need to be really looking at ourselves in a changing world, which has gone online so much more, how is government facilitating those areas? We are looking at alfresco, and I know the Constable of St. Helier is very super keen on alfresco, but it is one thing to have alfresco, it is another thing to say how much are you charging for it. Are you enabling businesses? Are you encouraging them to? You may want a policy of alfresco, but are you helping businesses to establish that? The other thing around change of use, and I come back to something which is happening at this moment in time, is around a gym from the Fort Regent, which is moving, or attempting to move out, because obviously Fort Regent is closed, into a warehouse facility in the middle of town. It is the cost of that move, it is the cost of the planning. I know the Minister has a policy. There is a certain charge-out rate for planning applications, et cetera. But how are we facilitating people to encourage them to do this, to do what we want them to do? Where is that carrot to get that behaviour changed that we all look for?

Those are my main points I wanted to make. Yes, discourage commercial places being empty; absolutely get that, but I come back to facilitation. The structure of commercial leases; yes, I understand that, but again, there are good reasons as to why leases are structured in such a way. Digital register; absolutely get behind that. It is really important we start to understand who owns what in a small island of this size. But I come back to just remember what government is all about. Government is about facilitating, and we should be thinking about making the rules. I say: “Making the rules.” We do not want to make too many rules. We should be thinking about how does Government to some degree step away, but also how does Government turn the rules of the Island to operate in a much more commercially sensitive way. That is my take on that one.

[14:45]

3.3.2 Deputy J Renouf of St. Brelade:

I want to join others in thanking Deputy Miles for bringing the proposition, and the Minister for his positive engagement. I think it has led to a good balance in consideration of the issues. But I want to highlight a couple of points in addition to those that have already been made by other speakers. The Minister and others have spoken about the relative good position in which Jersey finds itself, particularly in relation to commercial property and vibrancy of the high street and so on. I very much agree. For all that you sometimes hear about St. Helier is in decline, it is in a far better state than many towns of similar or even much greater size in the U.K. As the Minister for Infrastructure has said, there are also many good improvements going on. By way of comparison, only last week I played a brief visit to a significant northern town, and really the sense of decline was transmitted very strongly through the boarded up shops and the poor physical state of many others that were still open. We do not even want to start heading down that route. Part of my thinking about this proposition is that in a sense, if we are not careful, what is happening at Les Quennevais could, if we are not vigilant, be the thin end of a wedge. This amended proposition gives us the chance to get ahead of the curve. We are being vigilant, and that is really important. There is one other point I wanted to make on this question of intervention. Some businesses I know, particularly property businesses, may not want any intervention that may result from this review. But there will be other businesses that would welcome greater intervention to ensure a well-functioning market in commercial property. That is why I think it is right that it is the Minister’s department of Jersey Business that lead this work. The Minister needs to see those issues up close and personal and make his judgment accordingly. I know he errs against intervention. But I do hope that in the spirit of the proposition, he also errs on the side of the wider community interest, which is surely on the side also of ensuring the maximum usage of existing commercial property on terms which are not onerous to tenants. That might involve some forms of intervention, not necessarily legislation, but it is important, and I do want to put on record that we should be considering all the options in this situation, because if we are to safeguard the vitality of the retail and other commercial sectors of the economy, we must ensure that we are acting in the greater community interest rather than the narrow sectional interest of one particular part of the community. But having said that, the proposition as amended strikes that balance very well, and I hope that the Minister is able to pursue this work speedily, and I look forward very much to seeing the results of it.

3.3.3 Deputy M. Tadier of St. Brelade:

I am going to start with paragraph (b) initially, because I think that a lot of the debate up until now has focused on the empty commercial properties. I am not saying that is not important, but I will consider that in the second part of what I am about to say. For me, one of the underappreciated and bigger problems, if you like, immediately, and I know that both Deputy Miles and I have had conversations separately perhaps with one former tenant of the small Les Quennevais Precinct, which all of their issues came from the condition of the property in which they were supposed to operate, to the point where it was such poor quality that you would not even keep a dog in it, which was unfortunate because their business was around dogs, and they needed to operate dogs from that

property and that premises. It got to the point of us having to think about - and I think this is partly what informed Deputy Miles's proposition, although there will have been no doubt many other examples, and also not in St. Brelade - about what is the minimum expectation that one can have between that, again, asymmetrical relationship often between commercial tenant and the property owner. Of course, you may be renting not directly off the property owner but through an agency. It is fair enough to say that this is a private commercial venture that you are entering into with your eyes open, but the Minister did talk about maybe more unsophisticated, or uninitiated - I think was the word he used - business people. Or indeed one could be in a situation where one is having to renew a tenancy or indeed look for new premises because their lease is not being renewed, so there could be all sorts of scenarios where somebody's livelihood relies on them needing to continue a business, and they do not have the wherewithal to make certain demands about what should be, or should not be, in a particular tenancy agreement. So, I do welcome that. I do have some questions, though, about how and what will constitute best practice, because the Minister talks about this amendment, which has been amended, would seek to collate what information is available and to publish a set of best practice guidelines for both landlords and prospective tenants, and this enhanced transparency would help prospective tenants to identify poor commercial practices and to avoid punitive leases. The problem with that is that first of all, in Jersey, what does good look like, let alone what does best look like? There is not a blueprint as to what good looks like, and it is going to be necessary for Jersey Business to effectively come up with a voluntary code. That is what we are talking about here, a voluntary code; a voluntary set of guidelines. It is not just good practice, we are talking about best practice here. If I go down to the financial and manpower implications, which has not been talked about yet, we are told from the Minister that parts (a) and (b) of the proposition as amended, could be delivered using resources from within the Department for the Economy. Nevertheless, this would necessitate a reprioritisation of the department's work as officers are required to cease delivering on other projects. Those are not inconsequential words. The first point is that it is saying that this could be delivered from within existing resources. So, I ask the Minister, will this be delivered from within existing resources? What are the re-prioritisations that his department will have to do, and officers will have to do or cease delivering on, in order to deliver this? So, that is something which the Minister has put in writing. I would like to have more information, partly with my Scrutiny hat on, to understand what other pieces of work might be ceasing or not going ahead because of this. It is perhaps unfortunate that has crept in here, as if to say we may not be able to do other things and make it an either/or. Turning to the question now of empty properties, I do have to say that I have got an element of *deja vu* here because I did bring a proposition myself, not for commercial premises, but it was numbered P.48/2002, and my wording is fairly similar, asking for things to be done in terms of domestic properties, that an effective mechanism should be introduced to discourage domestic properties from being left vacant for long periods. I can see Deputy Warr stamping his feet there, but I am told that he is not without blame in this. We have got both the current and former Ministers stamping their feet, perhaps for different reasons, and I am not necessarily going to stamp my feet to either of them. I do not really care who is in power, but I would like to know why that States' decision has not been delivered on. I am told that maybe on the one hand, the budget that was with the former Minister may have been squandered. But I still do look to my own party leader who is currently in the job and say the Minister does have a number of months left in post, and I will certainly be at least tabling one more question on that issue to make sure that we can at least do something before the next election. I say that just as a salutary reminder to Deputy Miles to say, I think this is absolutely great what she is doing here in accepting an amendment from the Minister, but do keep the Minister's feet to the fire on this to make sure that something productive is done. Deputy Warr is quite correct when he speaks about the commercial landscape of shops being quite complex and quite difficult. There is no logical reason to leave shops empty, but that does not mean it does not happen. There is no logical reason to leave an empty domestic property, a potential home, as Deputy Warr would call it, vacant when you could be putting somebody in there productively and getting some financial return from it. But nonetheless, it does

happen. We know that the market in itself cannot always be trusted to produce logical results, and that is why it does need some steering in certain occasions, even if it is not fully blown States intervention. What I would say though is that if we look at the particular example of Les Quennevais shops, they were commenced bang on 1960. Anyone who was born in 1960 would be, by my calculation, about 65 today. If you were 20 when those shops were going up, you would be about 85 now. There have been lots of changes that have happened. One has to appreciate that we have much more choice about how we do our shopping nowadays. There are lots of things that you do not even need to leave the house for to buy. We all know what I am talking about. So, of course, the share of the marketplace in the Island, and including at Les Quennevais Precinct, is necessarily going to be a much different beast commercially to what it was 65 years ago. So, perhaps we should be expecting more empty shops, and we might need to be thinking about whether all of those shop spaces need to be perhaps converted to other uses on a more consistent basis. Otherwise, we will see this perhaps musical chairs going on about certain shops' undertakings going out of business and others not being viable unless they are big multinationals and big brands that come in. If I can put on record, there was an element of mixed emotion about the new Cardfactory that took the place of what was at one point a former Burger King, and then most recently was a bookies in the corner of Les Quennevais Parade. I am a bit more relaxed about that. We are not in a position to be picking and choosing who we have taking over the rentals up there. We should, in a sense, be grateful that somebody is willing to take it on, and I know that particular outlet will have no shortage of business, especially in a cost-of-living crisis. But I do understand that you can never keep everybody happy. So, in saying that, I do wish our St. Brelade colleague, Deputy Miles, all the best with this and I hope that many of us will still be around in a year or two's time to hold whichever Minister's feet to the fire so that we do see less empty commercial properties in Jersey, that we do see better relationships between hopefully the small number of suspect tenancies that we see, and that we do see a thriving St. Helier, or thriving centres of commerce in the Island provinces.

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

I stand only to address the questions that Deputy Tadier asked. He asked: what does it mean, or words to that effect, about the business as usual aspect of the department's work? What this means is we are not seeking extra money, there is nothing in the budget for this, and there will not be anything in the budget next year for this piece of work. We are doing it within our existing departmental resources. As far as reprioritisation is concerned, I have to say we have not had that in-depth discussion. I have had a brief discussion, and did point to the period of purdah as potentially a good time for officers to do a large part of this work when priorities are such on hold because we will be between Ministers and so priorities can change. That is the extent of the conversation I have had so far.

The Bailiff:

Anyone else? Deputy Miles.

3.3.5 Deputy H.M. Miles:

I would like to thank all Members for their contribution, and I will be brief because a lot of what I wanted to say has already been said. Deputy Warr raises a very good question: why are all these empty units around? Certainly up at Les Quennevais Precinct and Parade, it must be costing the owners an absolute fortune with 9 empty units. One of the drivers for this proposition is to do that piece of work and understand what it is about commercial properties that can be let go when all that potential revenue is being lost. I hope the Minister will take on board his ideas about change of use and feed them into the mix with his team.

