

STATES OF JERSEY

OFFICIAL REPORT

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[9:30]

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

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

Just to bring to your attention the fact that I wish to resign from the Economic and International Affairs Scrutiny Panel.

The Bailiff:

Thank you very much, that is noted.

PUBLIC BUSINESS – Resumption

1. Draft Assisted Dying (Jersey) Law 202- (P.73/2025) - resumption

The Bailiff:

We resume the debate on the principles of the Draft Assisted Dying Law. Does any other Member wish to speak on the principles?

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

I am going to follow on from Deputy Morel's speech yesterday in a moment, but I just want to say that this debate has highlighted how good this Assembly can be when it comes to debating these really complex and emotive issues. It is hugely emotional and over the weekend I have been involved in many discussions with those who have very strong Christian beliefs, atheists, those who are 100 per cent behind assisted dying, and those who think it is an anathema. We have a strange relationship in this area. As Deputy Bailhache has said, we abolished capital punishment because society could not accept that one person executed in error was one too many. Is this not a concern we should have here? Then there are the abortion laws where we take the view that women should have sole rights over that decision whereas in America the opposite view is now taken. We have to accept that society changes its mind through the generations, and the beliefs we hold today may well be different in a decade's time. This is an issue that touches the core of what we believe about care, dignity and the responsibility we hold towards one another. The conversation around assisted dying is both deeply emotional and profoundly complex, and it requires that we approach it with clarity, honesty and an unwavering commitment to safety. Today I want to outline 3 areas of concern that deserve careful consideration before Jersey introduces an assisted dying pathway, clinical safety, financial responsibility and the integrity of our safeguards. I will start with clinical governance. The first concern is straightforward. The current pressures within our healthcare system make it difficult to guarantee the level of clinical safety that an assisted dying service requires. The General Hospital has experienced a number of serious incidents in recent years, significant enough to raise questions about the stability of our clinical governance framework. These instances are not abstract. Each one represents a failure in the systems designed to protect patients. Assisted dying is not a routine clinical service. It demands exceptional levels of precision, oversight, documentation, and ethical vigilance. It should only ever be introduced into a system that is consistently delivering safe, reliable care at every level. Right now, we are not in that position. When a system struggles with the fundamentals, overlaying a high-risk pathway that ends life is not responsible. Before taking on a service of this gravity, we must first ensure that their foundations are strong. I turn now to the financial viability. The second concern is of finance. Our Health Service is currently operating under a strict recovery plan, and every pound must be used with care and intention. An assisted dying pathway is estimated to serve - well, we have heard, Deputy Bailhache - up to maybe 10 individuals each year. Establishing it will require a dedicated framework, specialist training, new oversight mechanisms, clinical co-ordination, and regulatory processes that must be funded year after year. At the same time, there are critical areas of care already underfunded, neurodiversity support, such as A.D.H.D. (attention deficit hyperactivity disorder) services, suicide prevention programmes, dementia care, and more. These

are services that enhance life, protect life, and support people and families every day. In a constrained financial environment, we must ask a difficult but necessary question: is this the moment to invest in a service that ends life when we have not yet adequately funded the services that sustain it? This is not an argument against compassion, it is an argument for responsible stewardship. Safeguards. The third concern relates to safeguards. Any assisted dying system must be built on a legal and clinical structure that leaves no room for doubt, inconsistency, or error. Today, that structure is not ready. The Jersey Care Commission has not yet put in place a robust inspection process for hospital services, let alone for a specialised service with no U.K. (United Kingdom) equivalent to model from. Establishing a safe oversight system from scratch is not a small undertaking. Capacity assessments, already identified as a risk within health and community services, lack mandatory training and standardisation. Assessing whether a person understands, freely chooses, and is not being influenced towards a life-ending decision requires exceptional skill. We cannot rely on a system that currently lacks confidence in its own capacity assessments. Finally, the proposal includes a waiver that would allow an assisted dying request to proceed even if the person later loses capacity. This is a significant departure from legislation in other jurisdictions and introduces serious ethical and legal uncertainty. We must approach such innovations with extreme caution. Assisted dying is not a simple policy choice. It is a profound moral commitment that shapes how we see life, how we protect the vulnerable, and how we uphold the integrity of our healthcare system. No matter where one stands philosophically, we all have a shared responsibility to ensure that any pathway introduced is unquestionably safe, sustainably funded, and grounded in robust, reliable safeguards. Today, our system is not yet ready for that responsibility. The safest most compassionate course is to strengthen the foundations of care first, so that any future decisions are made from a position of confidence, stability and genuine readiness.

1.1.1 Deputy K.M. Wilson of St. Clement:

I want to start by acknowledging the insight shared by other Members since the start of the debate. Listening to them has been a powerful and at times emotive experience, and a reminder why the debate is so important.

[9:45]

Having been involved in the early development of the work on this draft law, I know how much thought, care and consideration has gone into preparing these proposals, and quite rightly officers deserve the recognition for the work they have done to get us to this point, and I personally thank them for that work. But it is now our task to examine the principles upon which this draft law has been prepared and to come to a conclusion as to whether these are principles we can agree with and can be realistically delivered in practice and not just described on paper. So I am going to come at this debate in a slightly different way, because I would like to start with a simple question that people might want to, or Members might want to, just hold in their minds. The question is this: what does it mean to live? By extension, what does it mean to die with dignity? I found that a really difficult question, and not an obvious answer was available in my thoughts. So I looked to some of the literature on this and I found some really interesting insights. I thought it might be helpful to share in terms of just exploring some of the concerns and the issues and the considerations we need to make. The first thing I found was a statement about many patients facing incurable illness: “The fear is not simply pain but it is uncertainty. It is fear of future deterioration. It is fear of dependency. It is fear of becoming a burden. It is fear of becoming hospitalised for a prolonged period. It is fear of the emotional and financial impact on loved ones. It is fear of waiting for death rather than living meaningfully. These anxieties can make remaining life feel really empty or undignified.” Another comment I found was that: “Suffering itself does not strip a person of dignity. A human being does not become less worthy because they are ill, dependent, frightened or in pain. What undermines the dignity is not the existing of suffering but the failure of care, the failure of support systems, the failure of symptom control, social connection reassurance.” Another comment: “The ethical task of

medicine and of society is therefore not to eliminate the person who suffers, but to reduce the suffering that surrounds that person so that dignity is preserved without resorting to ending life. If we shift the basis of dignity away from the inherent worth of the human person toward a conditional assessment of whether life still feels worthwhile, then we are going to create a dangerous moral instability. Once the value of life becomes a variable judgment rather than a constant principle, the boundary inevitably becomes movable.” I think people refer to that as the slippery slope. History shows us that such logic can drift, sometimes slowly, sometimes quietly, towards broader justifications that were never ever originally intended. We have seen some of this reflected in the Canadian experience. So how do we in Jersey safeguard against that kind of scenario and can we be confident and are we sure that the principles that are before us are strong enough to guard against this? The final thing that I looked at was a comment that had been made about life, and its issue around being a commodity. It says: “Life is not a commodity, it is not a subject capable of being exchanged by mutual agreement or contractual consent. Even when motivated by sympathy, intentionally ending life remains an act of killing. An assisted death, though framed as relief of suffering, still constitutes the artificial termination of life.” So we should not obscure that reality through softer language. It is a fact that a person has the right to refuse medical treatment, even if that refusal results in death. That reflects a principle of bodily integrity and a respect for autonomy, and clinicians must not impose unwanted interventions in that situation. However, the moral and legal right to refuse treatment is not mirrored by a right to demand a lethal intervention. There is a profound ethical difference between allowing death to occur through non-intervention and actively causing death through intervention. That distinction is not arbitrary. It reflects the responsibility a clinician assumes when acting upon another person’s body, even with consent. The obligation, therefore, not to intentionally kill someone does remain ethically significant. There is also a deeper philosophical issue in that death is not a state in which values, virtues, or relationships can be realised. It confers no benefit, no agency, and no social good. For that reason, the so-called right to die is conceptually fragile. The proper right is therefore not a right to be made dead, but a right to be cared for well until natural death occurs with comfort, with dignity, with compassion and with presence. That is why healthcare professionals care for the whole person, not merely to resolve a biological condition, but to care for their physical, emotional and relational concerns and needs at the time of nearing death. As patients approach the end of life, decision-making capacity can fluctuate. Pain, medication, grief, fear, depression and cognitive change complicate judgments. This goes to the root of, have we tested that our principle and our arrangements for capacity are sound? Many patients who express a wish to die are not seeking death itself. They are actually seeking escape from the circumstances that surround them. We hear about suffering, we hear about autonomy in the principles, about the desire to end life when confronted with terminal illness, and I understand that perspective. Compassion, empathy and care guide these arguments. But I think we have got to pause and reflect because suffering does not erase dignity. Dignity is a profound and multi-faceted concept. It can be understood in several layers. I did not realise that in terms of the way it is actually described there are 3 levels to this. Intrinsic dignity, which is the idea that every human simply has worth by simply being human. It cannot be taken away. Experiential dignity, how a person feels about themselves in a particular situation, how they are feeling when they are ill, when they are in pain or whether they are socially marginalised, that can make somebody feel undignified even though their intrinsic dignity remains intact. That is a very real feeling and it must be respected, but it is not the same as a loss of intrinsic worth. Then the final level is the recognition and respect of others, or what we call relational or social dignity. This includes how we are treated by healthcare providers, family and communities. Actions that humiliate, patronise or neglect someone can undermine their social dignity, even if their intrinsic dignity is not changed. Again, that kind of perspective goes to the heart of how we would engage and how we would negotiate and discuss and seek consent and capacity for this decision. So a person may feel undignified, they may feel frustrated, they may feel exhausted or fearful, but feeling undignified is not the same as being undignified. Their inherent worth remains, because we are human. So when someone asks for an assisted death because they feel undignified,

we must ask, in the laws that we are proposing, are we setting out principles that respond to a feeling or are we addressing actual loss of dignity? I would suggest interpreting that distress as consent for an assisted death risks confusing resignation with autonomy. So the test around interpreting wishes and intentions needs to be absolutely watertight under these proposals. Our role is to care for the person as a whole, to relieve suffering and to protect dignity in life, not conclude that death is the only solution. I think, as we see through the stages of consents, that we are actually starting to get to grips with understanding how we help people to come to a decision about what the solution is for them. But can we be certain that the proposals as they are outlined fully address that point? Do we accept the principle that the artificial termination of the life of a human is an unethical act or not and have we sufficiently considered the cross over into other aspects of law, as highlighted by Deputy Bailhache in his speech yesterday. There are also wider obligations beyond the individual, and I think the Dean referred to this yesterday. Decisions to end one's life affect families, clinicians and communities generating grief, moral distress and long-term psychological consequences. It is a fact. Autonomy cannot exist in isolation from relational responsibility, so we have got to seek to balance individual choice against collective ethical boundaries and the protection of the bundle. Public support is another principle the draft law has relied on, and I heard yesterday that low inbox correspondence shows Islanders want to get on with it. Really? Well how do we know that? Silence is not consent. An inbox volume tells us only that people have written. It does not mean they understand or that they are ready to entrust us with this irreversible responsibility. Public opinion polls are often cited in support of assisted dying, but surveys of the general public undertaken by healthy individuals imagining hypothetical illness do not reliably reflect the views of patients living with terminal disease, and evidence consistently shows that preferences change dramatically when people confront real illness. This is why scrutiny matters. The principles in this draft law can only be applied in practice if they are meaningful and not just noble words. I just want to talk about coercion because some say the safeguards, like the capacity assessments and the multiple approvals, will prevent it but coercion is often subtle; family expectations and social pressure, and you have heard all of the arguments through other speeches. You know what we are dealing with. Capacity assessments cannot always detect them. A safeguard that cannot reliably protect against coercion is actually not a safeguard. We are all human and there will be times when even those who have been prepared to administer a lethal substance will reflect on the consequences of what they are about to do. What consideration have we given, for example, where a patient may indulge in coercive ways themselves to influence clinicians around assisted death. I have witnessed many times during the course of my own career where clinicians have been put under pressure from patients to do exactly what they want. So the principles of consent, conscientious objection and obligations to staff and patients need to be really tight, and scrutiny will be helpful in helping us understand if we have this right. The Minister has clearly set out his commitment to assisted dying legislation, but personal conviction, even deeply held - and I respect his own feelings and views on this - cannot substitute for operational readiness, ethical certainty or evidence. We must ask: are we ready to ask our clinicians to take on this moral responsibility? Have we tested it? Do we know that they are able to do it? Can safeguards be delivered reliably in the small island context? Or are we in danger of expecting our Island to match the standards and conditions Parliaments in other big countries have been able to establish at scale? Is this possible? Will the protections against coercion endure under future social, political and clinical pressures? Until we can answer these with confidence, the principles, in my view, are not ready for endorsement. I do not believe we are ready - I agree with Deputy Morel - and so I cannot support the principles in their current form. I think we need more. The end of a political term should not be the only driver for making decisions about principles. Pressure to proceed in order to get this done feels coercive. So please let us not ignore this.

Deputy R.L. Kovacs of St. Saviour:

Can I raise the *défaut* on Deputy Tadier, please?

The Bailiff:

Are Members content to raise the défaut? Yes, the défaut is raised.

[10:00]

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

Please may I raise the défaut on Deputy Scott?

The Bailiff:

Are Members content to raise the défaut? The défaut is raised.

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

I do not think there is any doubt that our votes today will be influenced by the life events that we have personally experienced. We will inevitably have a subconscious bias depending on individual circumstances. I, too, like other Members, have gone through the process of losing loved ones, and it is emotionally hard. Most of us are simply not good at dealing with it, and I have often said that it is a part of growing up which no one tells you about. One of the risks of getting older, in my experience, is that one ends up dealing with more such life events, attending more funerals and providing support, particularly in our role as Connétable to those affected. I would not wish in any way to diminish the *gravitas* of the subject but how many of us have had to take a beloved pet to the vet to be put down, albeit for justifiable reasons? That in itself is an incredibly hard decision to be made in most cases. I am cognisant that when people are at the stage when they may be in care, they may be pragmatic about their own ultimate death, and they can become frightened by the thought of any family member or medical officials talking of assisted dying. Speaking once again as the chair of the management committee of a Parish care home, I will say that in order to preserve the integrity of the home, I shall counsel that they steer clear of any involvement in the process as proposed. I say publicly that I wish to distance myself from a decision of this Assembly that supports assisted dying. I do not feel that I can, as a decision-maker, take vicarious responsibility for allowing assisted dying. Finally, picking up on a reference made by an earlier speaker, I find that the proposals are uncoded. I suspect that while I risk being accused of being overly thrifty, I honestly feel that the funds being directed towards this proposition would be better spent on palliative care, as approved in the previous proposition.

The Bailiff:

Does anyone else wish to speak on the principles? If no one else wishes to speak, I call upon the Minister to reply.

1.1.3 Deputy T.J.A. Binet of St. Saviour (Minister for Health and Social Services):

Yet again a debate on the subject of assisted dying has proved to be one of excellent quality, and I will be saying a little bit more about that shortly. But first I want to explain why, despite having taken quite comprehensive notes on what has been said by each Member, I do not intend to summarise any particular comment or point, but for one particular exception. In the first instance, many speeches have been heartfelt, personal, emotional and difficult to deliver, and to be honest, I do not think I could do them justice by summarising them. In any event, I do not think there is a need. So often when I look around the Assembly during the course of an everyday debate, I notice that not all Members are paying attention, but not so on this occasion. Here everyone has listened attentively to what each contributing Member has had to say, and done so quietly and respectfully. On a number of occasions, Members have commented on each other's speeches and done so in a courteous manner. None of this requires any further repetition from me. I do, however, have to respond to a practical question asked to me by the chair of the Scrutiny Panel, Deputy Doublet, who asked whether the team on the proposition side would be in a position to confirm that they would be able to conclude all of the detailed preparatory work in time for the debate now due to take place on 24th February. I am very pleased to say that I have had confirmation that they can. In addition, I feel that I have to

pass comment on the speech given by Deputy Morel. As Members will have heard, unfortunately, Deputy Morel had a poor experience with the Health Service at a very sensitive and distressing time. That is something for which I am deeply sorry. Sadly, this has led him to conclude that our Health Service is in poor quality and is not capable of delivering an assisted dying service. I am genuinely sorry about Deputy Morel's personal experience, however I must take issue with the suggestion that the service is not capable of delivering the proposed service, because it certainly can. I had not wanted to highlight this, but I feel a strong need to be supportive of the capable people that work in our Health Service and to reassure the public who might now be worried unnecessarily. That said, Deputy Morel's comments, and this morning Deputy Warr's comments, and their right to express them, however disputable, does give me an additional opportunity to conclude on a positive note. As mentioned in my opening comments, this has been a debate of exceptional quality. Members have listened carefully, spoken thoughtfully, and treated each other with the greatest of respect, even in instances where feelings and beliefs have been diametrically opposed. I am sure we will continue to do so on 24th February, as we move forward to debate the draft law and associated amendments in detail, pending the outcome of today's debate. In a world that now seems hellbent on destroying democracy, I think that Jersey can be proud of the fact that here democracy works and works well, most especially when making decisions of the most profound nature, as in this case. I believe this debate serves as a shiny example. It only leaves me to acknowledge the work that has been done by previous Ministers for Health and Social Services and Scrutiny colleagues and to thank Members and the Dean for their respective contributions on this occasion. On that positive note, I call for the appel.

Deputy J. Renouf of St. Brelade:

Before we vote can I raise the défaut on Deputy Stephenson?

The Bailiff:

Are Members content to raise the défaut? The défaut is raised. 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:

POUR: 32		CONTRE: 14		ABSTAINED: 0
Connétable of St. Peter		Connétable of St. Helier		
Connétable of St. Martin		Connétable of St. Lawrence		
Connétable of St. John		Connétable of St. Brelade		
Connétable of Grouville		Connétable of Trinity		
Connétable of St. Mary		Connétable of St. Ouen		
Connétable of St. Saviour		Deputy K.F. Morel		
Deputy G.P. Southern		Deputy M.R. Le Hegarat		
Deputy C.F. Labey		Deputy I.J. Gorst		
Deputy M. Tadier		Deputy Sir P.M. Bailhache		
Deputy S.G. Luce		Deputy D.J. Warr		
Deputy L.M.C. Doublet		Deputy A. Howell		
Deputy S.M. Ahier		Deputy R.S. Kovacs		
Deputy R.J. Ward		Deputy B. Ward		
Deputy C.S. Alves		Deputy K.M. Wilson		

Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
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 T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Deputy Doublet, I think you have confirmed that your panel wishes to scrutinise this matter.

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

Yes, Sir, we do.

The Bailiff:

The return date for the Second Reading is 24th February; is that right?

Deputy L.M.C. Doublet:

That is correct, Sir, yes.

2. Draft Policing of Parks (Jersey) Amendment Regulations 202- (P.90/2025)

The Bailiff:

The next item is the Draft Policing of Parks Amendment Regulations lodged by the Minister for Infrastructure. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation?

The Deputy Greffier of the States:

Draft Policing of Parks (Jersey) Amendment Regulations 202-. The States make these Regulations under the Loi (1851) autorisant l'établissement des règlements sur la police des chemins and Article 92 of the Road Traffic (Jersey) Law 1956.

2.1 Connétable A.N. Jehan of St. John (Minister for Infrastructure):

These draft regulations propose that Springfield sports ground be redesignated from a Part 5 park to a Part 1 park. As a Part 5 park, under the 2005 Policing of Parks Regulations, dogs cannot legally be taken into the boundaries of Springfield sports ground under any circumstances, even if they are kept on a lead. Should this redesignation of a part 1 park be approved, dogs would legally be allowed within the grounds of Springfield, so long as they are kept on a lead and stay on established paths within the park. My understanding is that the current blanket ban on dogs dates back to the days when Springfield was a grass pitch, which was easily accessible. It was just a case of running under the fence. That has changed now with the 3G pitch being very well-protected by fencing. Regular visitors to Springfield will know that the current status of Springfield as a Part 5 park is more honoured in the breach than the observance of those regulations. I suspect that most dog owners are blissfully unaware of the law that they are breaking. We could enforce the current regulations and make dog walkers liable to a fine of up to £1,000 for walking their dog through Springfield. That, though, would be somewhat disproportionate. The redesignation of Springfield as a Part 1 park is perfectly workable and sensible given the move to a protected 3G pitch in 2015. Indeed, it is legislation catching up with practice. I am aware of representations being made by members of the public and by St. Helier representatives requesting this change. I therefore hope Members will be able to support the draft regulations, and I move the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member speak on the principles of these regulations?

2.1.1 Deputy M. Tadier of St. Brelade:

I do not know if this is the kind of debate in which we need to declare an interest, but I do hesitate to say that I own a dog because sometimes I think the dog owns us. I think this will be welcomed by many people, as long as people are responsible. That is obviously the key point. I just wanted to ask the Minister whether this is going to mark the first step in looking at other parks, because there are parks ... the ones that immediately spring to mind are Howard Davis Park, but I am sure there are others in Jersey. It seems to me there is no good reason why a well-behaved dog who is kept on a lead, even kept to the paths, and with a responsible owner should not be allowed in that park. It is an area of the urban area which crosses towards St. Saviour, St. Helier, and going towards St. Clement. I was passing through there on my own yesterday at lunchtime and back, and I think that the question, in a succinct way: is this a piecemeal approach or is it part of a wider project to actually look at all access in Jersey?

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

I was just going to say it is a sensible solution to a problem that really should not have been there. But again I just might emphasise this point, that dog owners must be responsible. This is a very important thing to do if you have a dog. I will not say "own" because I think my dog might own me as well. If you have a dog you must be responsible in its care and responsible for other people, and that is the key to this. Well done to all involved because this just gets rid of something that really should not have been in there.

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

I wanted to ask that the Minister give some detail when he sums up about what the views of families in the area are on this. Families with pet dogs and without, I think, because of course both types of families exist. As much as I love dogs, I also love children and I think there needs to be a balance in terms of the rights of dog owners to walk their dogs and enjoy dog ownership responsibly in their outdoor areas that we have available to us. I am becoming increasingly aware with the massive increase of dog ownership in the Island that not all dog owners are as responsible as the majority, and I can see many Connétables nodding there. I am aware of incidents where children are fearful

of playing outside in areas near to their homes because there are dogs behaving in ways that are quite terrifying, especially to the younger children. The Minister mentioned that the regulations currently in place in that park are not being policed. It really leaves me fearful that if we do approve this today that the new regulations will also not be policed and the situation will get much worse for children. Currently I am aware that even in this park, where it seems dogs are not allowed at all, dogs are already ... a small percentage of dog owners are letting their dogs off the lead and letting their dogs run up to children and really causing quite a lot of distress to children to the point where children feel they cannot actually use that area. I really have concerns about this and the way it is moving. It might have been Deputy Tadier that asked ... I am sorry, I cannot remember which one of the previous speakers asked, is there kind of a wholesale approach to looking at provisions for dog owners in the Island? I think that is probably something that is needed in the light of the increase in dog ownership. Personally I think that dogs should be able to be exercised, there should be plenty of outdoor spaces and there should also be responsibilities attached to that privilege of dog ownership, and we should also ... I would remind Members that it is part of our responsibilities that we must bear children's rights when we make any decision. I am not actually sure that we should be doing this today. I would ask actually that the Minister goes away and considers this. I do not feel I can vote for it today because I do not see that children's rights have been considered.

[10:15]

I am aware of significant issues in that area, which of course borders St. Saviour. St. Helier and St. Saviour, many of the families in those Parishes just do not have gardens in the first instance. Some of them do not have cars to access the bigger outdoor spaces beyond their Parishes such as the beaches, and for many this park will be the only outdoor space that the children in those families have to access. Given that I am already hearing of problems, I really do not think this is a wise move to make today, bearing in mind children's rights. I am concerned about accidents happening. I want to reiterate my concerns are of a small percentage of dog owners. It is very much not the majority. When I am using the outdoor spaces in Jersey with my child I encounter many responsible dog owners who do have their dogs on the lead and under control, as is required by the law, and we have some really positive interactions. It is lovely for us - we do not own a dog in my family - to be able to meet those pets of other families and have those safe interactions when the dogs are on the lead. But unfortunately there are a small number of dog owners where that is not the case and they are actually posing a real danger to children. I would ask that the Minister reconsider this, if he has not already fully considered children's rights, and bring back something that actually has - I think it was Deputy Tadier - the holistic view of the rights of all across the Island and who uses our open spaces.

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

I am supportive of the Minister but I just wanted to make sure that the dogs are kept on leads. I do not want to hear that the poor Dean's dog has had another attack because he has happened to be walking in Springfield rather than somewhere else. It is serious. I do own 2 dogs, but one of my dogs has been attacked, when they were on a lead, by 2 others that came and ripped off her ear. It is not just children who get upset; some children, they are really scared. If it is a friendly dog, it is great. But we do have to be mindful. There are also adults who are really scared. I have a sister-in-law who is petrified, and I think we do have to be responsible. I urge that if this goes ahead that we make sure that people pick up their dog poo because that is really important as well.

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

Many of the comments we are hearing were also reflected in the debate around the Dogs Law in late 2025. Though my panel is not going to call in this particular amendment, I just wanted to highlight to Members that we are reviewing this law that the Minister is amending as part of our wider review on animal welfare and control, as there are a number of laws that touch on the areas that we are discussing in this debate. We are, as the Environment, Housing and Infrastructure Scrutiny Panel, at

the moment scrutinising and reviewing a number of these laws that go into the issues of animal control.