[15:00]

The word that Deputy Warr used was “facilitate”, and it is facilitation, particularly at Les Quennevais Precinct and Parade, that we do need. But I think that needs to come from Government. Deputy Renouf referred to vigilance as being important. It is because we have taken our eye off the ball up there over very many years that we have ended up with the condition that we have got. I agree with his views about sometimes intervention is required, and sometimes sharp penalties are required, and that is why there will be an exploration of the fiscal mechanisms. We talk about a carrot and stick approach. Sometimes you need to sharpen your carrot. In terms of what Deputy Tadier said, my understanding of what is going to be produced, based on the discussions that I have had with the Minister and his team, is something akin to the Good Landlord Charter that is widely available in the U.K. Again, it starts with a code of practice, it starts with voluntary arrangements, and it will be for future Assemblies to make the assessment of whether those voluntary arrangements work or not. Very few countries have legislated for this type of thing. Some states in Australia have legislated for empty commercial properties, but it is by no means common. So, it would suggest that voluntary arrangements and charters are affected. Deputy Tadier also talks about the type of shopping. Yes, retail has changed. Certainly out west there are things that you cannot do online. You cannot get your hair cut online, you cannot get your dog groomed online, you cannot taste wine, you cannot eat, you cannot play, you cannot craft online. Those small units that are dotted not just out west, but all around the Island, are offered tremendous potential. That is not just about retail, that is also about asset-based community development, using those spaces to combat social isolation, to bring vulnerable members of the Parish together. For the record, I take a slightly different view to the new shop that has moved into Les Quennevais Precinct, I think it is a problem when you have a national chain open in direct competition with what is a very small business. It is a shame that Government have not been, or somebody has not been able to facilitate, to use Deputy Warr’s words, the opening of a different type of shop up there so that we would have a variety, because we have 5 retail units up there that all offer the same offer, and I would not be surprised in the slightest if one of those small businesses does not survive, and I consider that to be quite sad. Again, I have said this proposition is not about punishing property owners, it is about empowering communities. Recognising that empty properties just drain the vitality from our communities, and particularly our Parishes. It is about understanding that fair, transparent lease arrangements should give our small businesses the security they need to thrive and invest and promote entrepreneurship. It is about realising what we already know. We know that good data used wisely enables much smarter policy and more effective, focused investment. As the retail roadmap says, when retail spaces are active, everybody benefits. They create jobs, they create tax revenue, they foster local pride and community spirit, and they signal to residents and visitors alike that Jersey is open for business. Yes, I have compromised on this proposition. I think Deputy Tadier was quite polite in the way that he described it. My young colleague to my right over there, Deputy Curtis, refers to this proposition as a Bon Jovi: “We are halfway there.” The next line is, of course: “We are living on a prayer.” On that optimistic note, I call for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 38		CONTRE: 0		ABSTAINED: 1
Connétable of St. Lawrence				Connétable of St. Clement
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				

Connétable of St. Saviour				
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 K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
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 Greffier of the States:

The Connétable of St. Clement abstained.

4. Draft Competition (Jersey) Amendment Law 202- (P.69/2025)

The Bailiff:

The next item is the Draft Competition Amendment Law, lodged by the Minister for Sustainable Economic Development. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Competition (Jersey) Amendment Law 202-. A law to amend the Competition (Jersey) Law 2005. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

I am asking Members to adopt the Draft Competition (Jersey) Amendment Law. This draft law proposes a number of important changes to our competition regime as set out in the Competition (Jersey) Law 2005. Before we discuss the principles of this draft law, I would like to thank the

Members and officers of the Economic and International Affairs Scrutiny Panel for their work in reviewing this draft legislation and for their comments, which are available online for Members to read. If we look at the draft law, it is, first of all, worth setting out the purposes of promoting competition in Jersey's economy. Why do we do this? Well, put very simply, with competition businesses must work hard to win and keep customers. As a result, competition bears down on prices and drives up quality and choice. As I am sure Members will agree, it is key that Jersey has a competition regime that is tailored to the size of our jurisdiction and takes account of the unique characteristics of the Island's economy. To use the words of the prominent Oxford economist, Sir John Vickers, in small island economies such as Jersey, it is just as important that markets work well as it is in larger economies. However, in smaller economies, competition policy faces particular challenges. First of all, some of our local markets are not as exposed to international competition, or not exposed to international competition, which means that there is not as much scope as in larger economies for there to be effective competition. Secondly, there are economies of scale in competition policy itself. So, its cost per resident in Jersey is greater than that in larger economies. Thirdly, given Jersey's size and geographic location, high barriers to entry often characterise our markets. All these aspects underline the importance of ensuring that our competition policy is tailored to the needs of our Island. This Assembly demonstrated the importance it places on well-functioning local markets by establishing the Jersey Competition and Regulatory Authority in 2001, initially as an independent regulator for the telecommunications and postal services sectors, and in 2005 as a generic competition authority. In recent years, my department has conducted what is, in essence, the first wholesale review of Jersey's competition rules since their inception 20 years ago. This work has culminated in the draft law which is before Members today. This review and the draft law are timely and important as they are intended to help ensure that residents and businesses in Jersey can get the best out of their economy from competition working as well as it practically can. As Members will know, if a market is perfectly competitive, no single business would have the ability to set prices. Rather, each seller would have to accept the price decided by the market as charging a higher price would result in loss of market share to its competitors. In the opposite situation, however, with a monopoly, there is only one seller who therefore has significant power to set prices at the level that is most beneficial to them. In the absence of any form of regulation in a monopoly, prices could potentially be much higher than the price that would be set in a competitive market. This, again, underlines the importance of a well-designed and effectively-enforced competition law. Looking at it more practically, in between the extremes of perfect competition and monopoly, any move to more competition on our Island will, all else being equal, force businesses to keep prices low and ensure that consumers benefit from the best deals, cheapest prices and most efficient service. However, as I have already outlined in my opening remarks, as a small island economy we face particular challenges in ensuring sufficient competition. There is a trade-off in that a small domestic market means there is a limit to the number of market competitors that can operate, which raises questions about the choice of market monitoring regime. In particular, when should we rely on economic regulation instead of competition law to address specific market issues? While this is a question which is outside of the scope of today's debate, I am acutely aware of this challenge and will ensure that the mechanisms for market oversight are kept under constant review. Furthermore, the Oxera review that I referenced earlier also emphasised the need for culture of competition in Jersey to enable competition law to work effectively. This places particular importance on activities designed to promote a competitive environment and raise awareness of competition policy and its benefits among local businesses, consumers and public institutions. In addition, as Members know, the Government has taken various steps in recent years to minimise the impact of the cost-of-living challenges which impact us all, but particularly those Islanders who are already struggling the most. While the high levels of inflation seen in recent years have, to an extent, been caused by external factors, effects of competition overseen by an independent regulator ensures that prices do not rise beyond what can be reasonably expected. In turn, this helps to ensure that consumers and businesses are not faced by what could essentially be described as a double whammy of price increases. I believe

that there is an important role to play for the J.C.R.A. (Jersey Competition Regulatory Authority) as fair competition and well-functioning local markets are key to minimising the impacts of these challenges. This is why I am proposing the introduction of a formal market studies framework with enhanced powers for the J.C.R.A. As Members know, a market study is an in-depth and independent study into the factors affecting competition for particular goods or services in a specific market, to find out how well competition is working and whether it could be improved. Unlike the J.C.R.A.'s existing competition enforcement tools and merger investigations, market studies look at the structure, conditions and performance of the market itself, rather than asking whether there could be a breach of the law by one or many other businesses. By gathering and analysing information, the J.C.R.A. can then identify whether there are features that prevent a market from working well, and it can consider how any competition issues can best be addressed using proportionate means. As such, market studies are a flexible tool for the J.C.R.A. to seek to improve market outcomes and offer targeted pro-business, pro-consumer solutions to foster and establish an environment in which businesses can flourish and achieve their full potential. It is furthermore key that the J.C.R.A. is well equipped to gather the information it needs to review a specific market in Jersey. That is why the draft law includes appropriate information gathering powers for the J.C.R.A. to collect the information it needs to properly assess local markets. Today, the J.C.R.A. does not have such powers and therefore has to rely on the voluntary co-operation of businesses when conducting its market studies. However, the J.C.R.A. would normally only consider using the proposed new powers if informal approaches, and information requests are impractical or have been unsuccessful. Moreover, in any event, businesses can claim confidentiality for business secrets and other confidential information that should not appear in the public report. Looking at other jurisdictions, most competition authorities have some type of power to conduct market studies, including information gathering powers, and usually these powers are explicitly set out in the legislative framework. In addition, given the importance of competition to innovation and improving productivity, it is key that Jersey focuses on maintaining and enhancing the competitive landscape, and the aims of this draft law are wholly aligned with the ambitions of the Future Economy Programme to ensure that the right conditions are set for sustainable economic growth for the whole economy. It is worth setting out here as well that competition and open markets tend to drive forward productivity and innovation, while market powers and closed markets tend towards the reverse, something I always fear for this Island. This too is a particularly critical factor for Jersey because raising productivity is key to maintaining living standards and prosperity in a supply-constrained economy. That is why I want to ensure that our mergers and acquisitions regime is supportive, light touch and reduces red tape wherever possible, but also robust where it needs to be. As Members may know, merger control is one of the most powerful tools available to the J.C.R.A. to regulate market power. It acts as a safeguard against the strengthening of the creation of market structures that may lead to the exercise of such power and are not justified by social gains. Merger control is especially important for small economies, such as Jersey, because in such economies, market power, once created, is very difficult to erode. Having said that, at the same time, merger control carries high costs for businesses and the J.C.R.A. as well, some of which are increased because of Jersey's small size. As Members may know, Jersey's merger control regime currently requires mandatory notification to the J.C.R.A. of all transactions that trigger certain thresholds.