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

I want to thank the Minister, as a representative of St. Helier Central, for taking on board the concerns of my constituents when the law started to be enacted by, I think, staff at Springfield and they got asked to not do something that they have been used to doing for many years. I am pleased that the Minister has taken quick action on this. I agree with Deputy Tadier, and I am pleased to hear the chair of the Scrutiny Panel is looking at the law more holistically because I think we have had conversations with other Constables as well about the need for there to be consistency across parks. Perhaps there are other parks that the legislation could be changed in relation to. I did also want to put a plea to the Constables and the Minister to ensure that signage is clear. I think that is really important, particularly in relation to ensuring that dogs are kept on lead and handled safely, and their mess is cleared up as well. I am a dog owner. I will state that, and I do walk my dog around Parade Gardens. I know that the signage contradicts itself on that particular park about whether you are allowed to take a dog around there or not. I would ask Constables to address those types of confusing communications out to dog owners.

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

I think a lot of my points have actually already been covered. Unfortunately, I lost my dog last year. One of the issues that I had with him - he was a rescue - was that he was often attacked by other dogs - he was very small, so an easy target - who were off the lead. In many occasions it was not in parks, I found. I will plead guilty now to being one of those people that walked my dog through Springfield Park, so I am happy that this law is changing. One of the things I would like to add is that along my travels I have gone through a lot of different parks, and I often take photos of their dog bins that they have got. I know that sounds a bit weird, but they have often got bag dispensers as well. I think this is probably something that we should consider here. I have got a collection of photos, if the Minister would like to see different examples. But I just thought that this would probably be a good opportunity just to maybe ask the Minister and the Constables to explore that.

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

I am very fortunate to live in a dog walking paradise having only dogs, and I have often wondered how people in St. Helier actually manage in this respect because of these restrictions. Let us face it, dog ownership is not necessarily in itself a bad thing. It can be a very good thing in terms of the health of people who own dogs. So it does not surprise me to learn that Springfield, things have got a bit lax and what is essentially happening is formalising a situation that is occurring. In that sense, it sounds pragmatic. It also sounds consistent because in my constituency of St. Brelade - if you would not mind taking the noise down, thanks - we do have a football field in Les Quennevais, and yet we do have the ability, I believe - unless I suddenly find out I have been breaking the law in ignorance - we can walk dogs on leads. I suspect that there has been this desire behind this to ensure some consistency. As Deputy Jeune has mentioned, we have previously in the States Assembly had a whole discussion about some of the issues that go with dog ownership and indeed dog etiquette. There is perhaps need for a bit more education among the dog-owning community, because it just is not acceptable for dogs to attack other dogs. It is not acceptable to allow dogs to approach people without even scoping whether they are scared of dogs or not. The point about bag dispensers, in fact, I believe we did have one on Noirmont at one point, and it was rapidly taken down because it was just basically regarded as free dog bags for everybody, I think, and it was very expensive for Government. But in light of the other points that have been raised, I will support the proposition.

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

I want to thank the Minister for his prompt action. Many residents contacted me when signs went up suddenly stating that dogs were not allowed, after they have been walking their dogs there for many years. As for Deputy Doublet's comments about children's welfare; many of the people who want to walk their dogs there include families with children, and those children benefit greatly from having a pet. There are not that many places in the north of town to walk your dog. I am sure that dogs must be kept on the lead and perhaps the Minister could confirm that. Again just to thank him.

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

At the risk of needing to be corrected by the Minister myself, I think I am pleased to follow a speech by Deputy Scott because actually the rules of the Active parks, so up at Les Quennevais, is that the dogs are not allowed on the playing fields. They are allowed on established paths as long as they are on a lead. The Minister is nodding there so I am glad I have got that correct, which I think shows where the problem lies in all of this. We are about to potentially agree the same rule to apply to Springfield, which I think helps because it brings Springfield into line with the rest of the facilities. But it does show that people are not adhering to that already. There is a challenge there around enforcement and communication. I certainly know that when I was in part of the Minister's shoes and a few years ago it did come up as an issue regularly at Les Quennevais about the dogs on the playing fields. About people not cleaning up after themselves. About the behaviour of dogs. I want to echo the things that Deputy Doublet said about children, while recognising what Deputy Catherine Curtis has just said about the benefits. I think we have also got to just tread carefully because there are 2 sides to that and not everybody is comfortable around dogs all of the time. We have got to make sure that there are safe and comfortable spaces for all of those people as well. Sometimes having spaces where dogs are not allowed can be really helpful for those people. Equally, I do acknowledge that we want people to be able to walk their dogs, and there are huge benefits of being a dog owner as well. Having initially looked at this on the Order Paper and thought why on earth, as the States Assembly, are we debating this, and then now so many of us have shared views on it as well, I think it shows ... and it is the challenge for the Minister and the team, to look at in future. But I just would urge caution in going off down the road where we just widen and widen and widen more access to more dogs. I do not think it is as simple as that. I would also just add that there is also the interaction with sports on these sites to consider, not just children and cyclists; for example, up at Les Quennevais dogs on long leads and cyclists particularly do not mix. I have seen a few of those interactions myself. I know the playing fields, it is a challenge and some of the sports up there really have had problems themselves. The other thing, just to throw in there at the end while we are talking about it, and these parks and the rules around parks, is actually I would rather that we see all the signs that say "No ball games" removed as well, while we are there.

2.1.11 Deputy K.M. Wilson of St. Clement:

Yes, supportive of these proposals but I just wondered if the Minister could address the issue of the location of each of the parks and the connection with built-up areas, because one of the things that we experience in St. Clement, particularly in Le Squez, is we have got a real problem around the lack of green space around Le Squez and the number of dog walkers. I think what is happening is that people are actually coming from other areas to walk around the estate. Certainly relaxing the access issue is important, but of course that is the only green space that we have got in the area so we have got some concerns about whether or not that might lead to increased soiling. The issue of fines and policing in that particular area where there is a greater concentration is going to be really important. So perhaps he could address that. If he could address the second point, which is what is the system of fines, because I do not know how and in what way they are enforced. I have seen many people breaking the law as it stands at the moment, but I do not know how the policing or the enforceability of the law takes place. If he could perhaps address that as well.

2.1.12 The Very Reverend M.R. Keirle, B.A., Dean of Jersey:

As I said before, I am a dog walker, a dog owner and the only person who wears a dog collar at least in public. I just wonder if there is an opportunity here to do a bit of joined-up thinking with regard to signage. I am an anxious dog owner. I am actually quite frightened of dogs and one of my principles is if I have got a dog it will go for my dog first and I will be OK, so that is basically why I have a dog really; to keep me safe. But of course dogs can pick up anxiety very quickly, and so I do find myself and my dog targets quite a lot. We walk in Millennium Park every morning, I often walk in the dark and people think that because it is dark it is OK to let your dog off the lead. I do not know what the correlation is there, but that is often what happens. Of course in the dark with 2 dogs bowing at you with your dog on the lead and 2 other dogs off the lead, for me as an anxious dog owner that is a pretty nasty place to be in the mornings.

[10:30]

The signs are there, there are 6 signs in Millennium Park but they are all tucked away down at this level, and I just wonder, Minister, whether there is an opportunity here to do something a little bit more Island-wide so that we have got consistency of signage across the parks with regard to dogs. I actually think that a holistic approach really does need to happen with the increase in dog ownership because time and time again I have been on walks on the cliffs, in parks, where dog owners have come at us. They think their dog is friendly; that is great. They know that; I do not know that. My dog is a very particular dog, she is quite a force of nature, and so we keep her on the lead, but a dog coming off the lead at her can be quite an anxious thing. But a plea for some greater signage, please, would be very helpful.

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

In view of the number of contributions from Members, and there is nothing like a debate on dogs to draw out opinions, I just wish to highlight the point made by the chair of the Environment, Housing and Infrastructure Scrutiny Panel. This review we are conducting on animal welfare does encompass a general review of the Dogs Law, and this is not simply an add-on we have thought of on the spur of the moment. We have been looking at this for some time. We engaged in correspondence with the Minister for the Environment, the chair of the Comité des Connétables is also involved. We do wish to look at it thoroughly. In view of the comments made, I hope the chair will not blame me for this, I invite Members to submit their representations on certain areas that we might not otherwise have considered. The review is ongoing, and the debate on animal welfare will flesh out some of the points that Members have spoken about.

The Bailiff:

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

2.1.14 The Connétable of St. John:

I thought the dog's tail was just going to wag it through. It is a serious subject. I am not aware of the status of each and every park under my remit or indeed under the Parish's remit. But in this case it was brought to our attention that responsible people are walking their dogs along the paths on a lead and, unfortunately, they are breaking the law. This does not enable people to walk on the grass with their dogs. It is very firmly about the dog owners walking on the paths. In terms of families, we have heard about the benefits of families having a dog. The play park at Springfield has got a gate at each end which you have to open before you enter the play park. I would hope that dog owners would take even more caution if they were going to walk through that path. But I think the majority of people walk through the park, rather than go through the play park. But I think the point is well made by Deputy Doublet. I am not aware of any instances at Springfield with young children. In fact before I came to the Chamber this morning I spoke to the Head of Sport and asked him about any issues that I should be aware of. I would just remind people that it is about enabling dogs to walk

on a lead on a path. Responsible dog owners, which the vast majority of dog owners are responsible like me, are incredibly embarrassed by the small minority who allow their dogs to mess. **[Approbation]** It is a genuine problem, either in parks and on sports fields. Because if there is dog mess that can cause untold damage to an individual. We would encourage, as Deputy Howell and others said, for people to pick up after their dogs. Bag dispensers are available but, again, it is the cost of those dispensers. I get incredibly frustrated by those people who put their dog's mess in a bag and then leave the bag. I accept the point made by both the Dean and Deputy Feltham about the need for clear signage. It appears in some of our parks we put the signage at the height of the dog rather than the owner. **[Laughter]** I do think it is a valid point that the owner needs to read the sign and obey the sign rather than the dog. I was very sorry to hear of Deputy Alves's sad loss; they do become part of your family. Deputy Scott and Deputy Stephenson mentioned Les Quennevais; you can walk your dog on the paths at Les Quennevais, you cannot walk your dog across the playing field. I have to remind my wife that when we are walking at Les Quennevais and the long leads, as a cyclist, I also have to remind my wife about the length of the lead and to be aware of cyclists. Those are very valid points. I also have the same issue at Bel Royal when my wife walks on the cycle path there with our dog. I think we could do more to be consistent. I am aware that the change at Coronation Park is due to be brought to change that because of the extension. In Le Squez I am not sure of the details there. I do not believe it is a park that we administer. Again, we are not talking about green space, we are talking about people being allowed to walk their dogs along a path; that is what this morning's debate is about. In terms of policing, I would like to think that a common-sense approach is taken that people are warned in the first instance. People do make mistakes but you can be fined up to £1,000 if you do not obey the park's law. I welcome the Scrutiny Panel's review on the Dogs Law review, and I would be very happy to work with them when it comes to the parks, to see if we can simplify things. But that is all I have.

The Bailiff:

Thank you, Minister. Is the appel called for? 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.

POUR: 43		CONTRE: 1		ABSTAINED: 0
Connétable of St. Helier		Deputy L.M.C. Doublet		
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 Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				

Deputy M. Tadier				
Deputy S.G. Luce				
Deputy 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 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 L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Deputy Jeune, can you confirm that your panel do not wish to scrutinise this matter?

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

No, we do not, Sir. Thank you.

The Bailiff:

Thank you very much. Minister, do you propose the regulations in Second Reading?

2.2 The Connétable of St. John:

I do, Sir. I wish to take the regulations *en bloc*. The regulations simply delete the reference to Springfield Sports Ground in part 5 of the schedule, which currently provides the basis for Springfield as a part 5 park where dogs are banned. It is a new reference to part 1 of the schedule, which will permit dogs to be taken into Springfield on a lead, on established parks, in accordance with Regulation 5(4).

The Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations? Those in favour, kindly show. Thank you very much. The regulations are adopted. Minister, do you propose the regulations as adopted in Second Reading in Third Reading?

2.3 The Connétable of St. John:

I do, Sir. There is nothing to add. We can simply move to the reading, thank you.

The Bailiff:

Is the matter seconded? **[Seconded]** Does any Member wish to speak on the regulations in Third Reading? Those in favour, kindly show. 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 then I ask the Greffier to close the voting. I can announce the regulations have been adopted in Third Reading:

POUR: 43		CONTRE: 1		ABSTAINED: 0
Connétable of St. Helier		Deputy L.M.C. Doublet		
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 Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy 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 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 L.K.F. Stephenson				
Deputy M.B. Andrews				

3. Draft Jersey Gas Company Amendment Law 202- (P.91/2025): amendment (P.91/2025 Amd.) - Reduction in lodging period

The Bailiff:

We now move on to the Jersey Gas Company Amendment Law lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel. Deputy Warr, you have a late amendment and the Assembly needs to consider whether to permit you to reduce the lodging period in relation to that amendment. Do you want to propose that the lodging period be reduced and do you want to say in brief terms what the amendment is about, as Members may not all have read it as it only was lodged yesterday?

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

Yes, Sir. The amendment is quite a small one. It is in connection with aligning penalties where company members can be - how can I say this - held liable and the period of time they are held liable? At this moment in time the Gas Law is out of alignment with other parts, which should be line with, I think, Regulation 3. Sorry, just to get this right. It is level 3 of standards, a scale of punishments. At this moment in time the law is talking about 5 to 8 years, level 3 is around 6 months and I just want to try and amend that so that they fall in line with the level 3 standard scale, please.

The Bailiff:

Yes. Is the proposition seconded? **[Seconded]** Does anyone wish to speak on the proposition that the lodging period be reduced?

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

The Draft Amendment Law was lodged on 27th October ...

The Bailiff:

I am sorry, we are still doing the lodging period reduction for the amendment.

Deputy M.R. Le Hegarat:

Yes, Sir, but this is my ...

The Bailiff:

Is it? It sounds very well thought out. **[Laughter]**

Deputy M.R. Le Hegarat:

What can I say, Sir? I am learning, Sir.

The Bailiff:

Yes, we will sit back and relax.

Deputy M.R. Le Hegarat:

I am learning. By the time I retire I will have got it right. The Draft Amendment Law was lodged on 27th October 2025, over 12 weeks ago. Deputy Warr's amendment was lodged on 20th January, yesterday, the date on which the law was due to be debated. That is not only late, it is extraordinarily late. In fact I did not see it until somebody kindly showed it to me at lunchtime yesterday. The proposition has been subject to significant review by the Children, Education and Home Affairs Scrutiny Panel during that time. But I would also like to point out to Members, on the amendment on the proposition, the earliest date for debate was 8th December 2025. The reason that it was deferred until this sitting was because the Scrutiny Panel, who had been exceptionally busy during the Budget debates, has asked me if I would defer it because they wanted to scrutinise it sufficiently, so I agreed. It does not appear that Deputy Warr took the opportunity to raise any of his concerns with the Scrutiny Panel, nor does Deputy Warr's amendment refer at all to the considered views of the Scrutiny Panel, as expressed in their comments paper P.91/2025. The States Assembly has been aware of this legislation since at least March 2025. Deputy Warr has not taken any opportunity to raise any of his concerns with any Minister. Deputy Warr has had every opportunity to engage with Ministers and with the Scrutiny Panel but has not, for whatever reason, chose not to do so, instead waiting until the last possible moment to bring this amendment. I ask that Members reject this request to reduce the lodging on this amendment.

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

I would also like to request that Members also reject this and mainly from a process perspective. With all due respect to the Deputy, who in his own right is able to bring this amendment, but I wanted to point out to Members that the Children, Education and Home Affairs Scrutiny Panel has kindly invited the Environment, Housing and Infrastructure Scrutiny Panel to many a briefing on this Gas Law. Where we were completely part of the briefings, we had discussions with officers, with the Minister, with the Scrutiny Panel, we were able to also have those discussions at that time and bring our point of view. I know that the Scrutiny Panel would have listened also to our concerns and have taken those on board. It is a shame that we were not able to have those discussions and that the Deputy was not able to bring those as part of that discussion, as well as Scrutiny, because we were very much involved as a Scrutiny Panel ourselves.

3.1.3 Deputy C.D. Curtis of St. Helier Central (Chair of Children, Education and Home Affairs Panel):

Just to quickly say that I ask Members to reject this matter. Including the penalties has been thoroughly scrutinised and I will explain more in the speech I make later.

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

I just want to support when Deputy Jeune mentioned process.

[10:45]

It did trigger a little because I think there has been a very clear process with this piece of law, including the Scrutiny Panels, plural. I think accepting at such a late stage, indeed I did message the Greffier and their staff early this morning to say: "When will we be deciding on any reduced lodging period?" Because you need to prepare; if you are not prepared then we are not debating appropriately. Therefore, I simply cannot on this occasion accept this reduced lodging period.

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

I wonder if I could just ask the proposer of this in their summing up - I presume he gets a summing up - to just perhaps give us an explanation about why it is so late. Because acknowledging that there are sometimes reasons for these things and I would be interested to hear that.

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

There is very little to add. But I would remind Members Standing Order 26(7) quotes that it has to be in the public interest to reduce a lodging period. Given the work that Scrutiny have done, extensive work on this, including reference to penalties, which is the subject of this extraordinarily late amendment, I cannot see that it is in the public interest to allow this to go ahead.

The Bailiff:

Does anyone else wish to speak on this proposition? I call upon Deputy Warr to reply.

3.1.7 Deputy D.J. Warr:

Just a couple of things. The first one was that I understand that Jersey Gas put in a report into the Scrutiny Panel and it took an awful long time for that report to come back out into the public domain before they were able to make any commentary on it; that is one of the significant reasons behind the delay. A further delay has obviously happened over the holiday period; it has been Christmas and New Year period. Also, Sir, in your department there was a more extensive amendment, however, only this element was allowed by the Bailiff as well. There are a series of reasons as to why this is so late in the day. As I say, it got lodged yesterday because it was with the Bailiff some days ago. We did have some additional time there but, unfortunately, it has come back to me very, very late as well. That is the reason why the lodging period has been so short.

The Bailiff:

Will you accept, Deputy Warr, that your original proposal came in towards the end of last week, about Thursday, is that right, into the Greffe?

Deputy D.J. Warr:

Yes, Sir. But obviously the Bailiff's Chambers had a look at that.

The Bailiff:

Yes, I see.

Deputy D.J. Warr:

It has been quite a long time, it was chased by ...

The Bailiff:

It came in last Thursday and most of what was proposed was out of order.

Deputy D.J. Warr:

OK.

The Bailiff:

This was the only bit that was in order.

Deputy D.J. Warr:

OK, that is fine, I accept that, Sir.

The Bailiff:

Yes. Is the appel 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 that the proposition to reduce the lodging period has been rejected:

POUR: 3		CONTRE: 36		ABSTAINED: 0
Connétable of St. Lawrence		Connétable of St. Helier		
Deputy Sir P.M. Bailhache		Connétable of St. Brelade		
Deputy D.J. Warr		Connétable of Trinity		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of Grouville		
		Connétable of St. Mary		
		Connétable of St. Saviour		
		Deputy G.P. Southern		
		Deputy C.F. Labey		
		Deputy M. Tadier		
		Deputy S.G. Luce		
		Deputy L.M.C. Doublet		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy I. Gardiner		
		Deputy I.J. Gorst		
		Deputy T.A. Coles		
		Deputy B.B. de S.V.M. Porée		
		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 L.K.F. Stephenson		

3.2 Draft Jersey Gas Company Amendment Law 202- (P.91/2025)

The Bailiff:

I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Jersey Gas Company Amendment Law 202-. A law to amend the Jersey Gas Company (Jersey) Law 1989. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

If this law is passed it will insert a new part into the Jersey Gas Law 1989, to require the Jersey Gas Company to provide information. As a result of events involving gas in recent years, the Emergencies Council has a particular focus on public safety and the scrutiny and continued supply of gas in Jersey. Specifically, the Emergencies Council has noted the need for a timely flow of relevant information from the gas company and to have powers to require the gas company to provide information. The purpose of the Draft Law Amendment is to provide the Minister for Justice and Home Affairs with the necessary and appropriate powers to be able to gather information from the gas company in a timely and proactive way. The information gathered is intended to support the Minister for Justice and Home Affairs and other functions in respect of the public safety and the scrutiny and continued supply of gas in Jersey. For example, the Minister for Justice and Home Affairs functions as the competent authority, pursuant to the Emergency Powers and Planning (Jersey) Law 1990, “the Emergencies Power Law”. These powers as are required, although the Gas Law sets out the constitution, organisation, powers and duties of the gas company, it does not currently place obligations on the gas company to provide information to Ministers and others, either routinely or on request, to enable Ministers and others to carry out these functions relating to public safety and the scrutiny and continued supply of gas in Jersey. While obligations on gas suppliers relating to the provision of information are established in other jurisdictions as part of licensing regimes and through licensing conditions, Jersey does not have a licensing regime or licensing conditions applicable to the gas company over and above the very basic requirements of the Gas Law and does not place obligations relating to the provision of information on the gas company. Ministerial responsibility. Although there are a number of Ministers who have functions relating to public safety and the scrutiny and continued supply of gas in Jersey, the powers in the Draft Amendment Law are to be

exercised by the Minister for Justice and Home Affairs. It is considered that the Minister for Justice and Home Affairs is the most appropriate Minister for the purpose, due to the function as the competent authority, pursuant to the Emergency Powers Law and the Minister responsible for the Department of Justice and Home Affairs, which includes, for example, emergency planning and the States of Jersey Fire and Rescue Service. In summary, the Draft Amendment Law will, if approved by the Assembly, place an obligation on the gas company to notify the Minister for Justice and Home Affairs of the occurrence of certain reportable events or circumstances in accordance with the reporting requirements set out in a direction to be made by the Minister for Justice and Home Affairs. This is so that the gas company must proactively provide information to the Minister for Justice and Home Affairs so that the Minister and others are able to respond quickly in relation to or in anticipation of the event or circumstances. It will place an obligation on the gas company to disclose certain information to the Minister for Justice and Home Affairs when requested. This is so that the Minister can proactively obtain information from the gas company in order that the Minister for Justice and Home Affairs and others are able to carry out their functions. This provision would, for example, enable the Minister for Justice and Home Affairs to undertake benchmarking to ensure that the gas company's safety measures and service standards are in line with industry best practices. It will set out which information is excluded, who the information can be provided to and what the information may be used for. In doing so it strikes a balance between the need to protect information provided by the gas company, with the need for it to be disclosed to those who require it in order to be able to carry out their functions under the Gas Law or any other enactment. It will also establish a power to enter premises and require information to support the Minister for Justice and Home Affairs in carrying out their functions and establish certain offences and a defence where those obligations are contravened. Finally, it will also establish a regulation-making power to amend the Gas Law and any other enactment in certain circumstances. This is so the States Assembly has the power by regulations to act quickly to make necessary amendments to legislation in relation to the safety, security and provision of the supply of gas and the constitution, organisation, powers and duties of the gas company. I make the proposition.

The Bailiff:

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

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

Firstly, I would like to thank my panel members and officers, and Deputy Jeune and her panel for their work on this matter, and also the Minister for her patience while my panel has worked our way through this. This Amendment Law is all about communication. Good communication is vital in helping to prevent any issues arising from the gas network and potential tragedies. This Amendment Law was extremely important. Currently there is a C.E.O. (chief executive officer) of the Jersey Gas Company who communicates openly and well and the C.E.H.A. (Children, Education and Home Affairs) Panel has benefited from meetings with him and from his helpful communications, and I thank him for that. However, this law is necessary because we have to ensure that good communication remains in place into the future and is not dependent on the current willingness to share information. The original amendment proposed in March 2025 we felt was not practicable in certain areas. Of course any new law must be fit for purpose. Having met and listened to the Jersey Gas Company, the panel raised our concerns and it was withdrawn at that point. Many of these concerns raised have been addressed by the Minister in the legislation and, therefore, the panel is now supportive of this Amendment Law. There are, however, some areas of concern remaining. Certainly the proposed penalties are higher than in the U.K. (United Kingdom), however, these are maximum penalties. While no new legislation should be reactive in its focus, I think we do need to bear in mind the tragedies of recent years. The panel thought long and hard about these penalties. Some similar penalties in the U.K. currently have a maximum sentence of 2 years plus a fine. But

we are not the U.K. and Jersey legislation around information sharing already includes penalties of up to 7 years and a fine, and that is under the Financial Services (Disclosure and Provision of Information) Law 2020. Therefore, we could see the rationale for the proposed penalties. Of course, as States Members we are here to represent the needs of the public of Jersey and though it is always right to consider the needs of private companies, their needs must not take precedence. The fact is that any withholding of information could result in tragic consequences. I am appalled to see that at least one Deputy in this Assembly thinks that a sentence of 6 months would be fitting for the withholding of information, the reckless withholding of information that is, which could result in many people dying. The panel did seek further advice regarding the penalties. While we are grateful for the input on this matter from the Jersey Gas Company, we are satisfied with the proposal on penalties put forward by the Minister. However, the panel asks that the very reasonable points raised by the Jersey Gas Company regarding electronic copies of registers, suspensions of A.G.M.s (annual general meetings) and numbers of directors be addressed with some urgency to allow the company to carry out its procedures as it best sees fit. Our understanding is that these points will be addressed as part of the energy strategy work, so I wonder if the Minister for the Environment could comment on this matter. We have also raised that the work around the requirement to define reportable offence is progressed in consultation with the Jersey Gas Company. The panel also asks if the Minister for Justice and Home Affairs could update the Assembly on any preliminary work towards a Corporate Manslaughter Law and on her thoughts around equality of regulatory treatment across all hazardous industries. Overall though the panel believes it is important, and in fact vital, that this Amendment Law proceeds and the panel is supportive.

[11:00]

3.2.3 Connétable K.C. Lewis of St. Saviour:

Further to the tragedy of Pier Road, we had one in St. Saviour just over a year ago now, with Elizabeth Villas, a small group of cottages which run basically from Belvedere Hill to Mont Pinel. It was a very bad explosion; children were asleep in bed, parents downstairs. Thankfully, nobody was killed; there were injuries. I believe recently it has been clarified that it was a gas explosion of some description. I would urge the Minister to really press down on this because it forms part of a right of way going through from Belvedere Hill to Mont Pinel, is part of the safer routes to schools. We need to rebuild the cottage and get the right of way open as soon as possible. This proposition will have my full support.

3.2.4 Deputy B. Ward of St. Clement:

Last year in St. Clement we had a situation, a gas leak, where residents had to be evacuated. What was interesting, these are brand new flats, beautiful flats that run on electric; they had nothing to do with the gas. But what was found is that the old gas pipes are still in the road. What happened is that you get the deterioration of the gas pipes and you have also got in the actual ditch, where the services are, the electric and the conduits. Forgive me if I have said the wrong word but the wires that go into the flats. What happens is that the gas seeps out of the old pipes, it gets into the electrics and we could smell gas in the properties, which are not supplied by gas. We were very fortunate that there was no tragedies in that area but it was very, very worrying. What I am asking is that when we are looking at the law and we are going to be doing new builds, we are taking down old buildings and putting up new buildings, that if there are any gas pipes, old gas pipes, that as a matter of law that we have those gas pipes removed so that we do not have this. It is an accident waiting to happen. We have seen the accidents. We were so fortunate in Clos Mourant but those residents, in fact they are still worried because the pipes are still there. They have taken the gas out, they say, but I think they should be removed. But it should be a matter of law, any old pipes must be removed before any new build is constructed. I just wanted to add that to our debate today. Thank you very much for listening.

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

These are amendments that I wholeheartedly support and it is something that myself, when I was Assistant Minister for Justice and Home Affairs, as well as the Minister of the time, started pushing for those amendments and so it has been a long time coming to this moment. I would also like to thank the chair of the Children's Scrutiny Panel for inviting my panel to the briefings, so that we were very much involved in the discussions around this and their scrutiny and the work that they did because it was a difficult piece of work. I absolutely support that. But I would like to ask the Minister, and from the discussions that we have just heard from Members, there is concern about gas safety and reported gas leaks. It is very important that there is this enhanced information sharing extended to the Government. But I am wondering if there are powers or there is thought to extending it beyond the Government, also to the public and to those directly affected by gas infrastructure decisions. Because it is essential that residents or building directors or managing agents are able to access timely accurate information about infrastructure that directly affects their safety or their duty to provide safety for residents that they are managing. Unfortunately, I have heard there have been incidences where the public have asked for information, there has not been that timely information coming for them to be able to understand about the gas infrastructure around their buildings or that could affect them. I just would like to understand from the Minister if enhanced information-sharing requirements could be proposed to extend beyond Government in the future.

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

As noted in the report to the proposition the cross-Government nature of energy matters means that different Ministers have different roles and responsibilities in respect of energy, including gas. This includes, for example, my own responsibility for the overarching energy policy and the Minister for Justice and Home Affairs' role as competent authority, pursuant of the Emergency Powers Law. I am, therefore, grateful to the Minister for progressing this particular legislation in that role. The Minister has kept myself and other Ministers updated on progress as part of the Gas Ministerial Group, chaired by the Chief Minister and through which we have all been co-ordinating matters relating to gas. I am also grateful to the Children, Education and Home Affairs Scrutiny Panel for their review and support for this Draft Amendment Law. In their comments they asked that I address 2 specific issues that had been raised, both by the gas company, in the course of their Scrutiny process. The first one relates to the equality of regulatory treatment. As I said, this is a suggestion from the gas company that the same provision should apply to all companies who operate in Jersey in the business and supply and storage of hazardous materials. It should be noted that this Law is understandably only intended to relate to information provision with respect to gas. However, following the decision of the States Assembly to progress an energy strategy and a recommendation by the Comptroller and Auditor General to review energy legislation, that energy legislation will be reviewed as part of the development of that said energy strategy. That review will consider what regulatory standards are appropriate for all energy sectors. Second, I just want to talk briefly about amendments to other Articles relating to company administration, again following Jersey Gas's suggestion that this Draft Amendment Law should also be used to update other provisions of the Gas Law relating to the administration of the gas company. Again, I just note that the Draft Amendment Law is only intended to deal with information provision relating to gas. However, the review of energy legislation as part of the development of the Energy Strategy I mentioned just a minute ago, will also consider whether any broader updates to the energy laws are required. To that end, in September last year I offered energy suppliers, including Island Energy, the opportunity to provide initial views into the development of that energy strategy. I am making good progress and I am further scheduled to meet the Chief Executive of Island Energy on 23rd February, where I will repeat that offer.

The Bailiff:

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

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

I would like to thank the Scrutiny Panel; both Scrutiny Panels in actual fact. Because this is where Scrutiny is invaluable because it gives a good clear picture and it gives the Assembly an opportunity to see that legislation that is coming forward has not only been looked at through the Council of Ministers and others. I would like to address 2 points that were made in relation to penalties. The panel has drawn attention to the process by which the offences applicable to the new Articles have been evaluated to assess as a suitability. I have confirmed that the offence and penalty provisions were reviewed and approved by the Law Officers following a penalty review. This process, as Members are aware, follows on all draft laws and subordinate legislation to ensure appropriateness and consistency for similar offences in statute. This process also reflects the Attorney General’s customary function as *partie publique* when providing conclusions for sentence before the courts. I, therefore, welcome the panel is satisfied that the appropriate process to determine the penalties was followed and that they note that the proposed penalties for false or misleading information and for destroying evidence in the Amendment Law is consistent with the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020. I would like to reiterate this point, this is about someone providing either false information, withholding information, destroying information. This is not about someone making an error. This is about someone being complicit in making or providing false information. This is what I think we need to get away from the point of view in relation to the penalties and this is why the penalty sits as it does at 7 years. Of course, as Members will all know, that the person will get that sentence; that is the maximum. In relation to the mention of corporate manslaughter, instructions for the Corporate Manslaughter Law were developed in 2023. It is unfortunate that during this term of office and other legislative work that we have not been able to bring this forward. My hope is, is that this will be taken forward as soon as possible by the next Government. I am aware from having discussions recently with the team that it is pretty much ready to go to the Law Drafters; that should be pretty soon. The Deputy, in relation to the Environment Scrutiny Panel, talked about information being provided to others, and obviously that is something that can be considered in the future. I think that sits probably more, potentially, with the other Ministers because obviously this is information that the Minister for Justice and Home Affairs is asking of the company, and any expansion of that may be falling into other parts of the legislation. But it is certainly something that will be fed back. I maintain the proposition.

The Bailiff:

Is the appel called for? 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: 45		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				

Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy 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 L.K.F. Stephenson				

Deputy M.B. Andrews				
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The Bailiff:

Deputy Catherine Curtis, I think you can confirm that your panel in fact have scrutinised this matter. Thank you very much. Minister, how do you propose the 5 Articles in Second Reading?

3.3 Deputy M.R. Le Hegarat:

I propose to take the Articles *en bloc*.

The Bailiff:

Are the Articles seconded? **[Seconded]** Does anyone wish to speak on the Articles in Second Reading?

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

I would just like to make the preliminary point that the Jersey Gas Company is an important utility company providing a service to thousands of Islanders and offering also competition to the Jersey Electricity Company. It is in the public interest not only that the Assembly should have proper regard to public safety, which is of course vital, but also that it should be fair to Jersey Gas. The Chief Executive of the Jersey Gas Company, appointed after the incident at Haut du Mont, has stated quite unequivocally that public safety is at the heart of what the management commitment is, and that seems to me to be an important commitment. Bearing that in mind, I have one observation and one question for the Minister. The observation is that in Article 89B(2) there is provision for the publication of directions.

[11:15]

It seems to me that some of these directions could be controversial and might affect adversely and unfairly the interests of Jersey Gas. It seems to me to be a pity that these directions could not have been embodied in a Ministerial Order, which could have been subject to challenge in this Assembly. As I understand it, directions cannot be challenged at all. The question relates to Article 89B(3)(c), which relates to ...

The Bailiff:

Sorry, 89B ...

Deputy Sir P.M. Bailhache:

89B(3)(c). Which relates to the reportable events or circumstances and subparagraph (c) states that: "The company will have to report events or circumstances that have, or may have, a material adverse effect on the ability of the company to carry out its functions under an enactment, including a material adverse change in its financial position." I have no problem with that reportable event or circumstance in itself. The issue relates to the provision that a reportable event includes a material adverse change in the financial circumstances of the company. It could be very damaging to the company if such a change were to get prematurely into the public domain. The issue is whether such a reportable event, which came to the knowledge of the Minister through the company, would be disclosable under the Freedom of Information Law. It would, I think, be qualified exempt information. But the Minister is required to give out such information, unless it is in the public interest not to do so. That seems to me to be a, potentially, damaging situation for the company to be in. It might be in the public interest to disclose the financial position of the company but it might not be in the company's interest, yet the company has been compelled by law to give that information to the Minister. I do not have a solution to this problem but I think it is something that ought to be

thought about, and my question to the Minister is whether she will ensure that the directions take account of this problem.

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

I just wish to make some observations on Deputy Bailhache's speech; he raises some concerns. I also had given quite a bit of thought to another provision because I have been doing my own work on another law relating to the sharing of information and information is power. It is very important that power is not abused. But I think the actual points that Deputy Bailhache has raised, I think they can be counted to some extent because he mentioned 89B, and I would point out that the paragraph (2) does require the Minister consult with the company before issuing any directions. There are legal remedies for when decisions have been made badly, and I am sure the Deputy knows that. On the point of the Freedom of Information Law, there is an exemption to deal with commercially sensitive information. There is some protection there and indeed I believe that maybe my colleague, Deputy Ferey, might be saying something about that because that is one of the areas of review. It is one of those kind of exemptions that sometimes one fears companies, particularly within States ownership, might rely on not to be transparent, but on the other hand it is there for a reason. But I think it is a very fair point, nonetheless, that one has to be sensitive if you are regulating a company that is competing with a company that is *de facto*-owned by Government; there is that potential abuse of power. But I think that there are these safeguards in the actual law that we have. The other thing that has struck me, which was not addressed by Scrutiny, was more in this area of the information that might be required to be shared with the Minister. In that respect I did note that it was quite restricted. At the end of the day these are provisions that are intended to protect the public against catastrophe. I am comfortable in supporting the law. I have given thought to some of these important issues that I think any States Member should consider when approving a law along these lines.

3.3.3 Connétable K.C. Lewis of St. Saviour:

I know there are many very capable people now at Island Energy or Jersey Gas but I think by their own admission they are managing decline; that many, many domestic households are coming off gas. In St. Saviour we are having a lot of roads rewired to transfer to electricity. In fact they can now receive a Government grant to do so. I do have some sympathy with Jersey Gas but this is an ongoing problem and I think safety is an absolute paramount. But I would also like to know where the tipping point will be where Jersey Gas may become economically unviable. We have many people still using gas commercially; hotels, restaurants, even the crematorium. I would like to know what the plan is for the future.

3.3.4 Deputy J. Renouf of St. Brelade:

Just to respond briefly to the point made by Deputy Bailhache and the follow-up points. I do support the Article in question because if we look on one side of the ledger of course we have the financial interests of the company but on the other side of the ledger - and this is the point I would like to give a little more emphasis to - we have the risks to Government and to the Island. The risk is a sudden disorganised exit from the market, and that is a risk. Hopefully it is a very small risk but it is a risk. I think it is incumbent on Government to take steps to ensure that it is as protected as it can be from that sudden element. The sudden element is addressed by the need for the company to provide information. It becomes an obligation on the company to provide information. Deputy Bailhache raises a fair point about the risks of that information getting into the public domain. But I would say that I cannot imagine the circumstances in which it would be in the Government's interests to, effectively, hasten the demise of a company with a disorganised exit potentially happening. I would have thought that that information would be treated, as it is now when it is offered voluntarily, with the utmost confidentiality because it would be necessary to do so. I think perhaps we have an example recently of that in the context of Blue Islands where information clearly was available to Government

and did not get put into the public domain for very good reasons. I find myself content to accept that this is a necessary and proportionate part of the law and am happy to support it.

3.3.5 Deputy M. Tadier of St. Brelade:

This has not been a piece of legislation that I followed especially closely, and I know that the relevant Scrutiny Panel has been doing that. It has obviously been linked to the recent tragic events and I know that has been referred to both by the Minister and in the report itself. What I am concerned about, just listening to the debate and reading through the proposal, is whether or not this is the optimum solution. I am going to support it today. I think we need something in place. But I just do not know instinctively if it is correct for a Minister for Justice and Home Affairs to be regulating an energy company which is majority-owned by the States of Jersey, by the Government of Jersey. I thought we were a major shareholder, if that is not the case, but we do ...

Deputy S.G. Luce:

We do not have shares.

Deputy M. Tadier:

Do not have shares; OK, I will take that point back. My concerns still remain with Jersey Gas in that they have a monopoly status. It is a strategic company, albeit one that has been mentioned that may be in decline as people move away from gas. I am not sure in an ideal world it is a Minister's job to directly get involved and for them to report to the Minister. I would question, where is the concept of an energy regulator? I understand that that maybe has been recommended elsewhere, albeit that we do not like to create new bodies and entities and that we are a small Island, it seems to be that this could be the job of an energy regulator, which would not be limited of course to Jersey Gas but it could look at the other essential providers of these public services. I will leave those comments there. But I think we are in a position where we have to vote for this today, but there may be a counter-factual in future which is a better way for these things to be done.

The Bailiff:

Does anyone else wish to speak on the Articles? Accordingly, I invite the Minister to reply.

3.3.6 Deputy M.R. Le Hegarat:

I thank those Members that have contributed. I fully understand the concerns raised by Deputy Bailhache. I think, as he rightly says, it is one of our utility companies and it is an important utility company. I would also like to acknowledge that we have had a good working relationship with I.E.G. (International Energy Group) over the last 12 to 18 months in relation to us being able to have discussions with them. But I think it is important to ensure that we have an ability as a Government to seek information when it is required. I think that that information in relation to certain events, it is important, as I have said, that we have that ability. This is why it sits with the Minister for Justice and Home Affairs. It is because of the responsibility of the Minister for Justice and Home Affairs in the case of emergencies and so, therefore, that is why it sits with this Minister. The rest of the legislation does not all sit with this Minister; it is just that part that sits with them. I fully accept that in an ideal world those directions would have been here. Of course it is quite clear under Article 89B that there is going to be discussion when those directions are looked at to consult with the company. In relation to the answer to which Deputy Bailhache said he did not have the answer, I think it is and will be something that will need to be looked at very closely. I have worked within the Freedom of Information Law and am aware of its challenges. But of course if the Government is being provided sensitive information in relation to a company, then I would suggest - and I might just clarify with the Attorney General if I might - that if that was the case that that information would be able to be withheld under the provisions; I genuinely think that that is the case. But obviously it might be worth it ,if I can just confirm that with the Attorney General.

[11:30]

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

Could I just ask the Minister to repeat the question? I was briefly distracted by another matter.

The Bailiff:

Yes, can you repeat the question, please, Minister?

Deputy M.R. Le Hegarat:

Yes, of course. I have, as I said, worked within the Freedom of Information legislation but one of Deputy Bailhache's points was about the sharing of information that if the company, for example, in relation to their financial position, that the information was provided to the Government and that could be putting the company at risk, then would that information be withheld under the data protection exemptions? I just want to clarify that with the Attorney General.

The Solicitor General:

Yes. Deputy Bailhache is, I think, correct. Looking at 89B(3)(c), a change in a financial position, it seems to me would be qualified exempt information under the Freedom of Information Law. Article 33, commercial interest: "Information is qualified exempt information, so exempt from disclosure, if its disclosure would or would be likely to prejudice the commercial interests of a person, including the scheduled public authority holding the information." That would be a basis for, I think, successfully withholding it. But also Article 34, the economy: "Information is qualified exempt information if its disclosure would or would be likely to prejudice the economic interests of Jersey." A sudden and disorganised exit from the market of a gas provider would in all likelihood have deleterious consequences for our economy.

Deputy M.R. Le Hegarat:

I thank the Attorney General for that response. I think that concludes my proposition and the Articles and I maintain the proposition. I call for the appel.

The Bailiff:

Thank you, Minister. The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting on the Articles in Second Reading. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the Articles have been adopted unanimously:

POUR: 43		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
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 C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy 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 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:

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

3.4 Deputy M.R. Le Hegarat:

Yes, please. At this stage, I would like to take the opportunity to thank officers in the Department of Justice and Home Affairs, the Cabinet Office and the Law Officers' Department in the legislation in relation to their work on this. That is all I have to say on the matter.

The Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Third Reading. Those in favour, kindly show. 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 an opportunity for casting their votes, I ask the Greffier to close the voting and I can announce that the law has been adopted unanimously in Third Reading:

POUR: 44		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy 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 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				

4. Draft Public Records (Jersey) Amendment Law (P.95/2025) - Defer debate

The Bailiff:

The next matter listed is the Draft Public Records (Jersey) Amendment Law, lodged by the Minister for Sustainable Economic Development. The respondent is the chair of the Economic and International Affairs Scrutiny Panel. Before I ask the Greffier to read the citation, do you have a proposal to make, Minister?

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

Yes, please. I am very aware of the debate we had on the previous item about the short lodging period, and it was necessary for me to lodge an amendment at short notice to this law. It is a relatively minor technical amendment but, with that in mind, it was lodged yesterday and appeared on the States website yesterday. I appreciate that neither Scrutiny nor other States Members have had a chance to really look at that amendment, and so my proposal, I think it is under Standing Order 87(2)(a) will be to move this item to the end of the Order Paper to just give Members and Scrutiny the opportunity to digest it.

The Bailiff:

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

4.1.1 Deputy M. Tadier of St. Brelade:

I am sorry to have this discussion on the floor of the Assembly but I have been trying to liaise with my officer and panel as best as I can. I was only just informed about this about 30 minutes ago from the Minister. My initial reading of this is that it is not an insubstantial amendment, it is removing an Article which we feel does require a body of scrutiny, so what I would ask the Minister to consider is deferring it to the next sitting in an ideal world or we will be obliged to call it in anyway at the Second Reading so we can properly look at the Articles. I am not sure how the deletion of this Article

might impact the principles. I do not think it necessarily will, but it may actually be better, I think, if the Minister could agree to that, to actually bring it back for the next sitting. So, essentially, by all means, put it on the end of the Order Paper, but knowing that we may actually ...

The Bailiff:

Yes, that is probably a quite pragmatic solution. Does any other Member wish to speak on this matter?

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

Absolutely. I think, given that I have started with this proposition, I will maintain this proposition, but with a view absolutely to when this comes up at the end of the Order Paper, should it be supported, to deferring it to the next sitting.

The Bailiff:

Yes, thank you very much. Are Members content to put this back to the end of the Order Paper in the first instance? Thank you very much. That is what we will do.

5. Draft Animal Welfare (Jersey) Law 202- (P.97/2025)

The Bailiff:

The next item is the Draft Animal Welfare Law lodged by the Minister for the Environment. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Animal Welfare (Jersey) Law 202-. A law to make provision about the welfare of animals and to regulate the keeping and use of animals and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

5.1 Deputy S.G. Luce of St. Grouville and St. Martin (The Minister for the Environment):

Right at the outset of this debate, I would like to say that I hope that we all recognise that our current Animal Welfare (Jersey) Law 2004 is dated and is insufficient for modern farming, pet ownership and animal welfare standards. It does not fully incorporate modern animal welfare principles such as the proactive duty of care, and it is more traditional and reactive focusing on cruelty prevention and business regulation rather than embedding modern welfare standards. I hope it is obvious for all to see animals play an important role in our life and in our community in Jersey; that cannot be overstated. They are our companions, they support our agricultural economy and they form part of the fabric of the Island's rural and domestic life. But with that relationship comes responsibility. The responsibility to ensure that animals are treated with care, with respect and with compassion. The draft legislation represents modernisation effort introducing proactive welfare duties, aligning with U.K. (United Kingdom) international standards and strengthening its important powers. This draft law is designed to replace the 2004 legislation with a more comprehensive and forward-looking regime. The proposed new law intends to be pragmatic, risk-based and proportional, provides a modern framework that allows the oversight and proportionate enforcement of controls covering a wide range of species, activities and businesses that involve animals. These controls are designed to meet well-considered international standards and ensure that Jersey can continue to trade lawfully and responsibly with our partners abroad while safeguarding the welfare of animals at home. Importantly, this law allows for secondary legislation on matters that affect us all, from animal licensing of businesses to prohibiting harmful practices. It intends to introduce proactive obligations on owners to meet animals' needs. Needs such as the need for a suitable environment, for a suitable diet, the need to be able to exhibit normal behaviour patterns, the need to be housed with or apart from other animals and the need to be protected from suffering, from injury and from disease. It is

also clear in stating that owners' responsibilities for animals' requirements are things such as food and water, shelter and warmth, light and ventilation, a prevention from suffering and treatment for disease. Finally, it strengthens the powers for people who have roles elsewhere, welfare inspectors with clearer penalties for transgressions and updated licensing regimes. It also allows, as I mentioned previously, secondary legislation to be drafted on important issues, such as the licensing of animal businesses, the banning of harmful practices, allowing approved veterinary procedures, controlling imports and exports from a welfare perspective, and ensuring animals can be properly identified with tags or microchips. The draft law is about giving Jersey a modern, flexible framework to safeguard animals, support responsible activities involving animals, and ultimately to protect animal welfare. So what do we propose to change? Inspectors will have powers to step in quickly if animals are suffering, so problems can be stopped before they get worse. The law is built to match international standards, meaning Jersey can continue trading animals and animal products responsibly. Protecting animal welfare also protects public health, ensuring safe and ethical practices across the Island. This draft law is about raising standards, protecting animals, and supporting responsible owners and businesses. It makes sure Jersey's approach to animal welfare is modern, fair, and in line with the best international practices, as I have said. The powers granted under this law fall into 2 categories. First, the powers to protect animal welfare, ensuring that animals are treated with dignity and care. Second, the powers to prevent or alleviate suffering, enabling us to intervene quickly where animals are at risk. But this draft law is not just about regulation, it is also about responsibility. It is about ensuring that Jersey leads by example, aligning itself to other jurisdictions and showing that we value the welfare of animals as part of our community and our way of life. Animals cannot, after all, advocate for themselves. Together, we can build a future where animals are treated with compassion and where activities involving animals are done responsibly. This law allows Jersey to stand proudly as a jurisdiction committed to the highest standards of welfare and health. The draft law before us provides the Minister of the day with the powers necessary to proportionately administer and enforce controls across a range of species and activities involving animals and animal products. These controls are designed to be commensurate with international standards, ensuring Jersey remains and is seen to be a responsible jurisdiction in the eyes of our partners abroad. They also allow us to implement the relevant European legislation permitting lawful trade in animals and animal products, while safeguarding welfare and public health. The proposed updated powers will protect animal welfare, ensuring that animals are cared for properly, that their needs are met and that they are treated humanely. They will also alleviate or prevent suffering, enabling swift intervention where animals are at risk, so that suffering can be stopped before it becomes entrenched. I would like to reiterate that this proposition is not just about regulation for regulation's sake, it is about our Island responsibility. It is about recognising that animals are part of our community, whether they are pets in our homes, livestock on our farms or wildlife under our stewardship. It is about ensuring that Jersey leads by example, aligning with international practice and showing that we value animal welfare as a reflection of our values as a society. For pet owners, this law means clearer responsibilities.

[11:45]

It means ensuring that animals have food, water, shelter, medical care, and the ability to express normal behaviour. It means that harmful practices will be banned, and that safe, approved procedures will be available under proper oversight. For farmers and businesses, this law means modern licensing regimes, updated standards and alignment with international trade requirements. It means that Jersey's already progressive and proactive farming and animal-related industries will continue to operate lawfully and responsibly, with welfare standards that match those of our trading partners. For the wider community, this law means stronger enforcement powers. Inspectors will be able to step in quickly where animals are at risk, issuing improvement notices, seizing animals in distress and ensuring that suffering is prevented before it occurs. Penalties will be updated to reflect the seriousness of offences, sending a clear message that cruelty and neglect of animals will not be

tolerated in Jersey. The law also provides for proportionate penalties in cases of serious neglect and deliberate cruelty. Such behaviour has no place in our community and this legislation sends a clear message that Jersey will not tolerate it. At the same time, safeguards are in place to ensure that enforcement is fair, evidence-based and subject to appropriate oversight. I would like to emphasise that this draft law has been developed following careful consultation with key stakeholders, including vets, animal welfare organisations, the agricultural sector, among others. This legislation is not about imposing unnecessary burden, it is about setting clear expectations, promoting good practice and ensuring that Jersey continues to be an Island that takes pride in high standards of animal welfare. By adopting this law we are saying that Jersey is committed to the highest standards of animal welfare, that we will protect animals from suffering and that we will support responsible ownership and practices. This draft law is a step towards that future, and I ask for the support of the Assembly in making it a reality. This legislation marks a significant step forward in how we care for and protect our animals across the Island. By supporting this Draft Animal Welfare Law, we are reaffirming our shared values of responsibility, compassion and respect for living beings. I therefore commend it to the Assembly and ask Members for their support.