[15:15]

While I am not proposing to change the mandatory notification element today, I am already working on a review to ensure that it does not unnecessarily capture transactions that do not materially impact competition in local markets, and my department will be consulting on legislative proposals next year. This is a key piece of follow-up work, as we must ensure that interactions across Government and related entities are simple and efficient for businesses to enable them to grow and flourish in our Island. However, if fewer transactions are notifiable under a mandatory threshold, this enhances the risk that, incidentally, a merger that may be harmful to local competition slips through the net. In

Jersey, this is a particular challenge as there are large, often financial, institutions with high turnover but whose customer base is not local, in contrast to smaller businesses with relatively low turnover but potentially significant local market shares. Therefore, to counterbalance any changes to the merger notifications threshold to ease the cost of doing business in Jersey, the draft law includes the ability for Ministers to introduce a call-in power to allow the J.C.R.A. to review certain small mergers below the threshold within a short period of time. A similar call-in has been adopted by many other countries in Europe. Any uncertainty for businesses can be taken away by offering the opportunity to get certainty in advance. For example, by voluntarily notifying the J.C.R.A. of the merger. With regard to the problem of dissecting already merged companies, this can be minimised as I intend to set quite a short deadline before which the J.C.R.A. must indicate whether or not it wishes to review a transaction. After all, in most cases, it takes some time before businesses have been merged, so businesses can take this deadline into account. The J.C.R.A. will then have to decide before that deadline whether or not it wishes to call in that small merger. In that way, an equal balance is struck between the public interest of preventing market power and the business interest of legal certainty and lower regulatory costs. I would also like to bring Members' attention to the proposed provisions included in the draft law to expand the range of instruments that the J.C.R.A. can use to address any competition concerns it may have identified. In particular, the draft law proposes the introduction of a so-called commitments procedure, which is intended to benefit the J.C.R.A., the parties involved and the public. The purpose of the proposed commitments procedure is to allow the J.C.R.A. to accept legally binding commitments from a business relating to its future conduct, where the J.C.R.A. is satisfied that these commitments address the competition concerns. Case resolution by way of commitment decisions has a number of benefits for the J.C.R.A., the parties and the public, which have led to the success of commitments decisions in various other jurisdictions. The absence of fines and the finding of an infringement are attractive features for businesses subject to the investigation. For the J.C.R.A., commitment procedures enable the Authority to save resources and lead to a swifter resolution of cases. Commitment decisions also allow the Authority to obtain the finality of its decisions faster than infringement decisions, which are more prone to appeals by the parties. In a negotiated procedure, the J.C.R.A. may also be able to achieve commitments going beyond what the authority could otherwise obtain in an infringement procedure, including various kinds of proactive and tailor-made remedies. Market testing of the proposed commitments ensures that remedies are aligned to the reality of markets and acceptable to the business community. There are a number of other provisions which I would happily discuss, should Members wish to do so or have any questions. However, for now, I would like to conclude by emphasising again that the proposed legislative changes collectively aim to ensure that Jersey's competition framework supports business innovation and growth, exerts a downward pressure on prices and looks after the interests of consumers. As cost of living is such a high profile subject at the moment, these powers will be important. The proposals have been extensively consulted on and have received wide support. As I have explained, this draft law also fully aligns with the work undertaken in the Future Economy Programme and our commitment to reduce red tape, enhance opportunities for businesses, and strengthen Jersey's international reputation, as outlined in the Common Strategic Policy. In particular, competitive and well-functioning markets help create the right conditions for entrepreneurial activity and dynamic businesses to grow, which in turn improves productivity in the economy. With a more vibrant economy, this makes our Island a more attractive place to live and work. I therefore hope that Members will support this proposition. I move the principles of this amendment to the law.

The Bailiff:

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

4.1.1 Deputy M. Tadier of St. Brelade:

It is just to say that our Scrutiny Panel has looked at this and we have had quite a long lead-in period, so it is something which in fact was started under the previous chair of the Scrutiny Panel, Deputy

Scott, who is now of course working for the department in her Assistant Minister role. We have had a long lead-in period. There is nothing in this which the panel, after consideration, finds particularly contentious. We did come back to the Minister with a couple of later points, one of which was we asked a question around his powers to exempt certain entities from the J.C.R.A. scrutiny, which he could do after consultation with them, but we queried as to what that meant. Did it mean that they have to agree that or was it something that simply the Minister could insist? We were mindful of the fact that it could be potentially something that might flag an abuse of process by any future Minister, and we were given sufficient safeguards in understanding that process. The last one, which I still would like the Minister to address, and you can address both of these points in summing up perhaps just to clarify for the rest of the Assembly, is that the penalty that can be imposed by the J.C.R.A. must not exceed 10 per cent of the turnover for an undertaking during the period of the breach, up to a maximum period of 3 years. We do have a question about why turnover has been used here, because 10 per cent of a company's turnover does seem like an arbitrary figure in the sense that there is not always an automatic link between a company's turnover and its income, if you like, its profit, so you could have a company which relies on a large amount of turnover to produce a small amount of profit where the profit margins are small, or you could have a company which does not have as much turnover relative to its profit because it has higher profit margins. Perhaps the Minister could explain that again and say is that standard in terms of a penalty or it would seem to be more relevant to make it in terms of profit, but there could be a good reason for that, which has partly been explained to us, but it would not harm to put that again on the record. Otherwise, can I just thank the Minister and his team for the various briefings that we have had earlier on in the year, and to my panel and officers, and just wish the Minister good luck with this law and I hope it does what he intends it to do in the future.

The Bailiff:

Does anyone else wish to speak on the principles? I call upon the Minister to reply.

4.1.2 Deputy K.F. Morel:

Starting at the end, I think turnover is the kind of industry norm, so to speak, or the regulatory norm. Obviously, profits are something, many companies make losses, and also profits and losses can be engineered to some extent. So, turnover is used as a much simpler guide to basically engage. The Deputy also asked about safeguards around the exemption powers. I know in the mergers regime at the moment, the Minister does have exemption powers similarly, but if a merger were happening today and as Minister I wanted to exempt it, I would have to go and consult with the J.C.R.A. today. I do not think there is any change from the existing situation. But should the J.C.R.A. have a particular concern and wish that the Minister did not exempt something, that would be something that would come out very quickly. I do not think any Minister would jump to act just purely, quickly against the J.C.R.A.'s own views. We have to go with the J.C.R.A. safeguards on that.

The Bailiff:

Is the appel called for? The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the principles have been adopted unanimously:

POUR: 42		CONTRE: 0		ABSTAINED: 0
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 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 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 H.L. Jeune				
Deputy M.E. Millar				
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				

Minister, how do you wish to propose the Articles?

4.2 Deputy K.F. Morel:

I wish to propose them *en bloc*, please.

The Bailiff:

Are the Articles seconded? **[Seconded]** Does anyone wish to speak on the Articles? Those in favour of adopting the Articles, kindly show. Those against? The Articles are adopted in Second Reading. Minister, do you propose the Articles as adopted in Third Reading?

4.3 Deputy K.F. Morel:

Yes, please.

The Bailiff:

Is the matter seconded? **[Seconded]** Does anyone wish to speak on the Articles as adopted in Third Reading? Minister, I am not sure you can speak on the Third Reading because you have proposed them. You have missed your chance.

Deputy K.F. Morel:

I think I was pre-empting you, sir.

The Bailiff:

Yes. Those in favour kindly show. The appel has been called for. Members are invited to return to their seats. May I ask the Greffier to open the voting? All Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. I can announce that the law has been adopted unanimously in Third Reading:

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
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 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 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 H.L. Jeune				
Deputy M.E. Millar				
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 K.F. Morel:

If I could just thank Members, and also I would like to thank officers who have worked incredibly hard on this law over a number of years.

The Bailiff:

Yes. Thank you, Minister.

Deputy I. Gardiner of St. Helier North:

I would like to advise the Assembly that I will be leaving to attend a doctor appointment, and after I will join online.

5. Draft Jersey Mutual Insurance Society (Transfer) (Jersey) Law 202- (P.72/2025)

The Bailiff:

The next item is the Draft Mutual Insurance Society (Transfer) Law, lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Jersey Mutual Insurance Society (Transfer) (Jersey) Law 202-. A Law to provide for the transfer of the undertaking of Jersey Mutual Insurance Society to Jersey Mutual Insurance Society Limited, a company limited by guarantee, on restructuring the Society to a guarantee company, and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):

I am very pleased to say Deputy Ferey will be acting as rapporteur for this item.

5.1 Deputy M.R. Ferey of St. Saviour (Assistant Chief Minister - rapporteur):

This legislation restructures the Jersey Mutual Insurance Society from a mutual society to a company limited by guarantee by transferring the whole business of the Society to Jersey Mutual Insurance Society Limited. The Society was incorporated under Edwardian legislation, specifically the Jersey Mutual Fire Insurance Society Incorporation Act passed by the States of Jersey on 13th February 1908, and the Society has recently celebrated its 150th anniversary in 2019. It remains Jersey's only insurance society, solely insuring properties in the Island of Jersey, and is one of only 3 permit holders licensed by the Jersey Financial Services Commission to undertake insurance business in or from within Jersey, with the other insurance providers relying on their authorisations from other jurisdictions and passporting insurance services into Jersey. The Society currently has approximately 8,500 members and insures property on the Island valued at a combined value of over £8 billion, the majority of which are residential properties, supplemented by a small percentage of commercial properties. It holds a market share of approximately one-third of the Jersey residential market. Following the review of the Society's governance arrangements in 2020 and 2021, consideration was given to changing current arrangements in order to fully comply with their regulatory obligations.

[15:30]

The Executive Committee therefore recommended a restructure to a company limited by guarantee, and a period of consultation was undertaken with policyholders. The change in legal structure is a relatively popular option for mutual societies in the British Isles, with notable examples including the National Farmers Union Mutual Society Limited and the Cornish Mutual Assurance Company Limited. Fundamentally, this restructure strengthens the Society's governance and preserves the mutual status of the Society, something that we know is important to the Society's Members. The ownership of the Society will remain the same post-restructuring. We have had a constructive

dialogue with the Corporate Services Scrutiny Panel, who produced a supportive comments paper on this draft law, and the Legislation Advisory Panel have met with the Society prior to lodging. So on that basis, I propose the principles.

The Bailiff:

Are the principles seconded? **[Seconded]**

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

As a policyholder and member of the Society, I wanted to ask whether States Members who are members of the Jersey Mutual Insurance Society, whether we should say it to announce a conflict, so to speak.

The Bailiff:

For the avoidance of doubt, yes, it is probably appropriate to make a declaration of interest.

Deputy K.F. Morel:

In which case, I am a member of the Society.

Deputy B. Ward of St. Clement:

Yes, I am also a member.

Connétable M.K. Jackson of St. Brelade:

Yes, so am I.

Connétable K. Shenton-Stone of St. Martin:

As a member of the Gorey Fete and Bonfire Committee, we receive substantial sponsorship from Jersey Mutual, for which we are very grateful.

Connétable A.S. Crowcroft of St. Helier:

We insure through Jersey Mutual.

Connétable R.P. Vibert of St. Peter:

I am insured through them.