The Bailiff:

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

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

The Environment, Housing and Infrastructure Scrutiny Panel launched its review of Animal Welfare and Control, which includes this Animal Welfare Law, in December. As part of that work, the panel met with the States Veterinary Office on 8th January, as the primary enforcement body, to understand why the current legislation is considered no longer fit for purpose. The Animal Welfare Law 2004 is rooted in U.K. legislation that was dated back as far as 1911. Unsurprisingly, that framework is now outdated and increasingly ineffective, as we heard from the Minister himself. The panel was told that the current law is largely reactive, enforcement action generally follows only once suffering has already occurred and powers of early intervention, including entry, are limited. This restricts the ability of officers to act before harm is done. Unfortunately, in recent days, we have seen this restrictive law play out in practice, prompting understandable public concern and highlighting the real-world consequences and limitations of the current framework. The draft law before us seeks to shift Jersey towards a more modern, proactive and preventative approach that would strengthen animal welfare. Key additions include powers to increase improvement notices, to seize animals before suffering occurs and intervene earlier where welfare concerns are identified. This includes straying livestock. These changes are intended to prevent harm rather than simply respond to it after the fact. There is a proposal to increase offences and penalties from 12 months' imprisonment to 5 years and raising the maximum fine of level as well. The draft law also aims to align Jersey with modern U.K.-E.U. (European Union) animal welfare standards including evolving approaches animals' capacity to feel and experience harm, and to enforcement. This alignment will place Jersey in a stronger position in the post-Brexit reset negotiations. The panel also notes that the draft law proposes more flexible licensing powers allowing sector-specific licensing schemes to be introduced by Ministerial Order rather than fixed in primary legislation. The panel has undertaken a call for evidence which closed last week, and we received 14 submissions from networks, organisations and businesses invited to provide their views. While submissions are still being analysed, early responses have highlighted concerns about the scope, clarity, consultation, oversight of the future Ministerial Orders anticipated under the draft law. Also there are concerns of livestock straying in regards to the provision not being fit for purpose and worrying in terms of there being no provision to improve issues of worrying on conservation land. These are issues the panel will be examining closely during the remainder of its review. In particular, the panel will be seeking to establish whether the primary legislation has sufficient clarity and certainty for animal owners, charities and businesses, or whether there is an over-reliance on secondary legislation in key areas, such as duty of care, welfare standards

and licensing powers. At this stage, there is limited clarity on how future Orders will address consultation requirements, fee structures, exemptions and rights of appeal, all of which are central to ensuring the regime is proportionate, transparent and workable in practice. For this reason, the panel intends to call in the draft law for full scrutiny. We aim to conclude our review as promptly as possible, but we require sufficient time to properly consider both this law and our scrutiny of the Island's dog control provisions, where we have also received a number of submissions detailing concern around livestock straying and livestock worrying, and clear links with the Draft Animal Welfare Law, as noted earlier in discussions with the Minister for Infrastructure and his bringing of his amendments for the Parks Law. So for clarification, we will review on whether the draft law generally delivers its stated aim of modernising Jersey's animal welfare framework and shifting towards a more proactive preventive approach. We will assess the balance that strikes between Ministerial powers and legislative oversight, proportionality, practicality and resourcing implications of its enforcement powers, penalties and improvement notice regime and the impact of proposed licensing and regulatory requirements on animal welfare organisations and animal related businesses, including farmers, breeders and activity operators. We also scrutinise the use of order-making powers to introduce substantive policy change, the robustness of the consultation process and how the draft law interfaces with existing dog-related legislation, particularly whether the combined framework is coherent and effective, avoids fragmentation or inconsistency and provides clear, aligned and workable roles for the Parishes, enforcement officers and department in delivering animal welfare, ownership control and public protection. So focusing on the principles in hand, the panel believes that this draft law is about modernisation, prevention and strong protection for animal welfare in Jersey. So the panel therefore encourages Members to focus on that core direction while deciding how to vote on the principles, but recognising that the Scrutiny will continue to examine the detailed safeguards and implementation carefully once we have called it in.

The Bailiff:

Does any other Member wish to speak on the principles of this law?

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

I would just like the Minister to advise the Assembly, police officers as inspectors, item 25, the powers of inspectors are conferred and ... let me get this right, a police officer may exercise all powers that are conferred on an inspector by this part and there are some areas that are not able to be conferred on a police officer. My question to the Minister is what consultation has taken place with the police in the Island, S.o.J.P. (States of Jersey Police) and the Honorary Police? I do not recall this being brought to my attention from my Chef de Police, who has responsibility for operational policing, and I would have expected to have been made aware that consultation has taken place with the Chefs.

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

I just want to speak very briefly to reinforce a couple of points. I am pleased to support this proposition, which represents a clear, significant and a very necessary step forward with the way we treat our animals. The current Animal Welfare Law dates from 2004 and even before that, and while it has served us reasonably well, it definitely no longer reflects the modern standards and modern understandings of animal welfare, or the expectations, I think, of the majority of Islanders. This draft law replaces that framework with one that is clearer and more preventative. That is really important and is firmly focused on ensuring animals are properly cared for throughout their lives. At the heart of this law, is a simple but important shift, moving from a system that largely reacts after harm has occurred to one that places clear duties on those responsible for animals to meet their welfare needs right from the outset. These duties cover not only physical health and suffering, but the avoidance of fear and distress. That change alone will significantly improve the outcome for animals across our Island. The law also strengthens our ability to intervene earlier where welfare standards are not being

met. By giving inspectors clearer powers and a stronger statutory footing, we can prevent suffering before it becomes serious rather than acting only when conditions have deteriorated beyond an acceptable point. I think Members will also be aware of public concern around training practices and devices used on dogs, including electric shock collars. This draft law does not introduce a blanket ban on specific devices in the primary legislation, however, it is important to be clear that the framework it creates allows us to set and enforce modern welfare standards through regulations and codes of practices. Now, I know Scrutiny are going to call this law in but I think, under no circumstances, we should allow the use of electric shock devices on animals and I would ask the Minister for his confirmation that if Scrutiny do not want to strengthen this part he will enact orders or bring in regulations that reinforce that point. The legislation is about raising standards, supporting responsible owners and ensuring that animal welfare in Jersey reflects both best practice and a practice that represent the values of our community. As somebody once said, a country can be judged on the way it treats its animals and I think this law, albeit being overdue, is something that should be supported. I was also told once that if you want to friend in politics you should get a dog. I did 12 years ago and he is at home listening today **[Laughter]**, and that was one of the best pieces of advice I had ever received. I urge Members to support this proposition.

The Bailiff:

Deputy, do you want a point of clarification?

Deputy M.R. Scott of St Brelade:

Yes, please.

The Bailiff:

Will you give way to a point of clarification from Deputy Scott, Chief Minister? Will you give way? Yes, you will.

Deputy M.R. Scott:

It is just that the Chief Minister mentioned regulations and I was just wondering where in the law they actually mentioned what he is referring to, because much of this seems to be giving the power to make orders to the Minister. In fact one of the structural things is this lack of an ability to amend by regulation, so I just wanted to confirm that perhaps the Chief Minister is talking about Orders and maybe the Minister can speak to that later.

[12:00]

Deputy L.J. Farnham:

Yes, sorry, I cannot actually pinpoint it. I need a couple of minutes to find it, but if I misunderstood it ... I am sure it mentioned regulations could be brought, well of course they can, but I will let the Minister answer that. In the meantime, I will try and liaise with Deputy Scott separately to pinpoint the item in the legislation I was referring to.

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

I want to thank Deputy Luce as Minister for the Environment for bringing this law forward. I think, like many Members, I will certainly be supporting it. But I was wondering if, in his response, if ... sorry, one of the things that I am encouraged by is the reference to maintaining standards according to European legislation and European quality standards as well as U.K. I was just wondering if, in his response, the Minister might be able to elucidate how that may play a role, if it does at all, in enabling Islanders to export more easily or import more easily to and from the European Union. I am thinking particularly in terms of breeding and particularly in terms of cattle and other animals.

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

As a member of the Environment, Housing and Infrastructure Scrutiny Panel, I will concur with the chair that a lot of the comments will be made following further scrutiny by the panel. But turning to the principles, there are one or 2 elements I think it is useful for Members to discuss before we move to a period of further scrutiny. The Minister did provide, and it is on the public website, a response to the panel in which we asked him to set out the principle of the Draft Animal Welfare Law, and he details replacing what is considered no longer fit-for-purpose legislation, but he also highlights in his view that animal welfare science is changing very quickly, so is the way animals are kept and he says public perception. I think in understanding the principle of this law we have to be clear in what public perception of animal ownership and responsibility is. The Chief Minister just said that Island values are key and how we look after animals is one of them, but this new law does propose changes to how we provide that responsibility and freedom on people. One area in particular is livestock worrying, and I know this is an area the Scrutiny Panel will get into further, but there are many ways in which we consider how animals have priority in our life. I stumbled upon Norfolk Island, a territory of Australia, the other day and beyond finding it has no harbour for receiving materials and they have to cargo almost everything in, what is very interesting is that their cattle have right of way, legally, both I think to an extent in the Traffic Act and *de facto* over the land. They have historic policies of grazing and enclosure, but the advice to tourists who are there is if you are on a road and you come across animals, it is your job and your duty to slow down. The animals take place first. This is a law in which animal welfare is being considered but we do allow our cats to run across the road. I have an indoor cat, that is my declaration, and she, unlike the Chief Minister's dog, is not watching at home, she is probably getting much-needed 18 hours rest a day. But it is important when we consider how we interact with animals and the values we hold where we put that priority. Immediately saying that we should create an offence for straying livestock suggests that the public and their perception of interacting with animals should always be one of: "It is not in my way, I have the right of way." I think that this is something that Scrutiny will look into further but personally I think maybe we should not be looking at that criminalisation of straying livestock, we should be ensuring that those who are careless on the road, reckless on the road ... and a quick reminder of the Highway Code does say that if one is in an accident with a horse, cattle, ass, mule, sheep, pig, goat or dog, they must report it to the police, and they may have committed perhaps an offence. So I think when we look at Island values it is a shame that we are getting to a point where those who look after animals, those whose livestock on the Island bring so much, they are being put in the point where their ability to operate could well be now criminalised based on the priority given to those who, travelling through our countryside, should have far less regard for those around them. The second part is in the principles the Minister talks about a changing approach to regulation. I think it would be remiss of me not to point to page 5 in the report, which talks about some of the future proposed orders, and I have touched on this in a question to the Minister before, and one of those is to require livestock keepers to hold a licence before they keep animals when not covered by other acceptable quality assurance schemes, with a view to set up standards of competence and stockmanship to improve welfare conditions. Now perhaps changing public perception means more and more people do believe that before you are allowed to hold any livestock you require a licence. As we have heard, the fact that this is part of what could be done under a wide-ranging order-making power would give the Minister the power to do this. But I think we should approach the licensing of livestock with extreme caution as to what this does for civil liberties and also encouraging a community that embed livestock ownership within its own fabric. We are getting to a point here where a family who wishes to keep 2 pigs on their farm would have to be licensed and would likely have to have shown to the States vet that they are competent to maintain 2 pigs, despite perhaps having had that experience throughout their family or come from a culture where fortunately maybe they look after far more animals. I think that is a very sad place that we are pursuing if we get to a point where we say that livestock ownership will require licensing, will require fees, and that we cannot any more trust registration schemes, as we have under various laws, to be the correct point of knowing that animals exist. That perhaps we can then withdraw permission to have them should we find issues and I think,

as the principles go, that seems to be the direction of travel the Minister wants to take. It causes me great concern that not only it is a direction he wants to take but, secondly, that should he wish to take it he can do it with order-making powers requiring any States Member to very actively request the States annul such legislation and not perhaps under regulation making powers amend it. So I will leave my comments there. I will obviously take part in Scrutiny with that role, but I do think on those 2 elements in particular how we treat our livestock on the roads and where we give priority and, secondly, how we treat the fact of livestock and animal husbandry; something we have done as early as we have started to domesticate plants and perhaps before. I think it is a very sad place we get to where perhaps we are saying that that is not something we can trust people to do without a licence prior to them getting that animal.

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

I had a question, I think, and some comments, some of which I direct at the Minister and some of which I would like to be taken into account as part of the Scrutiny review. I had a quick chat with the Minister for Home Affairs just then to enquire whether there had been any consideration about the link between animal abuse and domestic abuse because, of course, in the V.A.W.G. (Violence Against Women and Girls) report, which the Minister is actioning those recommendations currently, one of the findings in that report was that quite often where animals are being abused, the same people who are abusing animals are also abusing their partners or their children or other family members, and there is a very strong link there. So I am very much in favour of this legislation that strengthens protection for animals, for the sake of the animals of course - as many speakers have said before me - but also because it adds that layer of protection and culture change that abuse of any kind is not acceptable. What I want to understand, perhaps the Minister could touch on this when he sums up, is in the V.A.W.G. report the recommendation was that training be given to veterinarians so that they can identify if animals are being abused, that they know how to intervene and what services to refer on to. I would like to know whether this training is also going to be given to the inspectors who are named in the proposition. I am not sure whether those inspectors refer to a specific standalone job or whether they would also be veterinarians or police officers; so if I could have some clarification on that, please? If that is not yet there, if the Scrutiny chair could take that into account when she is doing the review. I did look in the C.R.I.A. (Children's Rights Impact Assessment) attached to the proposition to see if any of these questions were answered and I was quite surprised to see that a full C.R.I.A. had not been carried out for this proposition, because I think, as in previous debates we have had today, it is very clear that the lives of domestic animals certainly - probably not so much the livestock but domestic animals - are very much intertwined with the children whose homes they share. I think that there are many implications for children in this legislation. Many of them will be positive, of course, if we action this. But I expect to see those implications fully examined and I have full faith that the Scrutiny review will cover all the implications for children and families as I think there are many. That is all I had to say, but I will be supporting this today.

5.1.7 Deputy J. Renouf of St. Brelade:

Just a very brief response to the point that Deputy Curtis made regarding Norfolk Island. I actually have a friend in Norfolk Island; I might let her know that the Island has come up in debates here. I would just point out that on Norfolk Island one of the controversies a few years ago was that older cattle were killed and fed to tiger sharks offshore in order to prevent them swimming inshore and eating people. That was controversial, obviously, in the context of their relationship with Australia, and so on. But I think the point that I would draw from that is one in support of the Scrutiny Panel calling this in, because I do think that it shows how culturally specific and historically specific animal welfare issues are, and the need to see them in that light. I think that the Scrutiny Panel can do a good job of taking those sensitivities into account.

5.1.8 Connétable M.A. Labey of Grouville:

I briefly wanted to mention a contact I have made with a shepherd very recently in the last couple of days, a shepherd who probably has the largest flock in the Island, who does most of the conservation grazing on the north coast and has certainly transformed the wetland in my Parish to great effect, removing most of the hemlock water dropwort that was growing there. His Manx sheep have been a major benefit to my Parish and he has highlighted one of the issues I would like the Scrutiny Panel to have a careful look at, is the worrying of sheep. Some of his sheep have been killed, and sheep are surprisingly nimble; when it comes to their 3-string fencing if they are worried or frightened they can actually, on occasion, vault that fence. I just want that to be taken into account if that sort of husbandry is penalised, because that would not be fair to that shepherd and any livestock. We had a very distressing occasion, I think it was last year, when I heard a small number of heifers got out of a field close to the Parish, and some of them met their demise in the beautiful Bay of Grouville; very distressing indeed. But those animals can weigh over a quarter of a tonne and if they want to do something, Members, they will do it. If they are frightened they will go through a fence. I am sure the Minister does not need to be told that because he was actually a farmer himself. I just wanted that to be taken into account that worrying animals can have very serious consequences and can result in those animals getting out of their pens.

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

I simply respond to the last speaker. The Environment Panel is well aware of the problems related to the worrying of sheep, it is very much top of our agenda, and I expect that both the chair and myself have met the same shepherd to whom he refers, so it is to be taken into account.

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

Just following up on the offence regarding straying animals, which refers to livestock as defined. Perhaps somebody has raised this point and I have just not picked it up, if so I apologise. "A person responsible for livestock commits an offence if they stray into a public place." Surely reasonable measures to prevent that straying should be where the focus is rather than you have some sort of like freak effect that happens, a car knocks down a fence and so on. It is just, again, something I hope that the Scrutiny Panel will be looking into.

[12:15]

Also this definition of livestock, this is my opportunity to mention George Clooney, which gives me great joy. I remember it being reported that he owned a Vietnamese pot-bellied pig; does that constitute livestock? There are perhaps some nuances that might be considered in the whole context of this discussion.

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

I am very pleased to say that in the almost 30 years I have lived in Jersey, I have only had cause to phone the Honorary Police 3 times, all within probably about the last 10 years. The first time was to let them know that there was a flock of sheep wandering around on the road, the second time that there were 2 horses wandering down the road, and the third time that a herd of cows who just charged through my garden and were now also walking down the road. Garden was unharmed, it is not that kind of garden that is damaged by cows. But I absolutely believe in the welfare of animals. I think it is something, as Deputy Curtis said, of great cultural significance to Jersey in terms of farm animals but also in terms of our domestic pets. I do understand the concerns about straying livestock and I would expect, like very many other offences, the prosecuting authorities would take relevant situations into account. I am sure Scrutiny will consider that. But I just want to say that I absolutely support this law and the need to modernise and put our animal welfare legislation on a clear footing.

5.1.12 Connétable R.A.K. Honeycombe of St. Ouen:

I would like to commend the Minister for the Environment for bringing this forward. What we have is terribly outdated, and I am sure this is going to give the inspectors of the States Vet Office at least

comfort that they can push forward to a conviction, if necessary. At the moment, in the Parishes, we have a lot of problems with straying cattle, with sheep being attacked by dogs or horses that are not being properly looked after. It is awful that when you get hold of the inspector, the inspector says: "Well, you know what the law is, there is actually nothing I can really do. I have been round, there is water, there is hay, but I know exactly what you are saying." So, I do commend the Minister for bringing this forward and I hope that the Assembly goes with him for it.

Deputy L.J. Farnham:

Deputy Scott asked for a point of clarification, which I could provide now if that is all right.

The Bailiff:

No, it is too late for that, I think. Anyone else on the principles? I call upon the Minister to reply.

5.1.13 Deputy S.G. Luce:

I thank Members for their compassion, consideration and interest that they are showing in this. Of course, it is of no surprise to me because we all value our animals so much. I will try to just work in reverse order if I may, as we approach the luncheon interval. I am thankful for the Constable of St. Ouen for reiterating and reinforcing the fact that our current laws are not good enough. He is absolutely right. There are so many instances where our inspectors turn up and would like to be taking action, and the current law does not allow us to do that. The proposals will. Deputy Millar talked about straying animals, as did Deputy Scott, the Constable of St. Mary and the Constable of Grouville. I would just say this to those Members, animal straying is not an offence currently and it will not be an offence in the future. What will be an offence is not taking the advice of officers once the animals have strayed. The Constable of Grouville, the sheep worrying, I will come back to in a minute if I may. Deputy Renouf, I thank him for his words and, yes, Scrutiny. I will talk about Scrutiny right at the end. Scrutiny is vital, we have worked with them already. We will continue and have a lot more work to do clearly with them. Deputy Doublet mentioned the link between animal abuse and domestic abuse, and she is quite right. Very sadly where we see young small children abusing animals without being told that that is wrong and, when they continue to do that, we do see later in life that that abuse is transmitted. We are working on that. We have had people from the U.K. come over to train officers in my Veterinary Department. I am conscious that those same people have also been to work with certain private vets on the Island to re-emphasise this link between animal abuse, domestic abuse, personal abuse. So anybody getting involved can see that and try to see and work out if there are links that need to be thought about. Deputy Curtis spoke about responsibility and values, straying livestock and the criminalisation of that. I would reiterate to him the animals straying is not the offence, but I will come on to the challenges of sheep farming right at the end, if I may. He spoke about families being able to have 2 pigs in the back garden or field or what have you, but I would say to him that pigs are animals and if you are going to have pigs you need to look after them properly. In many instances, and I do not know how better to say this, the hobby farmers or hobby keepers give us as much challenge as anybody else. It is important that if you are going to have animals in your back garden or in a field that you own, it is important that you look after them responsibly. Some people love the notion of having a couple of pigs in their back garden, which is fine, but they need to know how to look after those pigs properly. It may well be a retired farmer or what have you that has that knowledge, but it is also the case that some may not, and it is important that we make sure that people who look after animals have the knowledge to do that properly. Deputy Morel mentioned how this new law will help us in trading with our neighbours, particularly the E.U. I would say there is nothing really specific, obviously, we are working with the U.K. and the E.U. over the reset of sanitary and phytosanitary issues but where the advantage will be here is just to show that our new, updated animal welfare levels are comparable to the E.U. We are at the same level. We are responsible. We are taking the subject seriously. Which then makes us appear to the E.U. that we are doing things in the right way. There is nothing material that will aid

the trade, other than when they look at our legislation they will see that we are on a comparable level. I thank the Chief Minister for his support. We all know, and I know especially, that he is a committed animal lover. He thinks about lots of issues, but electronic dog collars is something which he has mentioned previously, and he is right. It is not in the primary legislation but it is proposed to come in the secondary legislation, and we have got to the point of drafting some orders - and I know orders are something we will talk about with Scrutiny when it is taken and reviewed - but there is a draft order here that I have in my hand and it talks about ... this is a draft order around prohibited activities, and here at 5, use of electronic dog collars will be prohibited and some words and numbers there. So, yes, it is already in our minds that the draft will be by order, but I know that the order making is of interest to Scrutiny and we will be discussing whether it needs to be brought forward. I have got other draft orders here around licensed activities, I have got other draft orders here around prohibited procedures, and I look forward to talking to Scrutiny about how we might - if we might - bring those into the primary legislation if we have time to do that. The Constable of St. Lawrence mentioned consultation with the police. All I can say to her is proposed Article 16, powers of police officers and inspectors in relation to straying livestock: "A police officer or an inspector may remove to a safe place any livestock that has strayed into a public place." That is what the Article says. I am aware that we have written to the Chief of Police, but I am not sure that we have had a response. I am also aware that officers met the Comité but I am not sure that individual Honorary Police officers have been consulted. Again, we can work on that in the coming weeks before the Second Reading comes back to the Assembly because, as we know, Scrutiny intend to take this away, if approved, for further work. Finally, I just want to mention Scrutiny. I am really grateful for the input they have had so far, but it is clear that we have more work to do and I really look forward to doing that. Certainly I have already arranged, or I hope I have arranged, a meeting between myself, the chair of the Scrutiny Panel, my Assistant Minister, who is also of course the chair of the Comité des Connétables, and we are getting together to talk about the subject of animal welfare later this week, I hope. It will be clear that animal welfare is our ability to look after the welfare of animals, whereas the Dogs Law, or the dangerous dogs, dogs dangerously out of control - and there is a difference between the 3 - but anyway, those laws are more about protecting ourselves from dangerous dogs. With the strain of livestock, particularly sheep, it is a bit of a quandary as to where the legislation should sit because clearly if a dog goes into a field and worries sheep and, worse, kills sheep, that is an animal welfare issue because that animal, the sheep, is impacted. But should that come under dangerous dogs, should it come under dogs dangerously out of control, should it be in the Dogs Law? That is a discussion we are going to have with Scrutiny in the coming weeks to decide whether there should be some movement of Articles from one law to the other. I am going to leave it there; clearly there is work to do. A number of Members have mentioned particular and specific items that they would like further work on, and Scrutiny and myself are going to get together and do that work. I really look forward to this coming back before the election period. This is important work and while we are not there yet I am absolutely conscious and just want to say to Members this is a big piece of work, it is a really important piece of work and it has been undertaken by a very small team inside the veterinary section of the Environment Department. I am really grateful for their hard work. It has been a long time coming but, at this early stage of the principles debate, I would ask for Members' support. I guarantee that we will go away, we will work with Scrutiny, and I very much hope that we will come back with something that everybody can whole-heartedly agree with in the Second and Third Reading.

The Bailiff:

Deputy Alex Curtis, you have a point of clarification, do you?

Deputy A.F. Curtis:

If the Minister would give way.

The Bailiff:

Are you prepared to take a point of clarification? Yes.

Deputy A.F. Curtis:

It was just the Minister in his response to me about the example of 2 pigs and hobby farmers, could he just clarify that the licensing of, for example, livestock would not change the duty of care and the level of care that the responsible person of animals would have over that animal? For example, licensing would not require you to look after animals even better than what the new law puts in, and that that duty of care is specified in the primary requirements to give care to animals and their welfare, licensing would not make the looking after of animals require an even higher standard of care?

Deputy S.G. Luce:

I am not aware that it would and I cannot imagine for one reason that we would apply different levels of welfare to different animals depending on who is looking after them. Either you look after your animal properly or you do not. So regardless of whether you are a dairy farmer with 600, 700, 800 head of cattle on your farm, or whether you are somebody who has ½ a dozen chickens and a pig in your back garden, I think it is important that we show that all animals are important. They all should be treated with the same welfare standards.

The Bailiff:

Minister, is the appel called for?

Deputy S.G. Luce:

Yes, please.

Deputy L.J. Farnham:

Just a point of clarification.

The Bailiff:

From the Minister.

Deputy L.J. Farnham:

I just want to correct myself. I would just ask the Minister to confirm that when I referred to secondary legislation in my short speech, part 7, 34, I refer to, I think, orders and regulations. Primary legislation only has provision for making orders and not regulations. Deputy Scott was right, so that is something. I just wondered if the Minister would confirm.

Deputy S.G. Luce:

I am grateful for the Chief Minister's clarification, I will take that on board.

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.

[12:30]

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: 46		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 C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy 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 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:

We need to fix a date for the Second Reading. What do you propose in that regard?

Deputy H.L. Jeune:

I think we say the full 6 weeks but we will try to do it as soon as possible. Four weeks, sorry. Four sittings, sorry. Is there not 4 sittings?

The Bailiff:

You are saying 4 sittings?

Deputy H.L. Jeune:

The last sitting that we can do.

The Bailiff:

Greffier, remind me of the date of the last sitting; 24th March. So, the Second Reading will commence on 24th March.

6. Amendments to Standing Orders – Jersey Youth Assembly (P.103/2025).

The Bailiff:

We now move on to Amendment to Standing Orders - Jersey Youth Assembly, P.103, lodged by the chair of the Privileges and Procedures Committee. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey with immediate effect.