Deputy B.B. de S.V.M. Porée of St. Helier South:

I have a home insurance with Jersey Mutual Society. Does that mean I am a member?

The Bailiff:

Yes. We are all doing that, yes.

Deputy B.B. de S.V.M. Porée:

Okay. Then I am.

Deputy M.R. Le Hegarat of St. Helier North:

I have a house insurance policy with Jersey Mutual.

Deputy M.R. Ferey of St. Saviour:

Likewise, I have a house insurance policy.

Deputy Sir P.M. Bailhache of St. Clement:

And I.

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

As do I.

The Bailiff:

All Members can vote. It is an interest shared by many. Who wishes to speak on the principles?

5.1.1 The Connétable of St. Brelade:

It was brought to my attention by one of the directors who was concerned that in the changes the directors' remuneration will no longer be indicated, as it was in the past. Would the rapporteur just clarify the position of director, which, as we all know, are a very local and well-respected team, and how their financial arrangements will be shown in the books of the mutual society in future?

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

I rise as the chair of the Corporate Services Scrutiny Panel. We have undertaken a review of the draft law and presented comments, which are there for Members to read. I will not go into great detail. Members are able to read them, and Deputy Ferey has outlined very much of what I was going to say. But in closing, the panel supports the draft law to restructure Jersey Mutual from a mutual society to a company limited by guarantee, and accepts that this will enhance the corporate governance arrangements at Jersey Mutual. We are satisfied that out of the several options that were considered in developing the draft law, the option that they have chosen, which is a restructure from a mutual society to a company limited by guarantee, provides the most advantages, which importantly includes the preservation of the mutual ethos and status of Jersey Mutual.

The Bailiff:

Does anyone else wish to speak on the principles? I call upon Deputy Ferey to reply.

5.1.3 Deputy M.R. Ferey:

In relation to the Connétable of St. Brelade's question concerning remuneration, I took the opportunity to correspond with the manager from the Society, who explained to me that they will be introducing a remuneration committee, and what that will provide is more openness and transparency than is currently the case. I am satisfied that in that respect this is a good move and salaries should be more open and available, and it will stop any individual member voting on their own salary. I would just like to thank Deputy Miles for her kind comments. We had a very constructive dialogue in Scrutiny and a good exchange. I maintain the principles, and I call for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted unanimously:

Pour: 41		Contre: 0		Abstained: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
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 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 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 D.J. Warr				
Deputy H.M. Miles				
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 R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

Deputy Miles, I need to ask you, does your panel wish to scrutinise this matter?

Deputy H.M. Miles (Chair, Corporate Services Scrutiny Panel):

No, thank you.

The Bailiff:

Deputy Ferey, how do you wish to propose the Articles in Second Reading?

5.2 Deputy M.R. Ferey:

There are 21 Articles, and I propose to take them *en bloc*.

The Bailiff:

Are the articles seconded? **[Seconded]** Does anyone wish to speak on the Articles in Second Reading? All those in favour of adopting the articles, kindly show. Thank you. The Articles are adopted in Second Reading. Deputy Ferey, do you propose the matter in Third Reading?

5.3 Deputy M.R. Ferey:

Yes.

The Bailiff:

Is the matter seconded in the Third Reading? **[Seconded]** Does anyone wish to speak on the Articles as adopted in Third Reading? Those in favour kindly show. The appel has been called for. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the

Greffier to close the voting. We can announce the law has been adopted unanimously in the Third Reading:

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
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 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 L.J. Farnham				
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 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 R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

6. Draft Income Support (Jersey) Amendment No. 2 Regulations 202- (P.72/2025)

The Bailiff:

The next item is the Draft Income Support Amendment No. 2 Regulations, lodged by the Minister for Social Security. The main respondent is the Health and Social Security Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier for the States:

Draft Income Support (Jersey) Amendment No. 2 Regulations 202-. The States make these Regulations under Articles 5 and 18 of the Income Support (Jersey) Law 2007.

6.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

I am pleased to bring these regulations to the Assembly today. They are straightforward and I hope that Members will support my proposals. As the Minister for Social Security, I have the responsibility for reviewing the income support benefit rates each year. This is Jersey's benefit for supporting the essential living costs of low-income households. The Minister must bring forward any proposals to change these income support component rates to the States Assembly. I am today proposing what I consider to be a sensible increase that reflects the R.P.I.X. (Retail Price Index excluding mortgage interest payments) figure for June 2025. This will take effect from 1st January 2026. This means that I am asking for approval for an across-the-board increase of most income support components of 4 per cent. This is in line with the R.P.I.X. figure for June 2025 and is above the R.P.I. (Retail Price Index) low income figure of 3.9 per cent. This will ensure that income support will continue to reflect the needs of low-income households in Jersey. There are 2 exceptions to this proposed increase. The first is that I have proposed increasing the hostel accommodation rate by a larger amount, raising it to be equivalent to the same rate payable for people who live in lodgings. This component is used to support people living in hostel accommodation, such as the shelter. The rate is currently £158.76, compared to the bedsit lodging rate of £192.15 per week. Although hostels do not offer self-contained accommodation, they do offer significant support services that form an essential part of the Island's social safety net. Hostel providers offer more than a home to vulnerable people. They offer a specialist key worker service that supports residents to move on to more permanent accommodation. As the accommodation component is paid directly to the providers, an increase in the hostel accommodation rate will help the hostel providers in their overall financial position and support the important services they provide to our vulnerable residents. Therefore, I am asking for support to increase the rate to the equivalent that is paid for lodgings in bedsits in the private sector. The second is that I have not proposed an increase to the clinical cost component. This component was originally designed to help meet the cost of G.P. (general practitioner) fees for individuals with additional health needs. Surgery G.P. consultations are now offered free for children and full-time students, and income support adults are automatically included in the Health Access Scheme. This sets a patient fee of just £10 for a G.P. surgery consultation. This means that the need for extra support through the clinical cost component is significantly reduced, and so the component has not been increased in recent years. I am proposing that the component is maintained at its current level for 2026. The funding allocated of £2.8 million for 2026 allows for an overall increase of 4 per cent across most components from their current level. The rates will be increased from 1st January 2026. As the benefit is paid in advance, most households will see some of the increase in their last December payment, with the full increase showing in their first January payment. There are no staff or other resource implications to this proposal. I maintain the principles.

The Bailiff:

Are the principles seconded? [**Seconded**]

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

I just wanted maybe to clarify a potential conflict of interest as the chair of J.A.Y.F. (Jersey Association of Youth and Friendship). The hostel accommodation particularly would affect J.A.Y.F. and I just wanted to raise that. We are in discussions at the moment with the Minister's team to ensure that J.A.Y.F. also potentially could benefit, like Shelter. In the past we have not, and so I just wanted to make sure that I put that on record.

The Bailiff:

Thank you very much, yes.

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

Just to very briefly make some points on behalf of my panel. We looked at this, and I will start by saying that the panel are supportive of the increases to the components. Interestingly enough, one of my panel members had a question about why the 4 per cent was used rather than the 3.9 per cent. It was quite interesting to look into that because I was not aware of the difference of R.P.I.X. and R.P.I. low income, and it has been quite interesting to learn about that. I was not aware that R.P.I. low-income is a Jersey specific measure that is not used elsewhere, that looks at the households that are in the lowest 20 per cent of income, and I think that is a very intelligent way to be making these decisions, and I thank the Minister for giving that considered approach to this policy area. No further points were raised by the panel, and we were supportive. I thank the Minister for her work.

The Bailiff:

Does anyone else wish to speak on the principles? I call upon the Minister to reply.

6.1.2 Deputy L.V. Feltham:

I would like to thank the panel chair and her panel for their support. We do work collaboratively together, and I look forward to continuing to do so. With that, I maintain the principles and call for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats, and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce the principles have been adopted unanimously:

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
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 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 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 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 M.B. Andrews				

Deputy Doublet, I must, as a matter of form, ask you if you wish to scrutinise this matter?

Deputy L.M.C. Doublet (Chair, Health and Social Security Scrutiny Panel):

No, thank you.

The Bailiff:

Minister, do you wish to propose the regulations in Second Reading?

6.2 Deputy L.V. Feltham:

Yes.

The Bailiff:

Is that *en bloc*?

Deputy L.V. Feltham:

Yes. *En bloc*, please.

[15:45]

The Bailiff:

Are the regulations seconded in Second Reading? **[Seconded]** Does anyone wish to speak on the regulations in Second Reading? Those in favour of adopting the regulations kindly show. The appel has been called for. Members are invited to return to their seats and ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce the regulations have been adopted unanimously 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 St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
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.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 D.J. Warr				
Deputy H.M. Miles				
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 M.B. Andrews				

Minister, do you propose the regulations as adopted in Third Reading?

6.3 Deputy L.V. Feltham:

Yes, I do.

The Bailiff:

Is the matter seconded? **[Seconded]** Does anyone wish to speak on the regulations as adopted in Third Reading? Is the appel called for? I invite the Greffier to open the voting on Third Reading. If all Members have had the opportunity of casting their votes, I invite the Greffier to close the voting. I can announce the regulations have now been adopted. The vote in Third Reading was unanimously in favour:

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
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 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.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 D.J. Warr				
Deputy H.M. Miles				
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 M.B. Andrews				

7. Commonwealth Parliamentary Association Election Observers (P.74/2025)

We now move on to Commonwealth Parliamentary Association Election Observers, lodged by the Connétable of St. Helier. The main respondent is the chair of the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Chair of the Privileges and Procedures Committee to invite election observers from the Commonwealth Parliamentary Association to monitor and report on the General Election to be held on 7th June 2026.