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

This amendment would allow the Jersey Youth Assembly to present reports directly to the States. I hope Members have read the report accompanying the amendment which sets out the background to the J.Y.A. (Jersey Youth Assembly). In 2024, responsibility for what was the Jersey Youth Parliament was transferred from the Youth Service to the States Greffe. There was then a process of redesign which led to the Jersey Youth Assembly we have now. It replaced both the Youth Parliament and the annual Youth Assembly that was administered by the States Greffe. The underlying purpose remains the same. The Jersey Youth Assembly represents young Islanders and provides opportunities for their voices to be heard by us, the Island's decision makers. The redesign

was directly informed by engagement with young Islanders and endorsed by P.P.C. (Privileges and Procedures Committee) last April. The J.Y.A. is led by an executive group which is selected by the wider membership, and which sets up inquiry groups to look into specific topics. The Jersey Youth Assembly also meets formally in the States Chamber twice each year for its plenary sessions. The current Jersey Youth Assembly is already in operation with 147 members. Its first plenary session took place on 4th December last year, which some Members attended and at which some Ministers faced questions. Feedback from the work at the previous Youth Assembly was that it was unclear how its decisions and actions were taken forward. P.P.C. therefore agreed that, in addition to what I have already described, the Jersey Youth Assembly should be able to interact directly with the States Assembly. If the amendment is adopted, the executive group of the Jersey Youth Assembly would therefore be able to present 3 reports to the States each academic year. They would not need to rely upon a Minister or other body to present the reports on their behalf. Once presented, each report would receive a Ministerial response. Once the Ministerial response had been received, the chair of P.P.C. would then invite the Assembly to decide whether to debate the matter in-committee, taking into account any request from the Jersey Youth Assembly. That would be a similar process to what happens already with e-petitions that reach 5,000 signatures. I am aware that process is not universally popular among either Members or the public. In relation to the Jersey Youth Assembly's reports, however, P.P.C. feels that an in-committee debate would be an appropriate means for the Jersey Youth Assembly to interact directly with this Assembly. We envisage there would be one or 2 representatives of the Jersey Youth Assembly at any such in-committee debate, something which Standing Orders already permits. Bearing in mind the resource implications, P.P.C. has agreed that the J.Y.A. should present a maximum of 3 reports each academic year and this Assembly would only debate one of them in-committee if there were a decision to do so. I ask Members to support this amendment to Standing Orders and I make the proposition.

The Bailiff:

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

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

I have no point of clarification or anything. I would not dream of interrupting the chair of P.P.C. I want to fully support this, I think it is a real step forward for a number of reasons. Obviously, as Minister for Education and Lifelong Learning, I have seen the young people and the way that they conduct themselves in these debates. I have sat over there and faced questions and been quite anxious actually about the questions that are being asked. They are certainly a challenge. I know my fellow Ministers also had a certain amount of trepidation when we went through the questions. But that is a good thing. I remind the Assembly, you can vote at 16 and so voting does not just happen and you understand the politics on the day of your 16th birthday. It must happen before that. We must engage our young people in the political process and what that means, way beyond that process if they are going to be informed. As chair of the C.P.A. (Commonwealth Parliamentary Association), I fully support this. It is good practice around the Commonwealth. I have had the pleasure of meeting a couple of youth assemblies, youth parliaments or youth members in different jurisdictions during the process of observing elections. I have been nothing but impressed by the engagement that different jurisdictions have from their young people because as one of them once said to me: "Politics is life and so we want a life." I think that is such an important point that they make. So I think it is a very good idea. Three reports to the Assembly, I have got no comment on how many reports should be presented; I will go with what P.P.C. thinks, I think that is good. There is lot of work in these. I think it is very different from the online petition - I can never remember the words - because, and I put this as carefully as I can, I think these reports and these things produced by the Youth Parliament are much more researched by everybody involved. Sometimes I think the wording of petitions can be a bit wide and it can attract people to sign them, and then later if you have a discussion: "Well, I was not sure whether that was the case." I think we do need to change the petition system for that

reason. Sometimes they are too generic. However, I do not believe that is what is going to happen from the Youth Assembly. That is from my own experience of seeing the Youth Assembly and the quality of the work they produce, the quality of debate they generate and the quality of the questions that are being produced. That is something to massively be encouraged by this Assembly. That involvement of young people directly in this Assembly is a hugely positive step forward in my view. There is an academic year, remember the academic year starts in September, so it is slightly ... it sort of fits in with our sittings here, so I do not think that is a problem. I would like to say thank you for bringing this proposition to the Assembly, I think it is really positive, I think it is a good thing for us to do and it says to young people not only are we inviting you to be fully engaged in our democracy but this is absolutely vital, and it is vital for the future of that precious thing that we have which is called democracy. Which when we look around the world at the moment one does have concerns about and some places that really are losing that. I urge Members to support this, and I say thank you very much again.

6.1.2 Deputy I. Gardiner of St. Helier North:

This proposition is about something very simple and yet very, very powerful, giving young people a meaningful voice in decisions. I rise to speak because when I was elected as a Minister for Children and Education, there were 3 reports from the Youth Parliament and they had been in no man's land because they produced a report but there was no mechanism to present this to the Assembly and to request Ministers to respond. Two of the reports were the Play Strategy and an update of P.S.H.E. (Personal, Social, Health, and Economic Education) curriculum, which was straight into my remit, and we found a solution. What we did that time was I presented reports to the Minister, reports which I needed to respond to myself, which is mixed messages. What I really would like to recognise is while working on the response of P.S.H.E. curriculum, for example, when Deputy Doublet led this work with the Curriculum Council and we worked together on the Play Strategy response, every single recommendation of the P.S.H.E. Youth Parliament report for P.S.H.E. curriculum was incorporated in the new updated P.S.H.E. curriculum. The ideas that young people had with this report, they were very valid and are something that probably none of us would think about. There were areas that we were surprised about, I said: "Yes, this is what they would like to know if it is a ..." I will not go into the details but what is important now is that it will not be dependent on a Minister or any roundabout procedure to be heard and to be answered. I also would like to, on this occasion, to say thank you to the Diversity Forum and Political Education and Awareness Sub-Committee, both sub-committees of P.P.C., because this process has been discussed, worked out, engaged with the Youth Parliament and presented to P.P.C. I am grateful for P.P.C. taking it forward. For me this step is extremely important. I am supporting P.P.C. and the Minister for Education and Lifelong Learning, and I am asking the Assembly to support it by formally recognising the Jersey Youth Parliament in Standing Orders and allowing them to present their reports on their own names. Thank you and please support this.

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

I rise as Assistant Minister for Children and Families and, of course, having responsibility for the Jersey Youth Service. So I think firstly the move to the States Greffe of the Jersey Youth Assembly has been such a positive move and the person who heads that up has put lots of energy into it to make sure that children's and young people's voices are heard. I think having it under one banner does make it a lot more simple. I think there were a lot of people who did not understand the difference between the Youth Parliament and the Youth Assembly. Of course, one of the criticisms against the old system was that children and young people who put all their energies into the work that they sometimes did not feel that their voices were being heard. What finer way to have their voices heard than for them to actually take part in an in-committee debate, sit in one of these seats and, who knows, one day we may see some of those people who are going to take part in those debates put their names on ballot papers in the future. I think this is a really positive move, having one centralised mechanism

that children and young people can feed into and feel that they are making a real difference to the Island.

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

I endorse the statements about the value of the Jersey Youth Assembly, particularly in informing our work. I have a question for the chair of the P.P.C. It relates to the technical way in which a single debate on a report in-committee might well take place because there is something here that says we can only have one but there could be 3 reports. Will we actually have all 3 reports together and select which one we prefer or is it just going to be sequential that each time we get report in a year it is like: "Do you want a debate on this?" and then you find you cannot debate the remaining 2. It is just a practical issue. I note that there is a statement also about the resourcing of this, that it will be accommodated within the existing resources of the States Greffe. There has not been an estimate of the actual Members' time in terms of actually having a debate, obviously that is a matter of choice for the Members, but again just having how this actually works as a mechanism, please?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

I note the time. Are Members content to adjourn? Adjourn until 2.15 p.m..

[12:45]

LUNCHEON ADJOURNMENT

[14:17]

The Bailiff:

Continuing the debate on the amendment to Standing Orders.

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

As the chair and founder of the Political Awareness and Education Sub-Committee, I just wanted to thank the chair of P.P.C. for bringing this forward. The move for the Jersey Youth Assembly to come into the States Greffe was also instigated through the committee, and I think it has been extremely successful. I would like to take the opportunity to thank the outreach team and the Greffier for doing an absolutely amazing job of getting over 140 students involved. I think that is absolutely phenomenal. Deputy Gardiner raised a few points that I was going to make, which was around what the current approaches with how the J.Y.A. were presenting their reports, and I think it was often putting Ministers in a difficult position because they had to present reports in their name that they may not always agree with. So, I think this is definitely a positive step forward. I would also like to highlight that myself and the Minister for Education and Lifelong Learning spent a lot of time meeting with children across all the secondary schools and we produced the post-16 education report. In a lot of those conversations, young people were really keen to get involved in politics and really saw this as a positive move. I did unfortunately see a couple of Members shaking their heads when the chair spoke about how one of those 3 reports would be considered for an in-committee debate, and I take on board Deputy Scott's comments around how that is going to work logistically in practice. The way that I see it is 3 reports, I would imagine that is probably going to be one a term, whether we have an in-committee debate or not obviously will be left to P.P.C., and we will listen to whatever the J.Y.A. suggests. But nevertheless, this offers an opportunity and a mechanism for that to happen, which did not exist before. It may be that we do not have any in-committee debates. That is always something that is up for discussion. So, I would really like to hope that Members can support this and recognise the contribution of our young people and encourage other students in conversations they may have to also join the J.Y.A.

6.1.6 Connétable K. Shenton-Stone of St. Martin:

It is very good to come straight after Deputy Alves because I have got almost exactly the same speech, so I will make it much shorter. But I would like to acknowledge the work of the Greffe staff also for their engagement and outreach, and the Minister for Education and Lifelong Learning, and Political Awareness Sub-Committee of P.P.C., of which I am a member now. This was first mooted at a P.P.C. meeting last April when I was still chair of P.P.C., so I am very pleased and delighted that the chair and this committee have brought it to the States. It is a vital thing. There are, I believe, 156 members of the J.Y.A. now, which is amazing, and many more young people engaged with and engaging with politics. We are on an upward trajectory, which is fantastic. I would like to thank you, Sir, and the recently retired Bailiff, because you have allowed the J.Y.A. to use the Assembly, for which we are really grateful. So, thank you. I think that adds to it because if they were not going to debate here, in some sort of other room, it would not have the same effect. I will keep it very short, and I would just like to say to the J.Y.A., thank you for all your engagement. We hope many more of you become engaged with politics and we really look forward to your propositions. I urge all Members to vote for this.

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

I wanted to thank Deputy Gardiner about the comments that she made, and to reiterate them. I was very lucky to attend my C.P.A. conference recently - I think it was last year - and one of the subjects of one of the seminars was youth parliament. I was really pleased to learn about some of the work that is being done in some of our sister parliaments across the Commonwealth. One of the things that came out of that was I asked the question about the reports and being able to present the reports. So, I am really pleased that that has come to fruition today. I did have a question, though, is why would we limit the reports to 3 per year? Because I do wonder whether that is unnecessarily restricting the Youth Parliament. That is something that I would like to understand why and whether the Youth Parliament themselves had anything to say about that, because it might be that if they are working very hard on something they might want to publish more than 3. Another thing that came out of this conference, which I think might be in the next phase of work around the Youth Parliament, because I know that the officers are working really hard with them and that it will continue to evolve, is how the members are elected. I think it was Wales who had a really good example of how they elected different representative groups. They looked at the percentage of different demographics in their jurisdiction and then they went to charities and groups that were representing those types of people. For example, they had a representative who was elected from a group of young carers, they had a representative that was elected from a group of children who had experience being in care, and in that way they were starting to rectify some of the apathy and the disengagement with politics and some of the under-representation of those groups. I would like that to be considered as something that could be looked to for the next phase of developing the Youth Parliament, whether it is maybe in a year or 2, because I thought that was a really exemplary way to do things. Yes, I will be voting in favour of this.

6.1.8 Deputy M. Tadier of St. Brelade:

Like other Members, I am hugely supportive of the work of the Youth Assembly. I think it is a great initiative, great opportunity for young people in our Island, and indeed in our democracy, to get involved. I hesitate as to whether to say this, but I think I will say it anyway. Sometimes it is better to say it than to regret not saying it. In the same way that Deputy Ward has concerns about when people talk about properties rather than homes, there are a couple of things that grate on me, and when I hear the word “jurisdiction”, being used when we mean an island or a community, or in our case a democracy, I would encourage us to talk about democracy more, because while it is great for the court to highlight and commend the jurisdiction that it has in the Island, we very rarely talk about ourselves as a democracy. It was mentioned in an earlier debate by the Minister for Health and Social Services that democracy is under threat in the world at the moment, and our political institutions

ironically also face quite low in people's estimations, and we do very little to fight for our own institutions and to promote liberal democracies in the world. We see the alternative to that does not bear thinking about. Although it is a general point to make, we should be talking up our democracies. It is great to see young people engaging in here in the way that we can and sometimes take for granted, especially if we are a bit long in the tooth. There is a thing of beauty about young people who are often idealistic. Some will say that they do not yet have the life experience, but they certainly have lots of ideas and they do think about things perhaps in ways which we do not always consider them. So, it is great for them to be able to present reports. What is quite interesting, when we debate things in P.P.C., because we do have meetings in P.P.C. and we do come at things often from very different angles, I certainly often do and then end up coming to different conclusions to when I started. The long-suffering members of that committee will probably know about that already. But that is healthy. That is what the Diverse Committee is for. Questions were raised, first of all: "Why are we doing this? Is it appropriate that an external body of any kind can perhaps dictate what elected members end up debating?" Then you look at it a bit more in detail and you realise what is trying to be achieved here. There were questions about not whether the Youth Assembly should be able to submit more reports, but in fact whether 3 was too many. So, the number of 3 has been settled on because there is an element of workload, of course, from a Ministerial point of view, because any report that the Youth Assembly does lodge will require a Ministerial response and can be considered for an in-committee debate. But on the other hand, as well, we also have to remember that the Youth Assembly, they are not full-time elected youth parliamentarians. They have other commitments, not least their academic pursuits and vocational pursuits. So, the number of 3 reports was considered by our committee, and it was settled on as a reasonable number. It could go up if there is a demand for it, but it seems to be proportionate. We may find that the Youth Assembly might only submit one or 2 reports during a year, and I did go exactly through that thought process about is it right that any external body could give stuff for us to debate, and I thought about it this way. I think the safeguard is correct because the chair of P.P.C. will be required to present any report to the States, and if it has merit to be debated in-committee then we can consider doing that. But, of course, there will be nothing stopping any elected Member in the States consulting with anybody, any lobby group, or any individual to come up with any in-committee debate, or indeed any proposal that they wanted to lodge either on behalf or in consultation with that body. So, it seems to me that even if the Youth Assembly were not to produce a report and that there was perhaps a minority report and that there was a difference in thinking, any of those Youth Assembly members could approach a States Member and say: "Look, we think this is a really important topic, which we think we would like you to discuss." Of course, they can be effectively sponsored by any Member of this Assembly or future Assembly. I would again commend the work of the committee and the Greffe staff, because I think the Greffe staff have been doing a great piece of work.

[14:30]

I have just been up last week as part of a Scrutiny Panel that I am sitting on with Deputy Curtis, and seen the new education room that they have got up there, and we met with members of the Youth Assembly who were feeding directly into that lifelong learning review that we are doing. That is really invaluable because they come up with ideas, and with the support of the education outreach team there, I know that our report already is going to be much richer and hopefully much more incisive for that engagement.

6.1.9 Connétable K.C. Lewis of St. Saviour:

I have attended quite a few of the Youth Association meetings as a Minister and as a Back-Bencher, and they do ask very interesting, well-thought-out questions. I particularly like the juniors that come through now, a lot of the schools coming in, and I have had the privilege of sitting in your chair and answering questions from the various schools that come in. Lots of interesting questions about safer routes to schools, cycling, really well-thought-out questions. I did say in my last session that I did

here: “Time for one more question”, and ironically, a young boy sat in my seat here, stood up and said: “How old are you and when are you retiring?” I thought: “Well, possibly some of my colleagues have been thinking the same thing.” So, I said: “Old enough and not yet.” So, there is still life in the old dog. But they are very interesting questions, and it does give the youngsters and teenagers a flavour of what we do here. I do remember being at a local C.P.A. meeting many years ago and there was a teenager there who gave an excellent speech, by the name of Sam Mézec, and obviously he is with us now; so it does give people a flavour of what we do, and it will encourage people to come forward.

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

Point of clarification please. Will the Constable confirm when he is retiring?

The Connétable of St. Saviour:

Not yet.

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

I think the proposition is a perfectly good proposition. I am grateful to P.P.C. for bringing it forward. Like many Members, I have also faced the Jersey Youth Assembly for questions, and it is always a nerve-wracking and interesting moment. But I just wanted to bring a word of caution. I have just got this niggle in the back of my head, and it links in with the online petitions as well. I just think it is really important that we, as an Assembly, understand that the proposition before us works because it leads to an in-committee debate. I think it would be wrong for the Assembly to ever see an automatic way for any propositions, whether it is by petitions or by the Youth Assembly, to come for debate with a vote at the end of it. It is really important that we are elected in a representative democracy by the population of our Island, by the constituencies and so on, and that is something which must always be preserved. Should there be a report from the Jersey Youth Assembly, which some Members do feel warrants an actual vote, which is fine in itself, but the appropriate process for that is for those Members to bring that vote forward themselves in consultation with the Youth Assembly or in consultation with whoever brought a petition. We are as far as we can go on this I guess is what I am trying to say, and I think it would be wrong for us to open up any further. It is really important, and there is pressure sometimes to find other ways to get things into the Assembly. But in a representative democracy, it is upon each of us as individual Members, it is our privilege, our right and our duty as well, obviously, to bring propositions here. When there is a debate and a vote and therefore action as a result, it must always come through those routes via one of us 49 and not via some other kind of automated process which allows other ways. Because if we were to go down those roads then we would be eroding that representative democracy, the value of the ballot at the ballot box would be eroded, and that would not be, in my view, at all the right way to go. So, I just wanted to highlight that as possible risks for the future. Not this law, I think this proposition is appropriate and has the right level of engagement allowed, but I do not think it can go much further.

The Bailiff:

Does anyone else wish to speak on this proposition? I call upon the chair of P.P.C. to reply.

6.1.11 Deputy S.M. Ahier:

I will quickly summarise Members’ contributions, and I thank them all most wholeheartedly for those contributions. The Minister for Education and Lifelong Learning supports and said it should be encouraged, and he mentions that these reports are very well researched, which indeed they are. Deputy Gardiner, the previous Minister, obviously mentioned a previous report that she had received and that all its recommendations were incorporated. So, it just goes to show that they were being heeded even before this proposition was brought. Deputy Ferey mentions the transfer to the States Greffe is a positive move. Deputy Scott mentions the single debate from 3 reports in a year and questions how that process would work, the recommendation of one in-committee debate, which was

formulated and put forward by P.P.C., and I think that is covered under 175(6), which says: “If a Minister’s report has been presented to the States, at the following meeting, during the arrangement of public business for future meetings, the chair of P.P.C. must ask the States to decide whether they wish to consider the Youth Assembly report and the Minister’s report in committee.” I think that should suffice. Deputy Alves mentioned that it allows a mechanism for in-committee debate. The Constable of St. Martin is delighted that it has been brought forward. Deputy Doublet asks why the limit to 3 per year, and that was mentioned by other Members as well. This was discussed at length by P.P.C. and it was determined that one per term would be enough, but you have to obviously also consider the ability of officers to support these presentations. They do take a considerable deal of time. Deputy Tadier mentioned the same commentary about the 3 per year and the large workload, and obviously he was there for that debate at P.P.C. Deputy Morel mentions the links with petitions. I do not think we wanted to draw that direct parallel because they are 2 separate things, and how they lead to the possibility of a debate and, presumably, if he wanted to have a vote on those debates, then obviously somebody has to bring a proposition. All I can say on that score is that P.P.C. do continue to look at the petition system. Members will recall the findings of the Independent Jersey Care Inquiry, which included giving children and young people a voice. The establishment of the Jersey Youth Assembly is part of addressing that finding, and this amendment helps to ensure their voice is heard. P.P.C. considers the parameters for the Jersey Youth Assembly’s interaction with the States to be reasonable. Since I have received virtual uniformity in support for this proposition, I will limit my remarks to those and I will ask for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I will ask the Greffier to open the voting. All Members have had the chance to cast their votes. I ask Greffier to close the voting. I can announce the proposition to amend the Standing Orders has been adopted unanimously:

POUR: 46

CONTRE: 0

ABSTAINED: 0

Connétable of St. Helier

Connétable of St. Lawrence

Connétable of St. Brelade

Connétable of Trinity

Connétable of St. Peter

Connétable of St. Martin

Connétable of St. John

Connétable of St. Clement

Connétable of Grouville

Connétable of St. Ouen

Connétable of St. Mary

Connétable of St. Saviour

Deputy G.P. Southern

Deputy 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 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

7. Draft Elections (Jersey) Amendment No. 2 Law 202- (P.104/2025)

The Bailiff:

I will move on to the Draft Elections Amendment No. 2 Law, lodged by the Privileges and Procedures Committee. The main respondent is the chair of the Corporate Services Scrutiny Panel, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Elections (Jersey) Amendment No. 2 Law 202-. A Law to amend the Elections (Jersey) Law 2002. The State, subject to the sanction of His Most Excellent Majesty ins Council, have adopted the following Law.

7.1 Deputy S.M. Ahier (Chair, Privileges and Procedures Committee):

P.P.C. is seeking the Assembly's approval for these proposed changes, which are administrative in nature. P.P.C. apologises for bringing these late amendments to the Election Law 2002, but it was only as preparations for June 2026 were being made that the need for these 2 small changes to the law were identified and both will assist in operational matters. P.P.C. has been exploring ways in which the election process can be improved to take advantage of technological advancements, ensuring the system is as efficient and as cost-effective as possible. To this end, the Judicial Greffier, together with the Greffier of the States, has been looking at outsourcing options for the 2026 election, which will save money and reduce the resourcing impact associated with postal voting. It is possible to outsource the postal voting process so that it is entirely undertaken by a specialist company who will print the ballots and circulate them to those who have applied for a postal vote. Several of the companies approached also offered a counting service where ballot papers are scanned, and this technology has been used successfully in Guernsey for their last 2 elections. There has been some confusion surrounding these amendments. I think it is important to address them. The amendment to Article 47 has set hares racing that P.P.C. is trying to delay the count for the June election until Monday, 8th June. I can assure Members that this is not the case. The majority of the Parishes and jurats have already confirmed that their preference is to undertake the count once the polls close at 8.00 p.m. on Sunday, 7th June. It is worth highlighting that the current law provides that a decision as to when the count takes place presently rests with the Autorisé, and P.P.C. is not proposing to change that. In other words, they already have the ability under the existing law to decide to delay the count to another date. Although this is unlikely, this change essentially allows for the Town Hall, or another venue, to be used by any of the St. Helier constituencies for their count, should that prove necessary, thereby avoiding any disruptions to school activities on the Monday. It also provides flexibility, should Jersey decide to follow its sister island's example, in the future and adopt a ballot format, which would allow for digital counting, as this would be more cost-effective if the count was held at fewer locations, or indeed one central location, as happens in Guernsey. This is all this amendment does. It gives the J.E.A. (Jersey Electoral Authority) the power to move the venue of the count. The reason we are suggesting it should be the J.E.A. is because that body will also have powers to determine the location of the polling stations, subject to consultation with the Autorisé and the electoral administrators. The wording of this amendment simply mirrors the wording used elsewhere in the law. The other small administrative change is an amendment to Article 24 of the existing law to switch the responsibility for the production of ballot papers for a public election from the electoral administrators, the Parishes, to the Judicial Greffier. Postal voting used to only be an option for people who were going to be out of the Island on election day, but changes made to the law in 2021 opened up access to postal voting to everyone, making it one of the 3 ways, along with advance voting at pre-poll, and attending a polling station on election day itself, that any of us can choose to vote. P.P.C. suspects that greater publicity around this as an option will likely intensify its use by the public in 2026. In previous elections, the Judicial Greffier has employed around 25 temporary staff to assist with administration, including running the pre-poll service and processing postal votes. The postal vote procedure is administratively burdensome, and so the Judicial Greffier has been investigating outsourcing opportunities for this process, which includes the printing, administration of applications, and postage of ballots by a U.K.-based company, which specialises in exactly this service provision ranging from general elections to union ballots. Using a provider will not only ensure that the process will be managed by a company with vast experience of postal voting administration on a national scale, but also greatly reduces the number of temporary staff required and therefore represents a cost saving, as well as reducing the associated risks and complexities of recruiting and training additional short-term staff.

[14:45]

The legislative change P.P.C. proposes simply amends the existing law to allow responsibility to be moved from the electoral administrators in each Parish to the Judicial Greffier in order to facilitate

this approach. There has been some concern expressed about outsourcing. P.P.C. is committed to supporting the local economy and local businesses, but as this will be the first time that an important element of the election will potentially be administered in this way, it wishes to have certainty and the confidence in the smooth handling of the process by a company with years of experience in this arena. It is worth reiterating that if postal voting is outsourced, a reduced number of temporary staff will be required, and a considerable saving can be achieved. I ask the Assembly to approve the principle of these 2 small changes.

The Bailiff:

Are the principles seconded? [**Seconded**] Does anyone wish to speak on the principles of this amending law?

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

Just a quick question about legislation. There was a mention about possible digital counting, and so I was just wondering that there is an element of outsourcing postal votes, and I was not quite sure how the digital counting bit came in, and bearing in mind this whole concern about keeping systems secure. So, physically are all these postal votes kept in some physical box and handed over to somebody, if you perhaps could just explain that to me.

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

Just one particular point. Would the chair confirm whether the Greffe or the Judicial Greffe obtained or issued specifications to local providers for the issue of ballot papers, please?

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

I may be able to answer my colleague behind me's question. Today we are being asked to approve a U.K. provider when we do not know the capability of local providers. I believe there is at least one local company based in St. John that could provide this service to a very high level. In a previous life, I was involved with large financial institutions who trusted this company to print and distribute incredibly sensitive information, something they continue to do each and every day. I contacted the company to see if they had been involved or asked to tender. They had not. In fact, the company contacted both P.P.C. and the Judicial Greffe. As of this morning at 10 o'clock, they had not had the courtesy of a response from the Judicial Greffe, let alone had an opportunity to review the specification required, as they had requested. The company wrote to the chair of P.P.C. on 13th November, having heard on the news that this work was going to be outsourced. They received a response the next day and a follow-up on 3rd December confirming it was a Judicial Greffier who was responsible for postal voting under the Elections Law. I am surprised to read how many people have been employed by the Greffe to manage postal and pre-poll voting in the past. So, I am surprised, as I am fully aware of both the quality and indeed the quantity of Islanders who would be only too willing to assist and commit to the significant time required to ensure the effective running of our pre-poll and postal voting. I would also question, as the report states, that people are at a polling station for 20 hours. I have been involved in elections in one shape or form for many, many years, including on several occasions as an Adjoint. A simple rota can be prepared to ensure people do not spend the whole day at the poll. Arrangements are made for cover for the jurat and now the electoral administrators have breaks. There are sufficient good quality people to ensure each polling station has someone in charge without it being the same person for the whole length of the poll. Clearly, the sealing of the boxes and indeed the opening of the boxes are key events where both are needed. There is no mention as to where the postal votes will go when somebody completes their postal vote. Are they going to a Jersey address or are they going to a U.K. address? I cannot see that anywhere in the report. If I have missed it, I apologise. Unfortunately, I shall not be supporting these proposed changes.

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

I thank the chair of P.P.C. I wondered if he has had any quotations from the company in the U.K. and any quotations from the company in Jersey. We are a self-governing Island. I am not comfortable that we are going to be potentially sending our voting to the U.K. I think we should be able to do it ourselves.

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

I am grateful to the chairman of the P.P.C. for explaining so clearly what it is that the P.P.C. wants to do, but I regret that explanation has not made me any more enthusiastic about either of these changes. I do not think that we should ignore the fact that we would once more be breaching the recommendations of the Venice Commission in making changes within a small number of months of the poll. It simply is not the right thing to do, and we should not be doing it. If we were going to make changes of this kind, we should have been talking about them a long time ago. Like Deputy Howell, and indeed the Constable of St. John, I am not at all enthusiastic about delegating to a company in the United Kingdom the important responsibilities of our postal voting. I am quite sure they are an experienced company, but it seems to me, as a matter of constitutional propriety, that we should be doing this in Jersey, where the vote is taking place. The final change I am not sure that we ought to be facilitating, in all my years of experience of elections, and I have been an Autorisé myself on a number of occasions, I have never known the vote to be postponed to another day. Maybe I am overlooking some event when it did happen, and perhaps for practical reasons it had to, but the generality is that the vote takes place immediately after the voting closes. That is the right thing to do. I shudder to think of the implications of a returning officer deciding to postpone the counting until the following day. What would happen to the ballot boxes? Would they be put in a cupboard somewhere? Who would look after them? Who would guard them? These are really significant matters, and we should not be encouraging any returning officer to contemplate a deferring of the count until the following day.

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

I am not going to pretend that I am fully aware of the company that the Connétable of St. John refers to. I am not going to pretend that I have ever taken part in an election other than as either a member of the public voting or as a candidate hoping to be elected. But I am concerned when I hear that there are potentially local companies who can do the work. I heard Deputy Bailhache. I do know that there are many jurisdictions which hold counting over to the next day or a couple of days later. Yes, secure facilities do have to be used for the storage of votes and so on, but it does not have to be done that day. But I do have a concern about the conveyance of ballot papers off-Island before then coming back. So, I really do understand why P.P.C. have brought these amendments, and I am keen to modernise our elections, but I have heard already in this Assembly too many concerns about this particular process that it makes it difficult for me to support the proposition before us, and so I do wonder if P.P.C. can perhaps take the next few weeks. That would mean withdrawing this proposition, with the Assembly's consent. But I do wonder if they could take a few weeks to just think some of those things through. It does seem like there are some real concerns here that have not been properly explained.

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

I just want to clarify some of the things because I think there has been a bit of misunderstanding. We are simply looking to print the ballots off-Island. The spec was not shared on-Island as no company specialises in electoral balloting here in Jersey. It is quite a specialised area. Had there been a company that did that, obviously we would have invited them to provide a quote. With regards to the ballots, the postal ballots once they are returned, they are not being returned to the U.K. They are simply being printed in the U.K. and then brought back over here. The change to the counting is simply to accommodate the possibility of it happening. This does not mean it will happen. This is trying to future-proof the elections. Every Parish already has secure facilities to guard the ballots

overnight if required, because this is what happens when the count is done. We are not proposing to do an electronic count this time, but we might in the future. The way that it worked in Guernsey was that they had machines that scanned the ballot papers and counted them. It was not digital counting as such, it was scanning the papers and then transferring what was on those papers onto an electronic version. I hope that has allayed some of people's fears and issues.

7.1.8 Deputy I. Gardiner of St. Helier North:

To follow Deputy Alves, I would like if the chair of P.P.C. can confirm if the standard was publicised publicly on the relevant website and it was open for the public to apply and submit the quotes or it was reached out to the companies that was considered that can provide the service. So, was it publicly advertised, or it was asking for the quotes? I am finding myself listening to this debate for future proof. I think the future Assembly can decide. I do not think it is time sensitive because if it is for future proof. For this particular election, I would echo Deputy Morel's comments. I would like to modernise, I would like to progress, but I feel not comfortable currently - maybe after the summing up it will be different - to support it. Maybe P.P.C. would consider to take it back for a couple weeks.

7.1.9 Connétable P.B. Le Sueur of Trinity:

I am just a little bit more confused by the comments from Deputy Alves that we are now only subcontracting the printing of the ballot papers to a firm in the U.K. when we have printed them on the Island ever since Job was a boy. I really do not understand why we have got to suddenly move it off the Island if that is all they are going to do. I know that we have widened the scope for the postal voting and that is going to create a bit more work, but it sounds like somebody just wants to get that extra work off their desk rather than make the arrangements to deal with it in the Island, as we have managed to do successfully over the years. I am afraid I am not really in favour of this proposition.

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

I just wanted to make a couple of observations also from my experience in being involved in the administration of elections. I ran the postal voting for, I think, a Constable election in St. Clement in about 2016, 2017.

[15:00]

Ballot papers do get sent off the Island, because if people are off-Island they are entitled to ask for a postal vote. So, administration is done here, the package is sent to the U.K., for example, and it is then sent back. So, ballot papers do leave the Island, but they are returned to the Island by the voter. In fairness to the Judicial Greffe, the reference to her engaging 25 temporary staff, the election runs for quite a long period, though those staffing are provided in part by staff from the Greffe, who are diverted from business-as-usual jobs in the Greffe to help with the election. Some people come completely off their day jobs to do that, I believe, or that has been the historic position. But they do also need other people to come in and help man things like the pre-polling at St. Paul's. So, people do come in to help there. St. Paul's is open for every day, I think, 9.00 to 5.00 for at least 2 weeks before the election, and the Greffier does need people to do that. She cannot possibly be expected to run that from her own staff. It is a complicated business. They need to manage 12 different electoral rolls, and it is a reasonably complex business, and they do need people who can run that because it is a complex system. I just need to put a marker there that 25 sounds a lot, but it is not necessarily unreasonable because they will not all be working full-time, I expect. Lastly, just again, if you were at the briefing, you will have heard me tell this story. I was involved in the election in 2018 as an Adjoint, and the vote was done in one of the polling stations for the Deputies. We all took the ballot boxes. It was the first, and hopefully only time, I will be in a police car with blue lights and was taken from the polling station to St. Saviour Parish Hall where the vote for Senators was conducted. I recall very clearly about 3.00 in the morning, the Autorisé saying to the people who were counting:

“Would you like to stop now and come back tomorrow morning, or would you like to continue?” They all said: “Absolutely not. We want to continue.” So, I think we have to remember that there is a degree of excitement and adrenaline running on the night of an election and if you are there to do the count, they do want to get through the count, and I think the chances of it being cut in the middle of the night is, to me, quite remote.

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

I just want to speak very briefly specifically about the ballot paper printing. It cannot be a surprise to Members that we do not have in Jersey a company that specialises in the printing of ballot papers. But what we do have in Jersey is companies that specialise in printing all sorts of things, and I am disappointed that the specification we require for these elections in printing was not given to this particular company, or any other particular Jersey printing company, to see whether they are capable. The technology these people employ these days is vast. Really, really good. I think they should, at the very least, have been given the opportunity to quote for this work.

Deputy K.F. Morel:

May I have a point of clarification, please?

The Bailiff:

Are you prepared to give way to point of clarification, Deputy Luce?

Deputy K.F. Morel:

In his speech, where the Deputy referred to companies in Jersey that do all sorts of printing, could he clarify whether he believes that includes companies in Jersey that do secure printing?

Deputy S.G. Luce:

I am not specifically aware of that, but I would imagine that there must be companies that do that.

7.1.12 Deputy M. Tadier of St. Brelade:

One thing I do agree with that has been said today is that it is absolutely imperative for good governance and good optics that the counts are done in the same time period just after the elections close, so from 8.00 p.m. The counts should be going on in all of the Island and ideally they should be known as soon as possible. I know what it is like to have to wait very late for results to come in, let alone to think of what it might be for many candidates to have to wait until the next morning. I would hope that this area could be strengthened in the future and that there should be a requirement within the law or the guidance that it must be done straight after. I even do question ballot papers being moved. Anything that gives rise to the possibility of any shenanigans, not that I am saying that they happen, it is the perception as well as the reality, and you have to look for weak points in your electoral system. That is something I think that future P.P.C. does need to get its head around. Because it seems to me that there has been the uncertainty in itself, even though we have had on the one hand Autorisés saying we do not want this to happen and it will not happen under our watch, the fact that this is being left with a question mark over it I think is highly problematic. On the other hand, I do think we are getting a little bit too hung up on the issue of some ballot papers. What do we want in ballot papers? We want to make sure that they are printed correctly, that they are clear, that they are secure, and I think we will leave it at that. It feels a bit like the Connétable here are trying to micromanage the running of an election. This is really an issue that the Judicial Greffier has come up with, and they have gone out to tender. They have not had anyone come back for tenders locally, as I understand it, and a company in the U.K. has said: “We want to print your ballot papers for you.” We also know that P.P.C., the Judicial Greffe as well, is trying to future-proof ballot papers so that they can be appropriate, so that the right typeface could be scanned and counted electronically in the future if we try to go down that route. I would respectfully say, and I think the Connétables have come up with great levels of scrutiny and they come up with ideas, as we will see no doubt later

on, maybe today or tomorrow, that there are different ways to do things and we do need to listen to them. It feels to me a little bit instinctively like we are saying: "Look, we do not want people in England to print our ballot papers because I have got my mate Dave in the Parish who can do it for us." It does not sound good, especially when we have got a Judicial Greffier here, we have got an Electoral Authority who we should be leaving to do this. The Parishes have an intrinsic role to play during the elections. We have got to remember Constables are up for elections themselves. They are part of the election. They are not completely removed from it. There are big questions that need to be asked in future indeed as to whether anybody who lives in a particular Parish should be involved in a count in that Parish. Not because I do not trust them, but if you have been voting in a particular election and then you are in there counting your own ballot paper, that is not right. We have a system certainly on the Planning Applications Panel that you recuse yourself if there is an application that comes from within your constituency, and I think we need to be careful about saying: "We have got these people who have done it and they have always done it this way", but sometimes we do need to acknowledge the voluntary work that goes on in the Island and in the Parishes, but sometimes we need to be open to the fact that things do need to evolve, and I think this is what we are seeing here. It may not be a perfect proposal. Nobody likes to see business going off-Island, but I think there are some bigger fish to fry when it comes to the security and the future-proofing of our election. Respectfully, I would say simply leave this to the Judicial Greffier to decide what is best. Leave it to P.P.C. and leave it to the Electoral Authority.

7.1.13 Deputy J. Renouf of St. Brelade:

I am slightly feared to tread into this territory. I know that the chair of P.P.C. has been writing furiously next to me, and will probably have a more thorough response than I do. But I do want to just challenge something that is sort of a rabbit that has been set running here, which is that this is all about printing. Because that is not the significant thing we are looking at here. The point is that this is a full spectrum solution. The printing is one part of it, but it is not the whole part of it. The significant part and the bit which will save the labour is the administration around this. This is the business, as I understand it, of the checking of the applications for postal votes and so on. This is the bit, and then the sending out of them, and then the collating of them when they come back. This is the bit that is the labour-intensive bit. This is the bit that is a thing that takes place over a long period of time and requires people to be on standby while that process is ongoing. It requires continuous engagement. It is a process which lends itself, it seems to me, very well to a total package, which does involve the printing, yes, but that is not all that the company in St. John might be asked to do in this. It is a much bigger piece where specialist skills are required and can be brought in with people who are skilled and used to doing it, rather than needing to be brought up to speed again every time that it happens. So, I think there is a lot of merit in this. I would also just point out that we spend a lot of time talking about the need for Government to save money. This is a package that does 2 things in my mind. It is administratively more efficient. It does feel to me like a relatively simple solution. It does involve, yes, using a company off-Island, but it is a process that only takes place in Jersey every 4 years, outside of by-elections. Therefore, it does seem to me to be a useful thing that can solve 2 problems; save us a bit of money in an election process, responds to the increased demand for postal voting by saying that it is no longer just a thing that can be done off the side of a desk. It is something that is administratively demanding. It is that administration that is the focus of the proposal. Therefore, I am minded to support it. I do think that these proposals, while again acknowledging the Venice Convention and so on, are things which should not impinge too much. We have certainly done plenty within that one year already. I feel like I am minded to support this. I will be listening to the chair of P.P.C.'s speech, which might be a little longer, looking at those notes, than the opening speech was. But, yes, I am minded to support.

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

I am pleased to follow the Deputy and be in agreement with him. It does not happen that much, but it is nice to know on this in many ways. I do not see it as big a problem. If this is about printing, then let us solve the problem of printing. But we have left it to the Judicial Greffe. We have an Election Authority; let them deal with the elections. I will say, I am slightly amazed by some of the worries about transporting ballot papers, probably 2 miles, or a mile and a half on an Island that is 9 by 5. I have had the huge privilege of looking at elections around the world. I just was thinking, I observed in Boston the central count of early papers, which is open to the entire public in their main town hall and is filmed and screened to the world if you want to watch it to make sure it is happening. They bring papers from all over the state, which is hugely larger than us. In the Cayman Islands, when you have a home vote, the polling station goes to you. The entire polling station goes into somebody's house. They put the polling booth up and you vote because they are so keen on people having the same right to vote. That is about increasing democracy. In Wales, when I was there, the polling stations and the postal vote were taken centrally. They were taken centrally into ... I think it was Cardiff we were in. There was a huge counting station, and it was an event and it did go on. In Plymouth, Massachusetts, yes, the vote went on for some time. I agree with Deputy Millar, the option of the next day is about the well-being of people. But absolutely, people say: "Oh, no. Let us get it over with." But then you have got to think about accuracy of that count. If that accuracy gets less because people are very tired, you are more likely to have a recount if it is safe, and then you are going to end up in that position anyway. So, you have got to think about the election process itself. I think that is the most important thing. In the Isle of Man, another small jurisdiction, there was a trial where you could vote in front of the capital, Douglas. Any of the constituencies could be voted in any of the polling stations, and they simply shared the data between the polling stations, and it worked very well. Those are steps forward. All we are doing with this proposition is saying we might get cheaper printing for our ballot papers somewhere, and we might have to count the next day, and we might have to transport a few papers around. We seem to be objecting to that when the rest of the world is doing everything it can to try and increase its democratic accountability and democratic access. I have no problem with supporting this. We might be going down a bit of a rabbit hole or 2, but that is where we go sometimes. I would say to Members, I do not think you have to be fearful in supporting this.

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

At risk of taking this even further, I came into this thinking that I knew that I would be supporting it, but because there has been a lot of rabbit holes, I am a bit confused, and so I wanted to just ask the chair of P.P.C. in his summing up.

[15:15]

It seems to be that there still are a number of concerns. I mean, are we talking about just printing and the process before sending the ballot papers out to citizens or is it after? Because Deputy Renouf also mentioned about after as well in collating, which I do not think in the report it says that. It seems to be the pre-ballot process and printing. Then we have heard from Deputy Ward it is about potentially reducing costs, but then from Deputy Luce, we heard that it could be related to security issues. So, it would be really useful to hear from the P.P.C. chair what is the criteria for a company that specifically has the experience of printing ballot papers? What is the criteria for that? What is needed on printing a ballot paper that is a specific skill that cannot be adapted to other printing firms that potentially could be on-Island, and then maybe also answer that question that a review happened first to say there were not those skills in Jersey, whatever those skills are, and therefore that is why the Judicial Greffe in the report has said we looked at providers in the U.K. rather than Jersey. Because I think a bit more understanding needs to happen before I am able to know which way to vote on this. So, it would be really useful to have some clarity from the chair.

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

There was a couple of things that I wanted to say. I attended the briefing that P.P.C. held about this and, like Deputy Jeune, I did not see too many problems with it, but things have been raised today during the debate. I do seem to remember, and I would be happy for the chair of P.P.C. to confirm, that the Judicial Greffier said that she was outsourcing this provision because she had to ensure that it was done properly, and that she had confidence in this particular company, and that she was concerned that nobody had the expertise in the round to deliver the system that was required. That is my understanding of what she said at the briefing. She also said, if I remember rightly, that she would include local providers in this process so that they would have the opportunity to bid for future elections, having maybe gained some expertise. I kind of paraphrase, but that is my understanding of what the Judicial Greffier said. The other thing that I want to raise is you, Sir, mentioned that the Corporate Services Scrutiny Panel is the main respondent for this legislation. That may be the case, but we only are the main respondent by default, and this was raised during the Senatorial debate. I just want to make it clear to Members that my panel have not scrutinised this legislation, nor do I intend to call it in, just in case Members may wish to ask questions of P.P.C.

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

I will start by agreeing with Deputy Bailhache that bringing these sorts of things within the year of an election obviously goes against the Venice Commission, but we are also in this position because we made a massive change to our electoral system within the year before the election, and so we have made changes to our election, which has caused a lot of pressure. This is where the ability to transfer this to an outsourced supplier has become necessary. It is about being able to have these processes in place, getting things right, getting things ready. If our electoral system remains the same for the next vote after the 2026 elections, and the 2030 election, then absolutely there might be reasons to think why these papers could be printed on-Island quickly, ready, and all good to go. But I think we are dwelling far too much on ballot papers themselves, because this is only one part of this. As Deputy Tadier has already mentioned, there is a slight overhang that we seem to have just become a little bit over-accepting with, and that is the fact that the Constables are facing an election at the same time as the rest of us. Now, I am not saying there is anything untoward or anything that is circumvent for that, but if we had the external look at ourselves, and realising that our Constables still are the acting Constable until the new Constable is sworn in into their stead, there is a slight unease about that. By allowing the Jersey Electoral Authority to have that slight one step-up level of oversight, I do not think it is a bad thing because if you read in the report, there is a line towards the end that says: "The proposed changes place responsibility for determining where the count is to be held with the Jersey Electoral Authority in consultation with the electoral administrators and the Autorisé." It is not removing the powers completely, it is about engaging that conversation and having that one step-up oversight that we put through our Judicial Greffier as the Jersey Electoral Authority. So, yes, I appreciate the discomfort that we may outsource this one election to an external company, but we made a change really quite at short notice. We are now going to have 3 elections, one of which is Island-wide. We are not dealing with the same thing we dealt with last time. We are giving more responsibilities to the Jersey Electoral Authority, and we need to get it right. So, if that one small part makes it easier so the rest can happen properly, then I think it is a good thing to do. We also have to consider when we did decide to move the election to a Sunday, that did raise concerns again with the Constables and the staff and, in fact, we had an amendment to the Budget about what would happen to money and funds about paying if we make that potential overtime that may have had to be paid for staffing. The ability to then change the count to another day may alleviate that additional cost that we might be facing. I then think back to my experience when I was part of the U.K. Election Observers Mission and it was really quite interesting, because as a couple of Members were discussing in one of the rooms downstairs before yesterday's sitting, that Jersey might only be considered a single borough in the U.K. for an election. It might only be a single constituency by the number of our population. So, it was really interesting when I did the Observer's Mission that they only have maybe 1,500 to 2,000 electorate go to a single polling station. I did the Brighton Pavilion,

and all the ballot papers were taken from all the individual polling stations where only 1,500 to 2,000 people voted, to a central count. Now, that central count was not just for Brighton Pavilion, but it was also for Brighton and Hove, as the 3 main constituencies that were covered by the single Brighton and Hove County Council, with a single electoral administrator who oversaw the rest of it. It was really interesting, because one of the final parts of it we were there to watch a polling station close. We saw the person who was running the polling station tally up all the votes that had been cast and made sure all their checks and balances were done before he loaded that ballot box into the boot of his own car, it was not picked up by anybody special, it was his own car, and then tried to keep up with him in our taxi as he was flying about 90 miles an hour down the motorway, while our taxi driver was being a lot more conservative with his right foot, shall we say. We got there to the count where it was then unloaded and then filed into the account station in a completely separate way. So, it can be that ballot papers can be safely moved. We have security tags, there are ways of barcoding ballot boxes to make sure that they are sealed, and they are not tampered with en route. So, I think Deputy Ward was right when he said ... this one taxi driver had to drive us a good 10 to 15 miles, with Jersey you are probably looking no more than 2. I do not see that there is anything wrong with adding an extra layer of observation being placed into the J.E.A. and if it simplifies and saves us a bit of money while it is a Sunday election, while having a Senatorial election, plus a Constable election, plus a Deputies' election, all at the same time, I think this is the right move that we should be taking and I urge Members to support it.

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

Could I ask a point of clarification? Does the Deputy accept that it was a Constable that brought the proposal for Sunday elections, and no Constable voted against Sunday elections?

Deputy T.A. Coles:

Yes. I also did not think I said there was an issue with the Sunday election, but there was questions raised around staffing.

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

We do seem to be making heavy weather of this, however I would like the chair to explain the process a bit clearer when he responds, because I am not too sure in practical terms what this means. I know at the heart of this, it is making voting more accessible by growing postal participation, but how will it work in practice on the day itself and leading up to the day? From my understanding, little will change. But I just wonder if you could provide clarification of that.

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

I agree with the Chief Minister about the making heavy work of this, but I just want to take a moment to just reflect about what we are debating here. I think there is what we are debating, and then there is another narrative going on here, and it is a debate about control, to me, and it is about who controls the decision-making in this area. We are not being asked today to approve, as States Members, a U.K. provider doing X, Y and Z. We are being asked to approve moving the control for this decision from election authorities, Parishes, to the Judicial Greffier. That is the decision we are being asked to make. I think that ties into what Deputy Miles brought up earlier about future elections and whether local providers could feed into that in the future. When we take into account what I do not think is a fact that we should ignore around that Constables are standing for election as well, and then you consider that in the control element, I think it is a very valid point that we have to consider here as well. So, just to remind Members really about what we are being asked to agree to here and why as well. The other thing, and some Members have touched on it, but I have referred to perhaps we can save a little bit of money here and a little bit of money there. The report accompanying this says: "Potential for major cost savings." That stands out to me. It does so only a few short weeks after we all stood in this Chamber and debated a Budget in which we were quite clearly told repeatedly about

being responsible with public finances and how money is tight. There were very fierce debates over some relatively small amounts of money in areas which some of us felt very strongly were very, very important, but we are told we do not have enough money to provide this now. I would just like Members to bear that in mind when they make their decision.

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

I would just like to clear up a few points here. Just remind Members that the elections are now less than 5 months away, and we are looking to make changes which really does go against the recommendation of the Venice Commission, as Deputy Bailhache has said. So, for certainty, for clarity, the responsibility for the production of ballot papers for public elections has always rested with the Parish. The Constable does not run public elections. That is quite clear. Public elections are overseen by the Autorisé, who is a jurat of the Royal Court. They know what they are doing. They know what their responsibilities are and they would certainly come down very heavily on any Constable who attempted to interfere in any way with the running of a public election. No one in this Assembly can doubt that. Let us not have Constable bashing during a debate on, what we are told, relatively minor administrative amendments to the Electoral Law. Okay, forget Constable bashing. So, what are we looking at here? What have we conflated here? Ballot paper production has always been the responsibility of the Parish. It rests with the electoral administrator, who administers the election on behalf of the Parish, that is the Parish secretary. The law states that it is the Parish secretary, it is not the Constable, and they work in conjunction with the jurat who is appointed to oversee the election in their Parish.