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

I should probably explain to Members that this proposition was written in a hurry. In fact, I think it is the only time I have ever done a report and proposition at the end of a debate before leaving the Chamber. So, it was done quite quickly. As Members can see, it is not a very long document. But I was, as I explained in the report, quite flabbergasted by the outcome of my attempt to, to some extent, make amends for the introduction of Senators at the expense of, in particular, representation for Deputies in St. Helier by bringing an amendment to the legislation, which failed by the narrowest of margins. It would only have taken a ring binder of whatever colour to have made it go the other way, but sadly there was no ring binder in the Chamber. It does seem to me that given the changes that we have adopted to next year's election, and indeed the changes that are now being proposed to

be debating in the new year around, for example, the Declaration of Results and so on, that next year's election is going to have a lot of novelty about it, and it would be very appropriate to have it peer reviewed by the C.P.A. for that reason. Perhaps while they are here, they could nip across to our sister island, if there are transport options available, and see how the adoption of an Island-wide mandate in Guernsey and the removal of the Constables is affecting the way Guernsey democracy functions. But in any case, as a branch of the C.P.A., all of us, I think, participate in conferences and seminars, and indeed some Members have been election observers, with the lucky ones going off to the Caribbean to do their election observing in their Bermuda shorts. It would behove us as an Assembly to make the very modest outlay, which we are told is about £30,000, to invite some of our parliamentary colleagues from around the Commonwealth to view the conduct of our elections next year and make recommendations accordingly. P.P.C. in their comments, which I am grateful, point out, firstly, that we already have a sort of peer review in the Jersey Electoral Authority, which will be present and which will make a report. They also point out, somewhat depressingly, that the States Assembly probably will not pay any attention to the report anyway. But I do not think anybody in this Assembly could put their hand on the heart and say that we have got it right at the moment. Our electoral system is clearly evolving. It is evolving towards a States when hopefully future Assemblies will not have to debate it. But given the anomalies, which we have recently introduced and which we may well be introducing in January, I do think that there will be merit in having it peer reviewed by the C.P.A., and accordingly I propose the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

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

Members will have seen the comments from P.P.C. on the proposition from the Connétable of St. Helier. If Members decide to adopt the Connétable's proposition, the Committee will make arrangements for an election observation mission to take place next year. There will be a budgetary implication of doing so. We estimate that it would cost approximately £35,000. The 2026 budget for the States Assembly does not take into account that expenditure, but if Members adopt this proposition, P.P.C. will do its best to accommodate that sum within the existing budget, although there is always a risk that trying to find money for an unbudgeted matter will impact on spending elsewhere. It was the previous P.P.C. who decided not to invite an election observation mission. It is not an obligation for there to be such a mission at each election. The previous P.P.C. was aware of the cost of such a mission, and also took into account that there had been missions at the 2 previous elections. It was therefore decided not to issue an invitation for 2026, but to wait until the 2030 election. As P.P.C. has mentioned in our comments, the absence of such a mission does not mean there is no independent oversight of elections in Jersey, as the Jersey Electoral Authority is also now in place and will produce its own report on the conduct of the elections in 2026. As it is, P.P.C. recognises the potential benefits of an election observation mission, but there are a couple of notes of caution I would mention. One is whether a mission in 2026 will truly deliver on what the Connétable was seeking. An observation mission will focus on the administration of the elections, whether they are held effectively and fairly. Such a mission will not look at the electoral system we have in place, and we might not therefore see any recommendations for an observation mission on the reintroduction of Senators. Secondly, there is no guarantee that the Assembly will heed and implement any recommendations from an observation mission. Improvements have been made on the basis of the recommendations we received in 2018 and 2022, but previous missions have also highlighted that substantial changes to the electoral system should not be made within one year of an election. This current Assembly has not followed that recommendation, as the Constable mentioned in his opening speech. Further Assemblies might therefore choose to ignore any recommendations made in 2026.

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

As somebody who has been an election observer for the C.P.A. at the U.K. General Election, I can guarantee the Constable of St. Helier I was not in shorts, even though it was June, because our day started at 6.30am in the morning, and I then got back to the hotel around 3.30am the following morning, only to have to get up at 8.00 a.m. to get the train to get back to London. It was probably one of the busiest professional days of my life. It was also very interesting, very gratifying; it was a very interesting process to watch and observe. There is a point that the chair of P.P.C. made about the role of the C.P.A. is to make sure that elections are fair. That is the question that we need to ensure is still the case. I am trying not to sound sour grapes, because I am a Deputy of St. Helier who is now going to see his Parish under-represented by the decision that this Assembly has made, and so I will be supporting this proposition because I think we need to keep a record of what we have done, what its impacts are, and I think that should be recorded and presented back to the next Assembly so I hope the adjustments can be made so we can get our elections back to being fair.

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

I would like to speak on this because I think the importance of election observation through the Commonwealth Parliamentary Association must not be underestimated by this Assembly or any other Assembly. Whether an Assembly chooses to ignore advice and ignore the recommendations is up to that Assembly, but it does not mean they should not exist, and it does not mean it does not provide a historic record of those recommendations, which is something that will need to be answered for at some time in any democracy. I have led election observation missions, it was through the C.P.A., and I was very proud to represent Jersey in doing so. They are important things to do. It has enriched my experience of being a parliamentarian, and that role of being a parliamentarian is really important for all of us, and it enriches many parliamentarians with their involvement with the C.P.A. around the world. We bat above our weight as Jersey in the C.P.A. There is no doubt about that as a small island, and that is really important for us because it puts Jersey right front and centre of a huge organisation that is worldwide. Therefore, the acceptance and the use of election observers is an integral part of that. The argument, and I understand why, and I was equally disappointed. I think the most disappointing thing for me, apart from the lack of representation of the St. Helier Deputy - I agree with that - was the fact that we did take action within the year of an election, despite recommendations that would be made for any parliament not to do that. But that does not mean that in the future we therefore say: "I tell you what, let us not bother even looking at what we are doing. Let us not have that observation. Let us not have that rigorous, independent look at what we do in our elections." If they come to the same conclusions, then they come to the same conclusions. There is an integral point there that needs to be looked upon by us as Members of this Parliament, if that keeps repeating. Sometimes we all have to be told something more than once before we act on it. We all have to repeatedly have something pointed out about the way that we are, or what our procedures of what we do before we act on it. The C.P.A. observation missions give us a proven approach to looking at the fairness of our elections. One of the things, for example, I learned from my observation mission, it was in the Cayman Islands, and just before the F.O.I. goes in, it did not cost us anything at all. It was paid for entirely by the C.P.A., nothing on-Island. I also observed the U.S. elections, something I paid for myself, for my own interest. It was interesting in both of those elections they have referendum questions on the paper. They have 3 referendum questions at the same time. I was hoping to bring a proposition to say that perhaps we should ... I will. We should explore having referendum questions on our election papers to engage people in pertinent questions for our Island. It is too quick now, because it is within a year of the election, so I would not want to do that. Perhaps it is something I could bring for the next iteration of this Assembly to look at carefully. Those are the types of things that you see when you observe, that become useful for your democracy later on. There are subtle pieces of advice that come through these observations that will help us all if we look carefully at what we are doing in terms of our elections. I hope the Assembly can support this. Of course it has a cost, but we have a functioning and important democracy. The

value of that is way beyond any cost for maintaining that and ensuring it has integrity. I urge Members to support the Constable in this proposition.

[16:00]

7.1.4 Connétable M.K. Jackson of St. Brelade:

There are 2 things. I was surprised that my colleague, the Constable of St. Helier, did not mention the word “gerrymandering”, because I know in every speech prior to this he tends to, so I expect it to come up in his summing up. The main point for my standing is over the question of cost and the £35,000. I am fully aware that there is a shortfall in funding as a result of the Sunday elections and the necessity for additional payments which will arise from that. It may be that before gaily saying: “Yes, we can afford £35,000”, we need to just agree where that is coming from, because at this moment in time it is not at all clear. Perhaps the proposer could suggest where that might come from.

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

I will be supporting Connétable’s proposition. I believe that we have made many changes to our electoral system, and I think those major changes are not just small adjustments but do need looking at. For example, we have reintroduced Island-wide Senators, we have changed the constituencies, the amount of Deputies, we have adjusted roles, responsibilities, we have introduced automatic voter registration, we are voting on a Sunday, we may get the results on Monday, we are widening who can vote. These are big changes; these are not small adjustments. I believe we need to have that independent scrutiny of these new processes and how that affects our democratic system. This is because I have also been an election observer in the U.K. at the last general election on behalf of the Commonwealth Parliamentary Assembly. I saw first-hand how even well-established democracies can still experience concerns. Like Deputy Coles, we had a very long day, starting very early and ending at night. We were all posted at different places around the U.K., and when we came back together to write our report, we realised there were some elements that did come out of this, and still these concerns that means that even the U.K. does need to do some adjustments. We found issues around clarity of candidate information, voter awareness, the introduction of voter I.D. (Identification) cards, and what constitutes a valid I.D. card. Many people turning up at the areas to vote where I was observing brought wrong I.D. cards, so were sent away and had to go and find some others, or were not able to because they did not have the right I.D. cards. There were concerns about legal framework being complex and fragmented, delayed in postal voting. We even saw that here for the Jersey ... and there were failures in ballot secrecy, and online campaign harassment, especially against women. I just wanted to highlight that even though the U.K., again, is considered advanced democracy and made less adjustments than we have to their electoral system, there was a need for that observation because, as I have outlined, we found quite a few issues that they hope the U.K. will make those adjustments the next time it has the elections. That is why I think it is important for Jersey to also have this independent observation when we are testing the system, the many changes that we made, and make sure that we feel that we can trust our democratic system going forward.

7.1.6 Deputy J Renouf of St. Brelade:

I am particularly glad to follow Deputy Jeune, who has made some points that I will not have to cover because she has made them so well. When we debated Senators last, I made a throwaway comment in my speech to the effect that the Commonwealth observers may judge us harshly when they come to write their report on the next election. It did not occur to me when I was speaking that there would not be observers coming to review the election, but I was soon put right on that. As he said, the proposer was equally caught off-guard by the realisation that there was no plan to have observers. I recall he said to me in the Assembly that evening that he planned to put in a proposition to rectify that omission. I did not realise that he would act quite so quickly, but I am glad he did. In case it feels like we are putting ourselves unnecessarily in the spotlight, it is worth reflecting on just how normal it is to have election observers. Last year’s U.K. election had a C.P.A. observer mission, as

we know, because 3 of our own Members took part in it. Guernsey had a C.P.A. mission for their election this year, as they did in their previous election in 2020. Cayman Islands had a C.P.A. mission into their election this year. The Isle of Man's last election in 2021 had a C.P.A. mission. In Europe, elections are routinely observed in all European countries, not by the C.P.A. but by the Organisation for Security and Co-operation in Europe. Having independent observers is part of the good housekeeping that we should expect in a democracy. But it does also go slightly further than that, because we also have a particular interest in suggesting that observers should be present at the next election. One of the reasons for having observers at the last election was that the system had changed with the creation of new multi-Member seats and the removal of Senators. At this coming election, we have changed the system again. Deputy Jeune has run through the significant ways, not just to do with the Senators, that the election has changed. It will be different from how it was in 2022. In 2022, it was considered worthwhile to have those observers. Even if you take out the Senators' changes in this coming election, there are enough changes for us to have an added stimulus to have that independent outside review, not just from our own internal electoral body. In terms of money, we are, as I alluded to in a question yesterday, already spending money to introduce Senators in terms of renewed publicity, election organisation, law drafting, and so on. We should therefore be happy to follow through the logic, and if we are prepared to spend money changing the system, we should be happy to spend money ensuring that it works well. The chair of P.P.C. has said that he thinks with a reasonable degree of confidence that money can be found from within existing budgets. I do not think this is primarily about whether you are for or against the changes that have been brought in to bring back Senators. When Senators were removed, we had an observer mission. The consistent principle is that when the election system changes significantly, it is good to have that independent oversight. On that basis, I hope that all Members are able to support it.

7.1.7 Connétable A.N. Jehan of St. John:

I will also be supporting the Constable of St. Helier's request. Last week I was at a sub-committee meeting of a P.P.C. and I was shocked to learn that we were considering reducing the amount of polling stations rather than increasing the amount of polling stations. I thought it was a joke. I was absolutely shocked. In terms of the funding in P.104/2025, which we will not debate until 4½ months before an election, it talks about the fact at present around 25 temporary staff are employed to assist with the administration of elections, including the pre-poll process and an increase in postal voting. It is expected to intensify the administrative burden and requirement for additional temporary staff. Our Island is built on the voluntary system, and I guarantee you, the voluntary system would provide people who could do these jobs without getting paid. We could save money in that area, and we could invest the £35,000 so that we can have an independent review by the C.P.A. The chair of P.P.C. reminded us that the Jersey Electoral Authority were going to do a report. That to me seems like marking our own homework. I am really concerned about the forthcoming election, the lateness of changes, and a whole range of things, and I will have a lot more to say in January when we have our next debate.

7.1.8 Deputy M. Tadier of St. Brelade:

The Constable of St. Helier may not have mentioned gerrymandering, or gerrymander, so I will do it and maybe he can refer to it again in his summing up. He has already been invited to do that by the Constable of St. Brelade. We should be a little bit more patriotic when we talk about the gerrymander, because it is not just any old gerrymander that we have got in Jersey, it is a Jersey-specific gerrymander. We should consider the spelling of that, instead of spelling it with a G-E-R-R-Y, and then mander at the end, which we know, of course, is named after the person who introduced it, whose name was Gerry. We have got our own Jérri in Jersey, which is J-È-R-R-I, and then M-A-N-D-E-R, and that would be a jérimander that we can be proud of in Jersey, that is fit for the Jersey context. As we are due to debate the intellectual property new legislation and rules in a couple of weeks, it might be time for the Government of Jersey or the States of Jersey to put their own copyright

in on that particular jérrimander, because it is a Jersey-specific one. It is one which says that in an Island of 100,000 people, let us try and make the system as complex as possible, because it is all right because at least we understand it, even if nobody else does in the voting public. Part of me is a bit torn about this, because I do see the overriding compelling arguments. Logical arguments that the Constable of St. Helier is putting forward. I tend to agree with what Deputy Jeune has said. There were so many changes and variables, not least the Sunday election, and the reversion back to Senators. We have never had an election where we have had an election of Senators, Constables and this kind of Deputy, because in the past it was a different type of Deputy that was elected, which just has the same name, but they are not the same roles. So, we might as well call them X, Y or Z because they are not the Deputies that used to exist. It is absolutely logical that we should invite them. But it is also true what the chair of P.P.C. says is that in the past we have tended to ignore what the election observers say, and that we have such an outlying system now in terms of our electoral norms that they are so far away from any of the Commonwealth, or indeed international, parliamentary norms that you would expect, not just in best practice but anywhere like good practice. What do we expect any impartial and half-intelligent observers to say about our system? They could write three-quarters of their report before even coming to Jersey just by studying our electoral system and say it is absolutely bonkers. Do we invite them over and simply say it is so that they can have a good laugh? Do we invite them over to Jersey so that once they have been over, they can sit round perhaps at their Commonwealth or international after dinner parliamentary drinks and say to each other: "Have you heard of Jersey?" "No." "Well, let me tell you about it. Well, it has got a 100,000 people there, very small, but they have 3 different types of elected Member." "Do not be silly. No, go on." "No, I am not pulling your leg. And they used to have a system whereby they got rid of this Island-wide system and they thought it is completely wrong that they have Members getting elected on a few hundred votes, so they changed the system to have 2 types of States Member and make sure that most of the Membership got more of a stronger mandate and a uniform mandate." "Well, that sounds sensible." Yes. But they did not do it properly. They still kept 12 of their Members, most of whom would be elected in very small districts, often in uncontested elections, albeit with the illusion of choice by voting for none of the above." "So, this sounds like a mess. Well, and you went there, did you? What was it like?" "No. But it is a democracy, is it?" "Yes. Apparently it is a member of the Commonwealth Parliamentary Association." "Well, I never. You learn something new every day." What will they say about our system? Already we are hearing strange things about the Sunday election. We are hearing there is resistance to the Sunday election, which I believe is being done for the right reasons as the motivation to try something different. We do not always have to look north, we can look to our European neighbours which have elections on a Sunday. Why do they have them on a Sunday? Because traditionally that is a day when many people do not have to work. We already have the naysayers out there saying it is not going to make any difference. It might not, but let us see. At least it gives an opportunity to others who might work 6 days a week to come out and vote. What will the consequences of a Sunday election be? That is something that the election observers might wish to consider. But we are already getting what I feel is the punitive pushback from some of the established helpers and volunteers, and Adjoints who might be involved, at least from a Parish point of view, saying: "Well, if you are going to insist that we come in on a Sunday night, we are not going to let you have the results until the Monday morning, or until well into the Monday." Because that is how it feels to me, is that: "If you are going to make us work on a Sunday night, then we need to go home and have some sleep, and we are going to come back and open the ballot boxes." What is that going to do for the conspiracy theorists in our society saying: "That is very suspicious, is it not? Normally, in the past, they used to do all of the counts on the same night, but now they are locking them up and where are the ballot boxes going? Are they stuffing the ballot boxes?"

[16:15]

Of course, nothing like that would ever happen in Jersey, but it does not mean that the tongues will not start to wag. We do have to be aware that even in Jersey, it is possible for untoward things to

happen. I only have to recall back to the 2013 referendum where somebody allegedly overheard an official in one of the Parishes whispering to somebody in the ballot box: "Option B." They duly noted it and made some kind of report; I do not know what happened with that. I think the person in charge may have been given some words of advice. I am not too sure. But it certainly was something that was documented and commented on at the time. So, even in Jersey there are things that do need to be observed. I would say that of course election observers are most welcome to come to Jersey, but we do have to be mindful of the fact that often we do not like being told what to do with our system by outsiders. We do not take on the advice even of those from whom we pay sums of money to go away and do reports for us. When they come back and say: "This is what you need to do with your system", we would say: "Well, thanks very much, but we are going to ignore that and we will just do what we have always done anyway, and if we can make it worse and gerrymander it a bit worse, then we will probably also do that as well." I am not sure with this one. I need to be convinced by the Constable of St. Helier that this is going to make a difference, or will it just be a waste of everybody's time and money in bringing people to Jersey who will look at our system? Of course, the other way to look at it is, I have portrayed it very one way, that we have a unique and unusual system which should be defended at all costs. That is no doubt what some people, like Deputy Gorst, will say in defending the undemocratic and otherwise indefensible. But, of course, he is able to make those points. In normal circumstances, in normal places, election observers are to be welcomed and are a normal part of the electoral furniture, so to speak. But because Jersey is not normal, I am not sure whether we should be following that logic.

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

Point of clarification, please?

The Bailiff:

Are you prepared to give way for point of clarification?

Deputy M. Tadier:

Yes.

Deputy M.E. Millar:

I am not sure if I misheard or misunderstood the Deputy, but I thought he seemed to be saying that the problem with the Sunday elections was the Adjoint because, knowing a number of the Adjoint, they have all very high levels of public service and I would be quite surprised if they were saying they were not going to do what they were asked to do by law by this Assembly.

The Bailiff:

Yes. Was that a point of clarification?

Deputy M. Tadier:

I am happy to clarify. What I am saying is that there were already rumours going around and there is talk about the count being done on the Monday, not on the Sunday. I do not know who that has come from. What I am saying is that there should be enough people in the Island, especially given the fact that we probably have not asked lots of people to come forward and volunteer, and the fact that people can work in shifts, to say that if the candidates wish for the count to be concluded on the Sunday, then I would hope that all of those involved in the count would take that on board and that candidates would say, after campaigning for a period of 6 gruelling weeks, that for some people to stay up a few hours longer to finish the count on that same period, should not be too much to ask if we value democracy in our small Island.

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

I always genuinely do enjoy listening to the lamentations of Deputy Tadier. I did enjoy that. I did not agree with it at all, but I did enjoy that, notwithstanding the time of day. Let us just talk briefly about Sunday elections, which was an idea we said we would try. I am not convinced it will work, but we have to try. What we have to focus on is to grow the engagement of the public of the electorate in the elections. Constable of St. John said he was surprised to learn that they were talking about reducing the number of polling stations. I am surprised there is talk to shut up shop at 8 o'clock on the Sunday and go home and worry about counting the vote the next day. That is one sure way to disengage people from the electoral process. I have discussed it with the chair briefly in my office in the corridor, we had a chat earlier with Members and the chair of the committee, and we do not think it is any problem at all. There are no rumours of Adjoints or supporters or helpers. They are keen to play their part in the community. There is something exciting about an election day. There is something exciting about staying at the count and getting it all done and dusted that engages the community. We found it hard enough to retain that engagement. We lost something in the last elections, probably because we did not have an Island-wide mandate, but we shall see in the next elections what sort of impact that had. We certainly do not need to be talking about doing things that will detract from interest in the elections. In relation to certain Members, Deputy Renouf said that it is not people who were against the Island-wide mandate supporting this, although it would seem on the surface that it was our scotch that mythical. I am a great supporter of the Island-wide mandate at this moment in time, but I am going to support the Connétable today, because I do not think there will be any harm coming from observance of our elections. We do not always agree with the suggestions that follow that but I think there can be no harm for a continuous cycle of observance so we can continue to improve and focus on what is one of the most important things that this Island should be able to rely upon and count upon, is engagement with the democratic and electoral process. I am not sure how observers will help with that but if we get at least one good solid recommendation out of that, then it is worthwhile. I just want to finish by reiterating once again there is no pushback, as Deputy Millar alluded to, from the Adjoint or the volunteers that I am aware of, and I have spoken to a number of them, and the returning officers, who consider it a great honour and privilege to do that job as part of their duty, and many of them are looking forward to the next elections.