[15:30]

Now, postal voting is a different matter. That has never been the responsibility of the Parish. It is a recent introduction; I remember it being introduced, postal voting. It has always been the responsibility of the Judicial Greffier, always. The Parishes have never had anything to do with postal voting. As we read in the report, the Judicial Greffier, over the years, has engaged temporary staff to assist with the postal voting and the pre-poll voting. What we know is that we have now extended postal voting to everyone. If you do not want to turn up on Sunday, 7th June, to vote in person, you may vote in advance. It does not apply only to those people who are entitled to vote and who may have been off-Island in the past when postal voting was introduced. We have changed the amount of work that is going to be needed for pre-poll voting, for postal voting. The idea from the Judicial Greffier, and this is a new Judicial Greffier, okay. This is a Judicial Greffier who has not managed postal voting in the past. The impression I got when she came to speak to the Constables was that she has taken a different view to the previous Judicial Greffier on how this should be managed, and she does not want to engage temporary staff to manage this. The theory is that because more people can vote by post, because we all have the opportunity, the option, then more people will probably choose to vote by post. So, there will be more work involved in this side of things. The new Judicial Greffier wants to outsource not only the printing of the ballot papers, but also the administrative side of the pre-poll voting, the postal voting, i.e. the stuffing of the envelopes with the ballot papers, the addressing of the envelopes, and the posting of those envelopes to everyone who has requested it. What we were told is that to stuff an envelope with maybe 3 ballot papers now, it takes 5 minutes-plus. The new Judicial Greffier prefers to outsource that work to a U.K. company rather than employ extra temporary, or any temporary, staff to manage this. So, we have heard about savings, it says in the report, I think, between £35,000 and £65,000. There are no specifics in there as to what the savings would be, but we know that at least 25 local people will not have the opportunity for temporary work in the Judicial Greffe, because the Judicial Greffier is proposing to outsource that work. That is what we are deciding in whatever part of the regulations that we have before us. I just remind Members that public elections are not overseen by Constables, they are overseen by the jurats. Coming back to the comment that the Constable of St. John made earlier. We do understand as a Committee that no attempt has been made to contact local providers to see if

they could do this work and to keep it on-Island. The count. P.P.C.'s proposed changes place responsibility for determining where the count will be held with the Jersey Electoral Authority, the new J.E.A. who oversee elections. The Constables, in their comments, I think, have said that: "We think that decision should remain with the jurat in conjunction with the electoral administrator for the public to determine the arrangements for the count", which they do now anyway, and have done for many, many years. That includes the venue and the timing on polling day for the count. There is already provision under Article 49 for when the count cannot proceed immediately. The count may be held up, and I think Deputy Bailhache said potentially that may have happened in the past for different reasons and could be held on the following day. Constables support the widening of the options for the venue for the polling station. I am not going to speak to the amendment now. I just wanted to speak to clear up ballot papers are published or have been printed under the authority of the electoral administrator. The new Judicial Greffier is proposing to outsource not only the printing of the ballot papers, but the stuffing of envelopes, and potentially 25 local people will not have the opportunity to have temporary work during the election period. I think that may have answered some questions for the chair of the P.P.C.

The Bailiff:

Does anyone else wish to speak on the principles? I call upon the chair of P.P.C. to reply.

7.1.21 Deputy S.M. Ahier:

Thank you for all your contributions. Deputy Scott, in the first instance, mentioned digital counting, and that is currently not available, obviously, but may be available in the future. Guernsey have it, because it is outsourced to one of the companies that we have been investigating. The Constable of St. Brelade mentions obviously local providers. Most of these themes are obviously repeated by many Members. That was also mentioned by the Constable of St. John, about the P.P.C.; the P.P.C. did respond to, I presume it is the same person, I mean the ones that have been showing an interest in producing the ballots and such like. But he also asked about the response from the Judicial Greffe, and I am afraid I cannot respond for the Judicial Greffe as to whether they have responded or not, but I do know that the Judicial Greffe was aware. Deputy Howell, the bids have been received by the Judicial Greffe. Yes, they have. She has done a lot of preliminary work, and she has received bids from parties, and it ranges from £35,000 to £65,000 as was mentioned, and if it was allocated to her she would make the determination as to which one of those bids would be successful. Deputy Bailhache mentioned about late changes, which are obviously a concern, and I apologised for that in my opening speech. He also mentioned that he did not believe the results had ever been delayed, but as I recall, the vote was delayed in the last election due to counting errors, and some of the results from districts were not recorded on vote.je for days later. Deputy Morel mentions local companies, and I am sure that they will be able to do the work in future, but would not be ready to undertake these tasks for this election in such a short time span. Deputy Alves tried to assuage concerns, and I thank her for that. Deputy Gardiner asked for the public for quotes. The Constable of Trinity, why is it being moved off-Island, which is obviously the same argument. Printing and processing of the ballot papers is what is being required. Deputy Millar, I am pleased to say, attended the briefing and gave good input at the time, and on that point it would have been more helpful possibly if more Members would have attended the briefing to voice their concerns at that stage. Deputy Luce was concerned, but again it is not just the printing, it is about the processing, which is time consuming as it involves cross-checking the application form. This debate is not about who prints them, it is about allowing the Judicial Greffier the power to have oversight of the process and to choose who she trusts with the specific piece of work. Deputy Renouf, who I am grateful for his contribution, summed it up perfectly, getting a total package with specialised skills, and there is a lot of merit to it. Deputy Ward mentioned trying to increase the democratic process, which is absolutely vital, which is what P.P.C. are trying to do. I can assure Members that is the whole point of this amendment. Deputy Jeune wants to know about specific skills required. All I can say is that the Judicial Greffe knows

what the requirements are, and I have great faith in the Judicial Greffier being able to make the right decision, to be able to choose the right people to carry out the vote, to be able to choose the right people to process the ballot papers, and I have great confidence in her, and I would just like to reiterate that to all Members of the Assembly. Deputy Miles, who also attended the briefing, well done. This is an important point in a sense because there are not many people who turn out for the briefings, and I have noticed that a lot throughout this term, and if more Members did engage with the briefing process, which is vital, maybe we would have shorter debates because a lot of these concerns would have been raised earlier. I just highlight that for all Members, if they could make that engagement. On Deputy Miles's front, unfortunately, no one had the expertise in the round, but there would be the availability for a bid in future elections if they attained some of those skills. Deputy Coles mentioned the Senatorial election changes obviously being brought late, which is in fact true. The Chief Minister was showing concerns for some clarity. So, it is not just the printing, it is the process by which the ballot papers are put together and sent out to the voters. It involves putting the correct ballot papers in the correct envelopes to the correct voters. Once it has been filled in, it will be returned to the Judicial Greffe and then on to the Parish in the usual way. In circumstances where we have the new A.V.R. (automatic voter registration) system, Sunday elections and Senatorial elections, with many amendments to the laws, we need a company with relevant experience to carry out this task. It is a task which is too important to give to someone who does not have all of the relevant experience. I would like to emphasise the importance of the tasks. The Constable of St. Lawrence mentioned the postal voting is not the responsibility of the Parishes, it is the Judicial Greffier, which is absolutely clear, and taken a different view because more people will be voting by post, which is correct. There will be savings, but finding those people to assist for a short period is difficult and time-consuming for the Judicial Greffier. So, there will be savings, but I understand she is concerned about people losing the work, as it were, but it is very difficult to find those people because a lot of people are just not willing to do it, unfortunately.

[15:45]

Overall, I have tried to answer all Members' queries, and they have revolved around the same issues, and I hope that these 2 small administrative changes can be endorsed by the Assembly. I apologise again for the delay in bringing them, but give assurances that every effort will be made to bring them into force in time for the June election if they are adopted. Thank you. I call for the appel.

The Connétable of St. Brelade:

Could I ask for a point of clarification? With regard to my question, due to the specification of the package, as you call it, could you confirm that the specification of that package was provided to local providers, please?

Deputy S.M. Ahier:

Unfortunately, that would be the work of the Judicial Greffier, so I cannot confirm or deny that that took place. I do not believe that it has done, and if that is the case, then I accept that.

Deputy M.R. Scott:

Could I please ask a point of clarification as well?

Deputy S.M. Ahier:

We can move on, I think.

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 principles have been adopted:

POUR: 24

Connétable of St. Martin
 Connétable of St. Clement
 Connétable of St. Mary
 Deputy G.P. Southern
 Deputy M. Tadier
 Deputy K.F. Morel
 Deputy M.R. Le Hegarat
 Deputy S.M. Ahier
 Deputy R.J. Ward
 Deputy C.S. Alves
 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 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

CONTRE: 19

Connétable of St. Lawrence
 Connétable of St. Brelade
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. John
 Connétable of Grouville
 Connétable of St. Ouen
 Connétable of St. Saviour
 Deputy S.G. Luce
 Deputy L.M.C. Doublet
 Deputy I. Gardiner
 Deputy L.J. Farnham
 Deputy Sir P.M. Bailhache
 Deputy M.R. Scott
 Deputy R.E. Binet
 Deputy H.L. Jeune
 Deputy A. Howell
 Deputy T.J.A. Binet
 Deputy M.B. Andrews

ABSTAINED: 0**Deputy T.A. Coles:**

Sir, can I ask a point of order? As this is affecting our voting law, does it have to be a proper majority or is it as a normal proposition?

The Bailiff:

Normal majority.

Deputy M. Tadier:

Could I ask for the 19 if it has not been cleared yet?

The Bailiff:

Yes.

The Greffier of the States:

Those voting contre: the Connétables of St. Lawrence, St. Brelade, Trinity, St. Peter, St. John, Grouville, St. Ouen, St. Saviour, and Deputies Luce, Doublet, Farnham, Bailhache, Scott, Rose Binet, Jeune, Howell, Tom Binet, Andrews, and online, Deputy Gardiner.

The Bailiff:

Deputy Miles, you have confirmed that your panel is not wanting to scrutinise this matter?

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

Not at all, thank you, Sir

The Bailiff:

Now, chair of P.P.C., how do you wish to propose the Articles? There are 2 amendments lodged with the Comité which you do not accept, as I understand it?

Deputy S.M. Ahier:

That is correct, Sir.

The Bailiff:

So how do you wish to propose the Articles?

7.2 Deputy S.M. Ahier:

I have explained the reasons for these 2 changes. But I reiterate Articles 2 and 6, and main Article 47 of the law, to give the Autorisé the power to move the venue of the count, which they do have at the moment. Articles 3, 4, 5 and 6 seeks to amend Articles 24, 31 and 40A of the law to switch the responsibility for the production of ballot papers for the public election from the electoral administrators/Parishes to the Judicial Greffier. If people want to vote on each separately, they can. Articles 2 and 6 are linked and relate to the venue of the count. Articles 3, 4 and 5 go together to switch responsibility for the ballot papers. So I can take those separately.

The Bailiff:

Thank you. So you say 2 and 6 are linked, which they are, and 3, 4 and 5 are also linked. Are the Articles seconded? **[Seconded]**

7.3 Draft Elections (Jersey) Amendment No. 2 Law 202- (P.104/2025): amendment (P.104/2025 Amd.)

The Bailiff:

We now come to the amendment of the Comité. I ask the Greffier to read the amendment.

The Greffier of the States:

Article 2. In Article 2, in the substituted definition “counting station”, for “has the meaning given in Article 47(3)(a)” substitute “means a place designated under Article 47 as the location, or 1 of the locations, for the count of votes in an election”. Article 6. For paragraphs (2) to (4) substitute – (2) Paragraph (1) is deleted. (3) In paragraph (2) – (a) “and 2 or more polling stations in the electoral district,” is deleted; (b) for “one or more of the polling stations in the electoral district as locations” there is substituted “at least 1 place in the relevant parish as a location”. (4) In paragraph (3), for “one or more of the polling stations in those electoral districts as locations” there is substituted “at least 1 place in at least 1 relevant parish as a location”. (5) In paragraph (4), for “1 or more of the polling stations in the electoral districts in the parish as locations” there is substituted “at least 1 place in the parish as a location”. (6) In paragraph (5), for “the parish that is the electoral district or in which the electoral district is located” there is substituted “the relevant parish”. (7) After paragraph (7) there is inserted – (8) In this Article, “relevant parish”, in relation to an electoral district, means the parish that is the electoral district or in which the electoral district is located.

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

I apologise to Members for making these what appear quite complex amendments. We are concerned that the pathway at the moment is towards a car crash at election time, and that is simply what we are trying to avoid. Because the electoral administrator, the Parish secretaries know how to do this, they have done it for years. We feel the P.P.C.'s proposed changes place the responsibility for determining where the count is to be held with the Jersey Electoral Authority. We consider this is unnecessary and must remain the responsibility of the electoral administrator and the Autorisé that determine the arrangements for the count. This includes the venue, the timing on polling day or a following day. There is already provision under Article 49 for when the count cannot proceed immediately, thus the count may be held on another day. We do support widening the options for the venues for the count, so that is not necessarily as the polling station. The amendment proposed by the Comité therefore provides that the place for the count needs not be the polling station but the location is within the Parish as determined by the electoral administrator and the Autorisé. The arrangements for public and Parish elections will be the same so there is no need to make different provisions. The designation would continue to be notified to the candidates in the election and made public no later than 7 days before the day of the poll. I propose the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does anyone wish to speak on the amendment of the Comité?

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

The Comité's amendment specifies that the count must remain in the Parish constituency. Whereas P.P.C.'s suggested wording provides greater flexibility so that the count can be undertaken at any venue determined by the J.E.A. after consultation. This future-proofs the legislation. Should Jersey choose to further modernise the system and access the scan counting processes many U.K. electoral companies are able to offer, and which has been used to Guernsey for the past 2 elections to great success, in such an instance it would be more cost effective to hold the counts in few locations or even a central location. While the amendment addresses the venue situation, it removes the involvement of the J.E.A. from the process. The J.E.A was established to co-ordinate the elections and provide an independent and impartial approach. P.P.C. believes it is important to support the J.E.A.'s increased involvement in the election process. I ask Members to reject the amendment.

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

I thank the chair of P.P.C. for his comments and obviously the chair of the Comité as well. I know this is, again, the States talking about elections. We are not quite talking about ourselves but we are talking about things that are very much to do with ourselves. But it is vitally important and an election is at the heart of democracy. So we do need to get it right. I really do understand the chair of P.P.C.'s reasoning and rationale behind just making it more flexible. But again, I do struggle to support it. When we voted on the changes which were brought by the previous chair of P.P.C., Deputy Labey, and led to the removal of the Senators, the removal of the Senators was the headline. But one of the things that was created and people did not pay much attention to was the Jersey Electoral Authority. I have got to admit, I then - I remember exactly how I felt - was very uncomfortable about the creation of the Jersey Electoral Authority. It felt like something that we did not need to create. Maybe if we were to go all Island-wide elections, as they have done in Guernsey, then that would be an appropriate way to do it. That is true. But obviously, actually, with Deputy Labey or P.P.C.'s proposition at the time, we actually got rid of the Island-wide elections and went to district and parochial-only elections; in a sense, making it less reasonable to have a Jersey Electoral Authority. I do not like being a traditionalist sometimes, but I have to admit, I do not quite see why we are removing the systems which, to my mind, have worked really well and have really spoken to Jersey's sense of community. One of the things I love about election day is the community coming together to make those elections

happen. Nowadays, as a candidate, I obviously stand on the doors of the polling booths, so to speak, or the Parish Halls, usually, in my case. I love that sense of festivity, the sense of people talking to each other. The fact that the people counting are volunteers. The fact that the jurats returning the vote counts, I believe, are volunteers effectively. I do not think they are getting paid overtime for that. That to me is an absolutely fundamentally vital, core part of our election days in Jersey. I really do hear “we can do electronic counting”; I do get that. But it is against the words “cost-effective” and I am not sure ... as much as I will stand in this Assembly many times, I am sure - I have done in the past and if I stand for election, I hope I will again in the future - talk about the need to be more cost-effective and Government to be more cost effective and so on. I appreciate that is something that I have said many times. But when it comes to elections, I do worry that cost effective is ... at the altar of being cost-effective, we end up losing possibly the most valuable part of our elections, which is not just deciding our States Assembly and our Parish Connétables, it is also that bringing together of a community, which in itself reminds us of why having our democracy in Jersey is so very important. It reminds us that we are deciding as a community who should govern us, who should choose our laws, who should bring our complaints and concerns to those in power. It is a community effort and a community endeavour. I am concerned, I cannot pretend I am not. I am concerned that we will be losing that with these sorts of changes. I am not settled on how I will vote on this, but I am listening to the Connétables’ amendment and it does come from that place of I am concerned about what we might lose. There are many people on our Island who say that we should have online electronic voting. While I, again, will sit here and say Government needs to have a greater use of technology in its processes and things like this, I am still not sold on online voting. I am still not sold on electronic voting. I fear that it actually opens up the possibilities of fraud - look at the U.S.A. (United States of America) - and also takes away that human element. We must not forget that at the heart of all of this, it is humans and us as a human community. That we are deciding when we elect, it is us as a human community. We are deciding how to run ourselves, who is going to be in certain positions. I guess I am just expressing my discomfort with the proposition as the P.P.C. has put forward. As such, therefore, expressing my interest in what the Connétables have to say to that.

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

I am unashamedly a traditionalist when it comes to our electoral system and voting. I think what we are doing is we are tinkering with, we are fiddling with, we are slicing off bits of this. I should have paid more attention previously but perhaps we have put too much. We are moving too much away from the way we have done it very successfully in recent years. Now, I am not against modernisation, but we either do that ... I have actually acted as an observer in a number of elections in the U.K. where they have electronic counting. It has been very efficient. It has not actually taken away from the community feel because they do it in the community areas with open house for all to view.

[16.00]

It is probably more entertaining than some of our traditions because not only is it quicker - so you can get to the pub while it is still open, well you cannot always do that here - but it is clear. It is very interesting the way that the papers that are difficult to read are dealt with. It is a really good system and fast. But we are not at that stage yet here but I hope we can get to that stage relatively quickly. In electoral terms, that is probably another decade, maybe sooner. But I do support the use of technology in that sort of way. I recognise what Deputy Morel said in relation to online voting and the risk there. But I think the benefits, if it is properly managed, could outweigh that. I am going to support this amendment by the Constables because I think we ... it is not broken, what we have done in the past. I think it is part of our tradition, it is part of our Parish system, it is part of Island life and we should maintain that and not take it down piece by piece. If we are going to change it, let us change it and stop talking about it and move on to a much more modern system. I would urge Members to follow suit and support the amendment.

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

I do support the positive intent when it comes to building on the notion of the Jersey Electoral Authority but I think I need to remind the chair of the P.P.C. when he said that I mentioned digital counting but, in fact, it was not me who mentioned it first and that he mentioned digital counting. I shortly aim to bring a law about cybersecurity and, at the moment, the non-Ministerial departments are excluded and, as we work towards including them, some of the questions I would immediately have is so if we are already talking about digital counting, might we start talking about cybersecurity protocols as well? We need to get our ducks in a row and if we are going to talk about the Jersey Electoral Authority and doing certain things, might we talk about its complaints policy? I move on to the area of complaints, and I mentioned this before in terms of another proposition that was brought by the P.P.C., and I am not even sure that one went through, but there have been a few where, perhaps by reasons of the process by which they have been brought, States Members perhaps might not have been as comfortable as they might be. I mention at that point the complaints processes and the things that I have been looking at in the context of the work to do with the ombudsman. It is so important not to lose public trust and not to end up in chaos, all these things, and the election is only 5 months away. I really beg you, if we are going to ask the J.E.A. to do things, they do need to be properly supported in all these respects. I do not believe I have evidence that they are. I do not know if I can have confidence of that so I am minded to support the Constable's amendment. I still cannot even say if I can support the law amended.

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

This amendment is about who is involved in our elections, and I think earlier speakers who spoke about control may have had a point. So we established the J.E.A. for a reason. We are too involved and conflicted in these matters and it is important to allow the J.E.A. to have oversight of this. I would also like to remind Members that, in 2018, we had the C.P.A. E.O.M.'s (Election Observation Mission) Report and the establishment of the J.E.A. was one of their recommendations. In part, this also came about because, for example, I am sure the Greffier will not mind me saying, that there were often disputes during the election that the Greffier had to adjudicate on, I suppose, or get involved, which is just not really appropriate. So that was the reason for the J.E.A. being established. Just quickly looking at the law, just to remind Members of what they do. They do things like the code of conduct for candidates, for example. They are the resolution for disputes, they do a report on our election as well and they oversee and do observations of our elections. So they are like a mini E.O.M., if you like, and it is important that we have a local body that does that and that is independent that has those powers. No one is wanting to change or affect the involvement of the community in our elections. In fact, we want to increase that involvement because we want to increase our turnout and, if we look back to 2022, if we do indeed have an increase in our turnout, which I hope we do, we need to ensure that we can cope with counting those additional votes. We were all involved in the elections in 2022, and I would like Members to cast their minds back and think about how long it took to get some of those results. Some of them were way past midnight and we only had 2 ballots to count. We are now going to have 3. I would urge Members just to think about that and urge Members to vote against this amendment and stick to what the P.P.C. has proposed on that basis.

7.3.7 Deputy J. Renouf of St. Brelade:

Very briefly as well, I think again there is clearly a very emotional element comes into this debate. I am grateful to follow the previous speaker because I think she did return it to what the issues might be. To Deputy Morel's point, I think there is no attack here in this proposition from P.P.C. about the community nature of the elections, about the involvement of the Parishes in the running of the elections, about the traditional methods or organising the elections and so on. It is a point about giving the J.E.A. a role in a decision-making process, and that is all. It is not affecting the deep tradition of community involvement of elections in Jersey, and I think that is important to keep in mind. I realise that it perhaps touches a nerve but, in actual fact, the real issue that we are voting on is not affecting the nerve that people seem to think it is. I am not minded to support the amendment

and, in particular, I think one thing that we perhaps overlook in addition to Deputy Alves's point about the importance of the J.E.A. role and the fact that we have created this body with intent is the consistency that would apply around decision-making, and I think is also an important point. So I am content with the proposition as originally proposed by P.P.C. and will not support the amendment.

7.3.8 Deputy R.S. Kovacs of St. Saviour:

I have to be honest. I was generally undecided on this vote. Both the main proposition and the amendment have strong merits. The main proposition offers efficiency, central oversight and professionalisation. It reduces errors, helps manage the complexity of Island-wide Senator votes and allows for outsource support for postal voting. These are all very practical improvements for this year. The amendment, on the other hand, preserves local control, respects Parish knowledge and allows counts on a later date, which can reduce fatigue and safeguards transparency. It is cautious and proportionate, especially in an election year. For a moment, I was not sure which part really served the Island best, but then I heard the speech from the vice-chair of P.P.C., Deputy Alves. It reminded us why we established the Jersey Electoral Authority in the first place and highlighted the key recommendations from the Elections Review. The need for consistency, clarity of responsibility and Island-wide standards to ensure confidence in our elections and, taking that into account, I now believe that rejecting the amendment is the most balanced and responsible choice. Centralised oversight does not remove Parish input. It simply ensures clear lines of accountability, considers process and better support for staff and voters alike. For these reasons, I will be voting against the amendment.

The Bailiff:

Does anyone else wish to speak on the amendment? Accordingly, I call upon the chair of the Comité to reply.

7.3.9 The Connétable of St. Brelade:

I thank all Members who have contributed to speaking regarding the amendment. I think it is fair to say, as I have indicated before, the motive of the Connétables is to make the election work better in the interests of the community. I think it is fair to say that sometimes we do not learn from our previous mistakes, and we have seen some significant changes in the electoral process. I have experienced a lot of them myself and have they been for the better? I am not sure. I think the taking away of the nomination meetings is, quite frankly, a disaster and I think most of us would agree on that. There was significant community involvement at that point. I cannot remember what dictated that but I do not believe it has worked. The hustings appear to be turning into a muddle and that is something, as Constables, we would like to get in hand. In fact, it has always been the candidates who have arranged their hustings times, which has worked just fine. Now we have the Electoral Authority involved and I do not know if they can really add much value to that. In terms of volunteers in the Parishes, we do not have a problem and I mentioned just now to the Connétable of St. Helier: "Does he have a problem?" No, he does not, and certainly from my point of view and St. Brelade with 2 polling stations, it is easily dealt with. We have lots of willing people. We have shift patterns, as we mentioned earlier. They will have lunch and we will look after the jurats as best we can and the system works. So I take the view that if it is not broken, why are we trying to fix it? So I feel that sometimes we are trying to make the whole process a little bit too clinical, and I did question whether that is absolutely necessary. I think in closing and asking for Members support, I would say just think of the community. That is what we do and let us involve them. I am sure if the Judicial Greffier asks for volunteers, she would find them.

The Bailiff:

Thank you, chair. Is the appel called for? 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 announce the amendment has been adopted:

POUR: 29

CONTRE: 17

ABSTAINED: 0

Connétable of St. Helier

Deputy G.P. Southern

Connétable of St. Lawrence

Deputy M. Tadier

Connétable of St. Brelade

Deputy L.M.C. Doublet

Connétable of Trinity

Deputy S.M. Ahier

Connétable of St. Peter

Deputy R.J. Ward

Connétable of St. Martin

Deputy C.S. Alves

Connétable of St. John

Deputy I. Gardiner

Connétable of St. Clement

Deputy S.Y. Mézec

Connétable of Grouville

Deputy T.A. Coles

Connétable of St. Ouen

Deputy B.B. de S.V.M. Porée

Connétable of St. Mary

Deputy J. Renouf

Connétable of St. Saviour

Deputy C.D. Curtis

Deputy S.G. Luce

Deputy L.V. Feltham

Deputy K.F. Morel

Deputy H.L. Jeune

Deputy M.R. Le Hegarat

Deputy R.S. Kovacs

Deputy I.J. Gorst

Deputy K.M. Wilson

Deputy L.J. Farnham

Deputy L.K.F. Stephenson

Deputy Sir P.M. Bailhache

Deputy D.J. Warr

Deputy H.M. Miles

Deputy M.R. Scott

Deputy R.E. Binet

Deputy M.E. Millar

Deputy A. Howell

Deputy T.J.A. Binet

Deputy M.R. Ferey

Deputy A.F. Curtis

Deputy B. Ward

Deputy M.B. Andrews

7.4 Draft Elections (Jersey) Amendment No. 2 Law 202- (P.104/2025) - as amended

The Bailiff:

We now return to the debate on the Articles as amended. Does anyone wish to speak on the Articles as amended in Second Reading? No Member wishes to speak on the Articles.

[16:15]

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

I would like to ask the chair of P.P.C. what this amendment to the overall delivery with this is because this was a package that was presented and part of the package has been damaged in the post, so to speak. I would just like to know the level of the damage and whether or not I have to return it. **[Laughter]** I am stretching out this analogy as far as I can go. I think I am regretting it now. I am not entirely sure what to do with this but I would like some explanation of where we are. If somebody could do that, that would be fantastic.

The Bailiff:

Does anyone else wish to speak on the Articles as amended? If no one else wishes to speak, then I call upon the chair of P.P.C. to reply.