7.1.10 Deputy Sir P.M. Bailhache of St. Clement:

I was going to say that I hope that the Assembly is not going to divide as if this were a debate on Senators, and I am therefore rather heartened to hear the Chief Minister say that he is going to support the Constable of St. Helier. He does seem rather curious in one sense to invite an international body to supervise an election in Jersey when we know it is highly likely that they will be critical of the decision to make a significant change only months before the election. But that is really why we have to invite them, it seems to me, because I was arguing yesterday for an open democracy, for not doing things behind closed doors. If we do not invite the Commonwealth observers to come along, will people begin to think: "Well, of course they do not invite the Commonwealth observers. They know they have done something which is inappropriate and contrary to international rules, and they do not want to be criticised for it." I do not think we can do that. I think we have made a decision. We have to stand by it. We have to explain it if necessary. But we need to have the Commonwealth observers here.

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

I very much enjoyed listening to Deputy Tadier as well. It seemed to be going one way and then he went another, which is not unusual. What really impressed me about his speech was his actual focus at the end on value for money. What will we really get from this? We get a report of recommendations that we might take on board. We will not have seen it mentioning that we should be doing this or that, or that we had a choice to do one thing or the other. We forget how amazing, in terms of the delivery of the work involving the counting of votes, how well that has gone on in the past, thanks to the people who volunteer in this area. I remember on one occasion, somebody who

did not get into a Senatorial post asking for a recount. The reason she had asked for a recount was that some Islanders had expressed concern about a rumour that a ballot box had gone missing for a certain period. Anyway, the recount took place and really it confirmed the result. But she also got a lot of criticism for asking for the recount. The actual expense, the time, and all these things. So, she was not going to really win in that respect, and she certainly did not win on the vote. When I read about the P.P.C.'s latest proposition about delaying the count, I thought: "Right. How many ballot boxes are going to be in places where people would say that they have got access?" Then you are going to introduce this at a late notice. Why do we not invite the Commonwealth advisers along and have them comment on that too? But I think even before I saw that proposal, I was somewhat sceptical about the value of the Commonwealth advisers, and I am particularly concerned because I know we have got a Budget debate coming on very soon. We have had a report from the Fiscal Policy Panel talking about the way that our finances are. It is all very well somebody saying: "Well, I think you can find the money", but I think almost inevitably they are going to need that money for something else. So, I happen to be with Deputy Tadier with this one, and I hope I have explained why.

7.1.12 Deputy M.E. Millar:

I am not going to say a great deal. One observation I would make about the potential deferral of the count is that so many of our polling stations are in schools and the schools will be open the following day, so that creates another logistical error. What I really wanted to say however is I am really disappointed by the remarks by Deputy Tadier about the Jersey Electoral Authority. That authority was established by this Assembly in the previous term. This Assembly established that body. I believe 2 of the Members it is additional work that has been foisted on them as part of their roles in the public service. The people who have been appointed I believe through an Appointments Commission ...

Deputy M. Tadier:

Could I ask the Member to give way? I do not think I mentioned the Electoral Authority at all and I did not refer to them.

The Greffier of the States (in the Chair):

Do you recall that comment then, Deputy?

Deputy M.E. Millar:

Sorry, it was the Constable of St. John; I apologise to Deputy Tadier. But someone said we cannot rely on the Jersey Electoral Authority because it is like marking your own homework. What is the point of establishing a body to report and investigate and run our elections if we cannot have any faith or trust in them? What does that do for the public view? What does it do for the political view? If we establish a body we have to trust them to do their job. The people who are on that I think are not remunerated, or they are not remunerated very significantly. They have come forward as volunteers and we are now saying we cannot trust them to do a good job. I think that is incredibly disappointing and if we take that attitude we may as well just disband them all together.

7.1.13 Constable D.W. Mezbourian of St. Lawrence:

I would just like to address a couple of remarks that Deputy Tadier made about the count being on a Sunday and rumours going around, and I am not really clear what those rumours are, about the election being on the Sunday and the count not taking place until the Monday. What I would like to tell him is the Constables really do not have anything to do with elections now because the Assembly some year ago made the decision that should be dealt with by the Parish secretaries. I do not make any comment on that decision. But the Parish secretaries have been crying out for some months now to find out when the count will take place. It is not their decision. It is the decision, as I understand

it, of the Jurats, the Autorisé, who will make the ultimate decision as to when the count takes place; be it on the Sunday or be it on the following day on the Monday.

[16:30]

I believe that I am correct in making that statement. What I would say is that I understand the Parish secretaries, and therefore the Parishes, want the count to take place on the Sunday. They do not want to have to go back in on the Monday. They will be exhausted because leading up to the election it is a very busy time for the Parish administration. So I would just like to reassure Deputy Tadier that if the count can be made on the Sunday the Parishes are fully behind that decision, but it does not lie within their remit, it lies within the authority of the Jurats. Coming back to the proposition as it stands, I am not sure that I am going to support this. It is likely, as we have seen, to cost many thousands of pounds, to invite election observers over. It seems to me that it is surprising how money can suddenly be found for these things; does it mean that there is too much money sloshing around somewhere underspent, waiting to be spent on what: “Well, we will invite the election observers over.” The Constable of St. Brelade when he spoke earlier in the debate referenced money needing to be found. He did not really explain clearly, as far as I was concerned, about that money, but it is costing the Parishes to run these elections. I think we have these discussions every time there is an election; and I have been here for a number of those. The Elections Law states that the Constables will be responsible for the expenses of the Constables’ election. However, the States is responsible for the costs of an election for Deputies and/or Senators. From next year we have the additional cost of running a Senatorial election, notwithstanding that they are all on the same day. As I understand it, the Constables Committee at the moment is waiting to hear back from the Minister for Treasury and Resources to have confirmation that there will be money available to pay the Parishes for running these elections: the elections for Deputies and Senators. I think the Comité is particular concerned because the election being held on the Sunday means that, depending on the contracts of employment with Parish staff, it is likely that most staff members will need to be on double pay for the Sunday. I am not sure that any, or many, of us have budgeted for that. So it is unfortunate the Minister for Treasury and Resources has already spoken, but I just remind her that we did write to her a month ago and we are still waiting to hear back from her on that matter.

7.1.14 Deputy C.S. Alves of St. Helier Central:

I rise to offer a little bit of history, I suppose, as a Member of the previous P.P.C. (Privileges and Procedures Committee) and the current P.P.C., and also to address some of the comments around the budget for this. When the previous P.P.C. initially made this decision there was not the scope of substantial changes that have now been proposed. Deputy Jeune mentioned a few of them; I do not think she mentioned her own proposition about bringing the voter eligibility down to one year. So there have been quite substantial changes, including the introduction of Senators. The last set of electoral reforms were based on the previous C.P.A. (Commonwealth Parliamentary Association) Report in 2018, and I was also a member of the Electoral Reform Sub-Committee that worked on that. The C.P.A. did comment on the system back then and the used words “complicated and cumbersome”. The C.P.A. are well within their right look at our electoral system, not just the administration of it. With regard to the budget, I just wanted to highlight to Members that as we will be in a pre-election period there may be some cost savings associated, for example with the reduced activity of the Assembly and with the reduced activity of Scrutiny. There will also potentially be a couple of possible ... things like reduced travel, like a conference or 2 that we may miss out on during that election, and obviously webcasting and transcribing costs and things like that. There is the scope and there are options to find the budget to cover this. It has already been highlighted - and I think Deputy Renouf mentioned it, as did the Constable of St. John - as an Assembly we should welcome any opportunity for any external research to be conducted here. It is important that we are able to have some evidence that highlights the pros and cons, and obviously this formed the basis of the last set of changes, which I would like to remind Members took over ... when I proposed some of those

changes I think I mentioned in my speech that it had taken over 99 propositions to get to that point. As an Assembly we should be endorsing independent external research. I do not think anyone is saying that they do not trust the J.E.A. (Jersey Electoral Authority) but it is important to say that the C.P.A. have experts in different fields, including those that will look at our legislation. There has also been a lot of change in our electoral legislation, and although we have obviously very competent law drafters in this area it is always good to have a fresh set of eyes look at them. So I hope on that basis that Members will support this. This is a positive thing and it is important in the name of transparency - like Deputy Bailhache mentioned - that we support this proposition and invite the C.P.A. observers to come over.

The Bailiff:

Thank you, Deputy. Does anyone else want to speak on this proposition? I call upon the Connétable to reply.

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

When the last speaker got to their button just before you closed the debate I sighed a bit because I thought we could bring this to a conclusion, but how pleased I am that Deputy Alves was allowed to speak because she perhaps, more than any other Member, knows the territory, and she did a great summing up. So I could just simply sit down I think and go to the vote. But I will just refer to a couple of things. First of all, as Deputy Alves says, no criticism is intended, I believe, by anyone who spoke, and nor by me, of anyone involved in our elections. It is a shame that some references were made to them, but they all do a fantastic job. In fact the Constable of St. John said there are opportunities for more volunteers to be involved to help further defray the costs of this particular election observation mission, if it is approved. So no criticism is intended. Other cost savings were referred to by Deputy Alves. I am not very good arithmetic, and I know Deputy Alves is; she probably could have told us what proportion of the budget of this Island the cost of the election observation would be, but it will be pretty tiny. Pretty small. Yet the benefits - as several Members described - are about being up there with other democracies that we want to stand shoulder to shoulder with. I was quite surprised to hear from some Members; Deputy Tadier was talking about us being the butt of jokes in C.P.A. canteens. I do not think of Jersey like that. I think of Jersey as a world class financial services centre, as a well-respected centre of tourism, environment, heritage and sport. We do punch above our weight, as the former Chief Minister Frank Walker used to say. I think we have nothing to fear from the C.P.A. sending a mission to us. Several Members wandered off topic; we spent quite a bit of time talking about Sunday elections and that is something which we can look forward to doing after Christmas. But I was grateful to those Members who gave their support and who pointed out that this debate is not inviting people who do not support the Senators, for example, to get going. That is why I did not use the “G” word in my speech, although it is in my report, because this is not about whether we think the current system is good or bad; it is about opening us up to scrutiny and transparency. After all, we allow our financial services to be scrutinised by MONEYVAL and nobody objects to that; why not allow our democracy to be scrutinised because surely our democracy is one of the most precious things. It may not seem so to the public sometimes but I think we know, being in this place, that democracy is vital and anything we can learn from an electoral observation mission next year will be useful. I think I have covered most of the questions and I maintain the proposition and ask for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce the proposition has been adopted:

POUR: 32		CONTRE: 13		ABSTAINED: 0
Connétable of St. Helier		Connétable of St. Lawrence		

Connétable of St. Peter		Connétable of St. Brelade		
Connétable of St. Martin		Connétable of Trinity		
Connétable of St. John		Deputy S.M. Ahier		
Connétable of St. Clement		Deputy I.J. Gorst		
Connétable of Grouville		Deputy K.L. Moore		
Connétable of St. Ouen		Deputy M.R. Scott		
Connétable of St. Mary		Deputy R.E. Binet		
Connétable of St. Saviour		Deputy M.E. Millar		
Deputy G.P. Southern		Deputy M.R. Ferey		
Deputy M. Tadier		Deputy A.F. Curtis		
Deputy S.G. Luce		Deputy B. Ward		
Deputy K.F. Morel		Deputy M.B. Andrews		
Deputy M.R. Le Hegarat				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
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 D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy H.L. Jeune				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy R.S. Kovacs				
Deputy K.M. Wilson				

8. Health and Safety Appeal Tribunal: re-appointment of Chair and Deputy Chair (P.75/2025)

The Bailiff:

The next item is Health and Safety Appeal Tribunal: reappointment of Chair and Deputy Chair, lodged by the Minister for Social Security. The main respondent is the chair of the Health and Social Security Panel. I ask Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – in accordance with the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations, 1989, to reappoint for a period of 3 years, the following persons as Chair and Deputy Chair of the Health and Safety at Work (Appeal Tribunal) to determine appeals against Prohibition and Improvement Notices, served by Health and Safety Inspectors, and decisions by the Minister on licensing provisions under the Law, commencing immediately: Advocate Cyril Whelan as Chair; Advocate Niall MacDonald as Deputy Chair.

8.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

I am very pleased to recommend that the Assembly reappoints Advocate Cyril Whelan as chair and Advocate Niall MacDonald as deputy chair of the Health and Safety at Work Appeal Tribunal for a further 3-year term.

[16:45]

The 2 individuals have served as chair and deputy chair since 2022 and I am grateful that they have confirmed that they wish to continue in these roles for a further 3 years. The Health and Safety Appeal Tribunal hears appeals against administrative sanctions, prohibition and improvement notices served by health and safety inspectors and decisions by the Minister on licensing provisions under the law. The tribunal consists of a chair who shall be an advocate or solicitor, a deputy chair who shall be an advocate or solicitor, as well as 2 other members. All members are appointed by the States. I am confident that both individuals have the skills necessary to uphold the fairness and integrity of the tribunal system. I am pleased to recommend the reappointments to the Assembly and I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does anyone wish to speak on the proposition? Those in favour of adopting the proposition, kindly show. Thank you, the proposition is adopted.

9. Income Support Medical Appeal Tribunal: re-appointment of Chair (P.76/2025)

The Bailiff:

The next item is the Income Support Medical Appeal Tribunal: reappointment of Chair, lodged by the Minister. The main respondent is the chair of the Health and Social Security Scrutiny Panel, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to reappoint, in accordance with Article 9 of the Income Support (Jersey) Law 2007, further to a process overseen by the Jersey Appointments Commission, the following person as the Chair of the Income Support Medical Appeal Tribunal for the period stated against their name: Advocate Simon Thomas – 4 years.

9.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

Before I address this specific proposition, I will say that it may not have escaped Members' notice the similarity between this proposition and the following 2 propositions that will be made. The reason for that similarity is we have the same chair for 3 different tribunals and I need to bring that as 3 separate propositions. I did seek to see if we could be more efficient in that but as they are separate they do need to be approved separately. I am very pleased to recommend that the Assembly reappoints advocate Simon Thomas as chair of the Income Support Medical Appeal Tribunal for a further 4 years. Advocate Thomas has served as chair since 2020 and I am grateful that he wishes to continue his role for a final 4 years. The Income Support Medical Appeal Tribunal hears appeals on the award of impairment component under the income support system and any other decisions made on medical grounds. It may also hear appeals regarding care requirements for home carers allowance and the care assessments for long-term care. The tribunal comprises a chair or a deputy chair holding a qualification in law, a medical practitioner selected from a panel of up to 5 members and a lay member selected from a panel of up to 5 members who are persons other than medical professionals and are experienced in dealing with the needs of people with disabilities. All members are appointed by the States Assembly. I am confident that Advocate Thomas has the skills necessary to uphold the fairness and integrity of the tribunal system. I am pleased to recommend this reappointment to the Assembly and I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]**

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

I begin by assuring the Minister that I shall be supporting the proposition and my own thanks to the designated chairman for allowing his name to go forward. The only question I raise, which is one I have raised before, is that the Law Commission, in its report of 2018, did recommend in the interest of efficiency that some of the tribunals should be merged into one Jersey administrative appeals tribunal. I simply ask the Minister whether that has been considered, and, in fact, whether she considers that merging these 3 tribunals into one would affect any savings during these stretched times?

The Bailiff:

Does anyone else want to speak on this proposition? Minister.

9.1.2 Deputy L.V. Feltham:

I thank the Constable for his comments. Indeed, when I saw these propositions come across my desk, I anticipated that we would get that question. I did say to my team that that is something that we need to look at. I think we will see through this process and the 3 propositions that we have an inefficiency of process there, so I think we should be looking to be as efficient as possible.

The Bailiff:

Those in favour of adopting the proposition, kindly show ... the appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce the proposition has been adopted unanimously:

POUR: 46		CONTRE: 0		ABSTAIN: 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 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 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 M.E. Millar				
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 M.B. Andrews				

10. Social Security Medical Appeal Tribunal: re-appointment of Chair (P.77/2025)

The Bailiff:

The next item is Social Security Medical Appeal Tribunal: reappointment of Chair, lodged by the same Minister with the same respondent. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to reappoint, in accordance with Article 34 of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following person as Chair of the Social Security Medical Appeal Tribunal for the period stated against their name: Advocate Simon Thomas – 4 years

10.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

I am pleased to recommend that the Assembly reappoints Advocate Simon Thomas as the chair of the Social Security Medical Appeal Tribunal for a further 4 years, and I am grateful that he wishes to continue in this role for a final 4 years. The Social Security Medical Appeal Tribunal hears appeals regarding the award of long-term incapacity allowance following assessments regarding loss of faculty made by a medical board. The tribunal will review all facts placed before it and may confirm, reverse, or vary the decision made by the medical board. The tribunal comprises of a chair or a deputy chair holding a qualification in law and 2 medical practitioners selected from a panel of up to 8 members. All members are appointed by the States Assembly. I am again confident that Advocate Thomas has the skills necessary to uphold the fairness and integrity of the tribunal system. I am pleased to recommend this reappointment to the Assembly, and I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Those in favour of adopting the proposition, kindly show. The appel has been called for. I invite Members to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted unanimously:

POUR: 45		CONTRE: 0		ABSTAIN: 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 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 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 M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

11. Social Security Tribunal: re-appointment of Chair (P.78/2025)

The next item is Social Security Tribunal: reappointment of Chair, lodged by the same Minister with the same respondent. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to reappoint, in accordance with Article 33A of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following person as Chair of the Social Security Tribunal for the period stated against their name: Advocate Simon Thomas – 4 years.

11.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

I am pleased to recommend that the Assembly reappoints Advocate Simon Thomas as chair of the Social Security Tribunal for a further 4 years. I am grateful that he wishes to continue in this role for a final 4 years. The Social Security Tribunal has been in place since 1974, and hears appeals on a range of benefits under the Social Security (Jersey) Law 1974, as well as aspects of other legislation administered by Employment, Social Security and Housing, such as the income support, long-term care and health insurance laws. This tribunal comprises a chair or a deputy chair holding a qualification in law, and 3 lay members from a panel of 12 other members. All members are appointed by the States Assembly. I am again confident that Advocate Thomas has the necessary

skills to uphold the fairness and integrity of the tribunal system, and I am pleased to recommend this reappointment to the Assembly. I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

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

I am tempted to ask if the Minister could just repeat the name in case we had not caught it. **[Laughter]** But I was wondering, as a general kind of rule, how often do these tribunals sit roughly? I am just intrigued to know how much work does go into it from the chair and the members' perspective.

The Bailiff:

Does anyone else wish to speak on the proposition? Minister.

11.1.2 Deputy L.V. Feltham:

I am sorry, I am just trying to find the relevant information so I can answer the Deputy back. In the past years, there have been over these 3 tribunals: in 2025, there have been 7 hearings in total, 2 of which are due to be heard this month. In 2024 there were 3 hearings. In 2023 there were 2 hearings. That is across the 3 tribunals. I will not separate that. With that I call for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the vote. The proposition has been adopted unanimously:

POUR: 46		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Breilade				
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 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 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 M.E. Millar				
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 M.B. Andrews				

That concludes Public Business for this meeting. I invite the chair of P.P.C. to propose the arrangement of public business for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

Looking ahead to 25th November, the arrangement of business is the same as the Order Paper except for the addition of P.94 Management and Maintenance of the Havre des Pas site, which was deferred from today. To mention on 8th December we are starting on the Monday of that week, but just to mention to Members if it so happens that we are not making a great deal of progress I advise ahead of time, on the Wednesday afternoon I will propose that we stay late on the Thursday. That is just to

forewarn Members in case any Members have to make arrangements for the Budget week. Just to mention as well, moving in further forward to next year, obviously it is an election year. There will only be 6 meetings left and the Government legislation programme is quite weighty for the first couple of months. I would advise all Members to leave continuations open. I propose the order of business.

Deputy M.R. Scott of St. Brelade:

I just wanted to remind the chair of the P.P.C. that I have requested for the Registrar's Law to be debated with a shortened lodging notice next sitting as well because it goes hand-in-hand with the Trade Marks Law.

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

I just wanted to forewarn Members that I will email them later this week asking for P.99 and P.100 unfortunately to be moved to 8th December sitting, notwithstanding what the chair has just said. They are 2 international frameworks which need to come into effect on 1st January and we were delayed in lodging them, for which I apologise, but I will email Members anyway. I just wanted to let them know rather than having an email out of the blue.

The Bailiff:

Does anyone else wish to speak? Are Members otherwise content to proceed as suggested by the chair of P.P.C.? Are Members now content to adjourn? The Assembly stands adjourned until 9.30 a.m. of 25th November.

ADJOURNMENT

[16:59]