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

It is unusual to be asked a question about somebody else's amendment. I am afraid I am not going to be much use to Deputy Ward. It would have been handy to ask the Comité in the first instance, so I thank the Deputy for his question and I propose the appel, as we discussed previously.

The Bailiff:

So what you are proposing I think is - and any Member is entitled to ask for a several vote on any Article - was, chair of P.P.C., a vote presumably on Article 1 first which simply deals with the fact of the amendment. Then Articles 2 and 6 together as they were a subject of the amendment and Articles 4 and 5. Is that what you are seeking?

Deputy S.M. Ahier:

Indeed, Sir. Thank you.

The Bailiff:

If Members are content to proceed on that footing then ... Deputy Rob Ward.

Deputy R.J. Ward:

May I ask a question then? If Articles 2 and 6 as amended are not accepted, do we go back to the original Articles as unamended because ... we do?

The Bailiff:

No. If Articles 2 and 6 as amended are rejected, then you are left with - assuming the others are accepted - Articles 1, 3, 4 and 5.

Deputy R.J. Ward:

The Article deleted something. Sorry, Sir, if you remove a deletion of a deletion, then you end up with your original position.

The Bailiff:

Yes.

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

Sir, would I then be able to initiate Standing Order 79?

The Bailiff:

Yes, you go back to the original law, which is what the Comité effectively want anyway.

Deputy T.A. Coles:

Sorry, Sir, would this not be an idea to initiate Standing Order 79, and refer this to the Scrutiny Panel to have a look at, at this point?

The Bailiff:

I think it is too late for that. Too late for that. So, the appel has been called for and the Members are invited first to consider Article 1 of the law. The Greffier will open the voting on Article 1 of the law. Do Members have the law in front of you? Yes. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Article 1 has been adopted:

POUR: 37

CONTRE: 7

ABSTAINED: 0

Connétable of St. Helier

Deputy L.M.C. Doublet

Connétable of St. Lawrence

Deputy Sir P.M. Bailhache

Connétable of St. Brelade

Deputy M.R. Scott

Connétable of Trinity

Deputy R.E. Binet

Connétable of St. Peter

Deputy H.L. Jeune

Connétable of St. Martin

Deputy A. Howell

Connétable of St. John

Deputy T.J.A. Binet

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 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 T.A. Coles

Deputy B.B. de S.V.M. Porée

Deputy D.J. Warr

Deputy J. Renouf

Deputy C.D. Curtis

Deputy L.V. Feltham

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

Members are now voting on Articles 2 and 6 of the law as amended, 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. Articles 2 and 6 as amended have been adopted:

POUR: 40

CONTRE: 5

ABSTAINED: 0

Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. Brelade
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Martin
Connétable of St. John
Connétable of St. Clement
Connétable of Grouville
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Saviour
Deputy G.P. Southern
Deputy M. Tadier
Deputy S.G. Luce
Deputy M.R. Le Hegarat
Deputy S.M. Ahier
Deputy C.S. Alves
Deputy I. Gardiner
Deputy I.J. Gorst
Deputy L.J. Farnham
Deputy S.Y. Mézec
Deputy B.B. de S.V.M. Porée
Deputy D.J. Warr
Deputy H.M. Miles
Deputy M.R. Scott

Deputy L.M.C. Doublet
Deputy R.J. Ward
Deputy Sir P.M. Bailhache
Deputy T.A. Coles
Deputy H.L. Jeune

Deputy J. Renouf
Deputy C.D. Curtis
Deputy L.V. Feltham
Deputy R.E. Binet
Deputy M.E. Millar
Deputy A. Howell
Deputy T.J.A. Binet
Deputy M.R. Ferey
Deputy 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:

We will clear the vote and Members finally will consider Articles 4 and 5.

The Connétable of St. Lawrence:

Sir, is it possible to take Article 3 separately, please?

The Bailiff:

Yes.

Deputy A. Howell:

Sorry, Sir, I am a bit confused dotcom **[Laughter]** and I just wondered what we are doing now.

The Bailiff:

We are going to vote on Article 3 on its own at the request of the Connétable of St. Lawrence. Article 3, as Members will see, deals with who is responsible for the ballot papers for public elections.

Deputy H.M. Miles of St. Brelade:

I was going to ask if the Greffier could read the amended Article, please, so we know what we are voting for.

The Bailiff:

Well, Article 3 has not been amended but, Greffier, do you want to read Article 3 out?

The Greffier of the States:

Article 3 is Article 24 (ballot papers) amended. For Article 24(3) there is substituted – (3) If the poll is for a parish election, the electoral administrator for the parish in which the poll is to be held must arrange for a sufficient number of ballot papers for the election to be printed. (3AA) If the poll is for a public election, the Judicial Greffier must arrange for a sufficient number of ballot papers for the election to be printed.

The Bailiff:

The Greffier will now open the voting on Article 3. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that Article 3 has been adopted:

POUR: 33

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
Deputy G.P. Southern
Deputy M. Tadier
Deputy L.M.C. Doublet
Deputy M.R. Le Hegarat
Deputy S.M. Ahier
Deputy R.J. Ward
Deputy C.S. Alves
Deputy I. Gardiner
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 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

CONTRE: 12

Connétable of St. Brelade
Connétable of Trinity
Connétable of St. Saviour
Deputy S.G. Luce
Deputy I.J. Gorst
Deputy L.J. Farnham
Deputy Sir P.M. Bailhache
Deputy M.R. Scott
Deputy R.E. Binet
Deputy H.L. Jeune
Deputy A. Howell
Deputy T.J.A. Binet

ABSTAINED: 0

The Bailiff:

We now move to Articles 4 and 5. I ask the Greffier to please 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 Articles 4 and 5 have been adopted:

POUR: 38

CONTRE: 7

ABSTAINED: 0

Connétable of St. Helier
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 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 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 M.E. Millar
Deputy M.R. Ferey

Connétable of St. Lawrence
Deputy Sir P.M. Bailhache
Deputy M.R. Scott
Deputy R.E. Binet
Deputy H.L. Jeune
Deputy A. Howell
Deputy T.J.A. Binet

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:

Finally, Article 7 which deals with commencement. I ask the Greffier to please open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Article 7 has been adopted:

POUR: 39

Connétable of St. Helier
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 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 T.A. Coles
Deputy B.B. de S.V.M. Porée
Deputy D.J. Warr

CONTRE: 4

Connétable of St. Lawrence
Deputy Sir P.M. Bailhache
Deputy M.R. Scott
Deputy R.E. Binet

ABSTAINED: 0

Deputy H.M. Miles
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

Chair of P.P.C., do you wish to propose the matter in Third Reading?

7.5 Deputy S.M. Ahier:

Yes, Sir. I wish to propose the matter in Third Reading. I urge Members to support these 2 small changes in the law as amended.

The Bailiff:

As amended, yes. Is the matter seconded in Third Reading? **[Seconded]** Does anyone wish to speak on the Articles as adopted in Third Reading?

7.5.1 Deputy R.J. Ward:

I believe what we have here is - and I think I have used this before - there is a film which is quite controversial nowadays called "Anchorman" and he has a cupboard full of colognes and one of them - so this is parliamentary because it is a name - is called Sex Panther and the line is: "Sixty per cent of the time, it works every time" and I think that is what we have done to the J.E.A. **[Laughter]** We have created a sex panther J.E.A. Sixty per cent of the time, it can work every time, so I would just make that comment.

The Bailiff:

Thank you. **[Laughter]** Does anyone else wish to speak in Third Reading?

7.5.2 Deputy H.L. Jeune:

Maybe just to say that this has not been the first time, especially focusing in on things around the elections or around our conduct of ourselves, et cetera, that has been a bit of a mess. I am not sure if that is parliamentary, but it has been a bit of a concern that some Members are not really understanding what is going on from not only a briefing that says something to the presentation of papers that maybe say something else to then the discussions and content of the debate and then afterwards, understanding what we are voting for. So I was wondering if there is a possibility to have a bit of a reflection on not just this debate but also ones that we have found ourselves in in this situation to see how we could conduct these in the future so that we understand and can pass laws collectively in the right way, and that I personally feel confident that I am passing a law or pressing for a contre that I understand what it is that we are voting on. Because especially within this report, the report reflected something I felt differently potentially than what was being proposed in a

particular Article, and I think that is what has caused the confusion in some of the discussions. So I would like, in the future maybe, if we could reflect on that.

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

I think I would just refer back to the issue of ballot papers and just say that I think it is regrettable that the local provider was not asked to even tender for the provision of this. We have very good printers who could easily provide the whole package. We have quite a good postal service who can post them. So I think, with all due respect to the Judicial Greffier, they have missed a trick.

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

The P.P.C.'s report states that these are, and I quote: "Very small administrative changes." I doubt that that is accurate in particular with regard to the change of responsibility from the Electoral Authority to the J.E.A. That seems to me to be quite substantial. The jurats - if I have understood this correctly and I may not have done - will have to be consulted but may be overruled by the J.E.A. How is that going to work out? I do not know and I want to make a final ...

The Bailiff:

It has gone away, Deputy Bailhache.

Deputy Sir P.M. Bailhache:

I am sorry?

The Bailiff:

That part has been rejected.

[16:30]

Deputy Sir P.M. Bailhache:

That piece has gone away. I am sorry. Right, well, I withdraw that, but I want to make a last plea for the Venice Commission. There is a clear recommendation that changes in election law should not be implemented within 12 months of the election. This draft law is subject to Privy Council consent. I am sure that the Law Officers' Department will move with extraordinary speed in preparing the necessary report for the Privy Council, but with the best will in the world, it will be the end of February before the law has been approved by the Privy Council and has been registered by the Royal Court. That is approximately 12 weeks before people go to the polls on 7th June. It is worth asking, I think, why this rule or recommendation, I should say, of the Venice Commission exists. What is its purpose? It seems to me that it is to ensure that there is no car crash, as the Constable of St. Brelade put it earlier in the debate, because a late change which has been made has some consequence which nobody has foreseen. If there is an unintended consequence, there is no doubt that it will be too late to put it right. To adopt Deputy Ward's phraseology, it seems to be that this package is too damaged and should be returned to sender. I ask Members to vote against the Bill in Third Reading.

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

The basis of the law is it is being put on the basis of a cost saving and I think that is commendable. The only thing I feel is not so satisfactory is it is very well to say: "This is going to cost £34,000", but I would like to know compared to what? Again, I have had to deal with all this - how can I say - blowback in terms of the ombudsman: "Oh, do not spend money on the ombudsman because it is so much cheaper to have this alternative", and I have had to do a lot of work in terms of working out the costings and why you might be doing this, but this is the basis of this particular amendment. Added to that, the late stage that it is being brought in does make me nervous. We have had lectures by the P.P.C. about bringing in things at such short notice, and then this is what they are doing. I

remain uncomfortable in terms of supporting this. I think that there could have been a way of doing this, and in this respect and this breath I am going to say how grateful I am for Scrutiny Panels, how grateful I am that they spend some time looking at things in a focused way, presenting comments. They do a bit of scrutiny to the States Assembly saying: “We have looked at this”, blah, blah, blah, blah, and maybe that would have helped here. The trouble is that we have had this notion that the Corporate Scrutiny Services Panel is the scrutineer but they, themselves, do not seem to be involved in the process. Coming back to Deputy Jeune’s point about trying to avoid confusion and chaos, maybe - just maybe - there is something that might be taken on board by the P.P.C. generally that maybe there is room for a bit of scrutiny of its own practice that might serve the States Assembly in the future as we move forward. I remain uncomfortable with this for the reasons I have mentioned.

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

It has been an interesting afternoon. We have heard the importance of using a specialist ballot provider and basically, we were told in the summing up that it is a simple fulfilment operation that is required. Well, Jersey has got a good tradition with fulfilments. We have got people who can do secure printing, and I am really disappointed that a local operator was not even given the specification - not even given the specification - so they could have put a bid in place. I did not attend the briefing because we had one of those on 17th November that the Constable of St. Lawrence referred to. We were told there that the officer, and I will quote her because I wrote it in my book: “Was doing this off the side of their desk”, and then further on we were told by the officer: “If I could outsource the whole thing I would.” Well, perhaps they should. We are in a difficult place here. I really support modernisation where it is appropriate. I have supported 8 until 8 polls. I really support Sunday elections. I do not include Senators in modernisation. And you should not introduce 2 major changes at the same time because you will never know which of the 2 has or has not worked. It is a case of we are in a position where unfortunately I do not think I can support Deputy Bailhache’s request for us to reject this because we are so close and we had to vote in favour of one of the points that we were asked to because otherwise nobody would have been in charge of producing sufficient ballot papers. We had no alternative but to vote in favour. I hope P.P.C. take this away. I think there is one group of people who have not been listened to sufficiently. It is not Constables, but it is electoral administrators, the men and women who administer the elections locally. Decades of experience among them. I do not believe their voice has been heard, and what we have tried to do this afternoon is take more away from them without consulting them. The Constables really support Sunday elections, and I hope that they work. I really support postal votes. It is an industry I know a little about. There is a basic fulfilment operation that we are outsourcing to a U.K. company when Jersey is as good as anywhere in the world when it comes to fulfilment.

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

I would like to echo what the Constable of St. John has said. I do worry still about printing things in the U.K. and if we have storms, if the ferry is cancelled, we could be in a mess. I would like everybody to think very carefully. We have a good system at the moment. Why are we not carrying on with what we have got and then for the next election start earlier and think if we want to make changes? I respect everyone who really works hard in all of the Parishes to make the elections work. I ask you to vote against this.

7.5.8 Deputy J. Renouf of St. Brelade:

Yes, I have spoken a couple of times so I might as well speak in Third Reading as well, and particularly because the speeches so far have been against. I will support this in Third Reading even though I did not support the amendment that was passed. I do feel uncomfortable with people doing down the clear view that we have from P.P.C. and the Judicial Greffe around the need to change our processes here. We are expecting more postal voting. In fact, we want more postal voting. We have driven in that direction and the system we have been told effectively is creaking. It relies on

volunteers and the Judicial Greffe finding those people. We have a tight labour market. We do not have people sitting around waiting to do these things. The process is not just printing and it is not just - with respect to the Constable of St. John - about putting things in envelopes either. If you take a bit of time to go on the websites of some of these companies that do specialise in this, and you are welcome to do so. I will keep talking for a few moments and you can do so. It is a specialist service. It is fine when it is a small-scale operation to do it in the way that it has been done but it is becoming a bigger part of our electoral process. I think it is a sensible - dare I say - modernisation step and I do not have the same concerns that some people have. This is about sending out the ballot papers to voters who may be travelling, may be abroad and so on. It is not going to be affected by the weather and such like. This is a standard process that happens all over the world and it makes sense to me to employ companies who do that on a regular basis.

The Bailiff:

Does any other Member wish to speak in Third Reading? Accordingly, I call upon the chair of P.P.C. to reply.

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

I thank all Members for their engagement, especially Deputy Ward [Laughter], which I will not comment on. Deputy Jeune mentions the concern about the debate and we need to reflect. Certainly, we will be having a discussion of that at P.P.C. moving forward. The Constable of St. Brelade mentions obviously the printers, which was also raised by other Members. Deputy Bailhache questions if they are small changes. I believe they are but, of course, he mentions the Venice Commission and changes relating to the law. That is noted but, of course, I would just mention that I have been chair of the P.P.C. for quite a short period. When this was brought to me, I had to make the decision whether it was best to proceed with it and make these changes, which I believe are necessary, or we should leave them to the next election, and I chose to use this option. Deputy Scott wondered whether there would be any cost savings, and I can assure her there will be savings to the overall budget and there will be increased efficiency. The Constable of St. John is disappointed that there is no local operator, as am I. It is a concern but unfortunately, at this stage, I do not believe that there is a local operator who is able to pick up the reigns and take this forward in such a short timespan but hopefully - almost certainly - at the next election that will be the case, and I hope that is. I hope that comes about. I ask Members for their support and wish to place on record my thanks to the legislative drafter and the Greffe officers who have helped with bringing this amendment here today. I ask for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats and 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 draft law has been adopted in Third Reading:

POUR: 35

- 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

CONTRE: 9

- Connétable of St. Helier
- Connétable of St. Lawrence
- Connétable of St. Brelade
- Connétable of Trinity
- Deputy L.M.C. Doublet
- Deputy Sir P.M. Bailhache
- Deputy R.E. Binet
- Deputy A. Howell

ABSTAINED: 2

- Deputy M.R. Scott
- Deputy H.L. Jeune

Deputy G.P. Southern

Deputy T.J.A. Binet

Deputy M. Tadier

Deputy S.G. Luce

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 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 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

8. Draft Companies (Jersey) Amendment Law 202- (P.106/2025)

The Bailiff:

The next item is the Draft Companies (Jersey) Amendment Law lodged by the Minister for External Relations. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Companies (Jersey) Amendment Law 202-. A law to amend the Companies (Jersey) Law 1991. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

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

The Draft Companies (Jersey) Law Amendment proposes a number of important revisions to the Companies (Jersey) Law 1991. A high percentage of businesses operating in Jersey and owned by local residents use Jersey companies. They are also key for corporate transactions when looking at Jersey as an international finance centre. It is therefore vitally important that we keep the Companies Law up to date and easy to use so that the Jersey company remains the entity of choice for domestic and international users alike.

[16:45]

The proposed amendments are intended to do just that. They seek to maintain the flexibility of the law and to enhance the ease of doing business in the context of evolving industry practice and legal developments here and in other jurisdictions with an appropriate and legitimate framework. The changes introduce provisions to reflect how modern companies operate in practice and to reduce unnecessary administration and associated costs. I should note that many of the changes reflect the position under current practice in customary law and inclusion of proposed statutory amendment should not be automatically read as meaning that such actions are not already legally permissible. Overall, the proposed amendments are viewed as maintenance, clarification and modernisation with the aim of enhancing competitiveness rather than as a wholesale restatement or significant change in policy direction. There are over 120 amendments to the law covering a number of different areas and ranging across the entirety of the law and I will talk about those briefly in this First Reading. Precisely, there are changes to parts one to 5, 8, 9, 11, 12, 14 and 18D, 21 and 23 of the law. Throughout, there are changes which permit the adoption of electronic methods, such as the use of electronic seals in part 5, reflecting the world in which we now live, where the ability to do something electronically is expected with the wide adoption of digital communication tools and online transfers and transactions. Other changes seek to provide the company and its directors with wider flexibility as to the structure and management of the company. So under certain circumstances a single person is permitted to form a public company and a private company is permitted to have more than 30 members. Simplification is another key driver with the revision of certain formalities as to the formation of a company, an ability to waive the right to a share certificate, an expansion of how a company can change its name, and removing the need to go to court to seek rectification of the register or for the ratification of redemptions and distributions in certain circumstances. Clarifications include changes in part 8 to deal with share capital, particularly merger relief provision, and stating that the transfer of cash or assets to a company otherwise than for an allotment of shares is permitted. Also registration of a court-approved minute is to be considered conclusive evidence of a company's share capital and that all statutory requirements as to the reduction of capital have been complied with. Certain of the requirements as to solvency statements have been adopted, particularly in relation to the position of directors no longer in post. There is an amendment to provide for an Executor of personal representatives of a deceased sole Director and member to appoint a new Director where there is no alternative provision in the Articles. There are changes in relation to declarations of interest and a new general disclosure of interest provision by a Director. Clarifications on indemnities to officers as well as to part 15 on the conduct of meetings. Provisions as to director disqualifications under the sanctions regime are also inserted in part 14 together with clarifications on personal liability and validity of actions should a Director act when disqualified. There are amendments to the definition of market-traded company for audit and accounts purposes in part 16 with a new part 16A dealing with equivalently regulated companies listed on certain approved non-E.U.-U.K. exchanges which are already subject to stringent overseas regulatory oversight. There is also clarification and simplification in relation to changes that have been made in respect of the rules on takeovers and for mergers, including as to the removal of class consent requirements, the publication of offers, relevant documentation and approvals and the qualifying threshold for a creditor merger objection. Companies that continue into Jersey are dealt with in part 16C. The key change is a confirmation that a new legal entity is not formed and the continuing company is not dissolved. The changes to part 21, which deal with the winding up of companies, are

like the amendments generally intended to clarify and modernise the law. In relation to a creditor's winding up, the insertion of the word "liquidated" into Article 157A and also Article 3 of the Bankruptcy (Désastre) (Jersey) Law 1990, where similar wording is found, confirms that it is necessary to have a liquidated claim being one that is undoubtedly due and payable, rather than a contingent claim, which is one that is only due when something else happens. This resolves the debate which has ensued after a recent judgment of the Court of Appeal. The commencement date of a creditor's winding up is also clarified as the date of the order rather than the date of the application. There are also amendments to permit notice to be given other than by post, the insertion of standard powers for a liquidator, clarification that questions can be referred to the court in relation to a provisional liquidation, and to permit a director to apply in relation to any powers they continue to hold, whether those powers continue must also be specified. There is confirmation that the moratorium which occurs when a winding up is commenced or a provisional liquidator is appointed does not prevent a secured creditor from enforcing their security. There are also clarifications to certain requirements in a summary winding up, shareholder-led and solvent, to remove references to a 6-month time limit, which no longer applies, to permit interim distributions in certain circumstances and to permit the sale of assets in exchange for shares or other similar interests in another entity which is used in intergroup reorganisations. There are also consequential changes to certain other laws where there are connected provisions, for example the provisions of the Limited Liability Company (Winding Up and Dissolution) (Jersey) Regulations 2022, which relate to the ability of a creditor to seek the winding up of an L.L.C. (Limited Liability Company) where, based on the corresponding provisions in part 21 of the Companies Law, therefore where changes are made to part 21 they are also made with appropriate adjustments if necessary to the L.L.C. regulations. Finally, there are amendments to Article 19 of the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020 in order to revise the list of persons who may apply to the Royal Court for a declaration that the dissolution of the entity for non-compliance with the Disclosure Law is void. The Comptroller of Revenue is added as a potential applicant, together with any other persons appearing to the Royal Court to be interested. Overall, therefore, I conclude that this is a package of measures that will make it easier for those involved in our local business community as well as enhancing Jersey's global competitiveness. So a Companies Law Working Group comprising respected representatives from industries met on a regular basis to consider what is needed and recommends these changes. Furthermore, the proposals were the subject of public consultation. Officials have also worked with the Jersey Financial Services Commission and, in particular, the Register of Companies to ensure that the amendments are appropriate and also that any changes to Registry forms and processes will be in place when the changes come into force. I would like to recognise the invaluable contribution of all those in industry and across Government and other stakeholders who have expended considerable time and effort to develop and refine these proposals. I would also like to place on record my sincere thanks to the Economic and International Affairs Scrutiny Panel for their diligent scrutiny of this legislation and thoughtful reflections on the amendments. There are no resource or cost implications for the Government. The law has of course gone through the usual review by the Law Officers' Department and so I commend the principles to the Assembly and will seek to answer any questions that may arise.

The Bailiff:

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

8.1.1 Deputy M. Tadier of St Brelade:

Notwithstanding the Minister's comprehensive explanation of the proposals in front of us, it is to say that, as he is mentioned, our Scrutiny Panel has looked at this and the conclusion is that we are supportive of it. We had some early sight of the development of this from February last year. The draft law does seek to amend the Companies Law, and the rationale behind these changes were outlined in a letter to our panel on 28th February, as the Minister has also clarified to the Assembly.

We have issued a comments paper and just to go through, we think that the changes can be grouped into 7 main headings, and the changes are designed to allow greater flexibility, to clarify, to simplify. There is also a key area around digital compatibility to make sure that the proposed amendments to the Law do include provisions aimed at ensuring that there is compatibility with the use of electronic means. Of course, since the original Law was in place, we live in a fast-moving world and things, of course, are much more digital. The fifth area is around competition, which is obviously key in this area, to make sure that Jersey remains a competitive jurisdiction and a competitive marketplace. Another question was around the disqualification of directors, so we did raise this issue in a letter to the Minister on 20th November about sanctions and asset freezing, and so that is really that part. The final area, we think, relates to insolvency. There are amendments to improve and adapt the Law around insolvency which have been suggested by those who use it and in response to the decisions of the court. Clearly, this has been consulted on by the Minister and our conclusion as a panel is that we understand that Companies Law has not been updated for several years and that the amendments are largely technical in nature and aimed at improving the ease of doing business. So our panel is content that the draft law has been subject to an appropriate consultation process and we are supportive of the proposals.

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

I am grateful to the Minister for bringing these changes forward. It is important that Jersey moves with the times in regard to all aspects of our business offering and of course the limited company is the basic interface with which, not just the international community engages through Jersey's financial services sector, but also local people engage and create their own companies. It is important because I received many frustrations, complaints, requests for clarification as to how things are meant to work. So, making our Companies Law simpler is absolutely the right thing to do. Making it more flexible is the correct thing to do, and of course making it more possible, I suppose is the right word, to use electronic tools in the administration of companies is really important. So I do ask the Assembly to support this proposition.

The Bailiff:

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

8.1.3 Deputy I.J. Gorst:

I am grateful to, as I said, the work and the scrutiny that the Scrutiny Panel have subjected this law to. Of course it is had full public consultation and it is had some of the best legal minds in Jersey applied to it, but it is also important that, from a democratic point of view, the Scrutiny Panel does their review as well. I am grateful also to the Minister for Sustainable Economic Development, he is absolutely right, this is a structure which is the bread and butter of Jersey businesses and improving it and simplifying it is important, not only for our international competitiveness, but for Islanders on a day-to-day basis. That reminds me, I was not sure whether I ought to have declared an interest being a director of 2 existing Jersey companies, but I have now put that on the record. I do not think it is a conflict because it is shared by many other Islanders.

The Bailiff:

Yes, that is right.

Deputy I.J. Gorst:

But I commend the principle of these changes to Members and I call for the appel.

The Bailiff:

So 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: 45		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 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 L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Deputy Tadier, can you confirm that your panel have no need to scrutinise the matter further?

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

That is correct.

The Bailiff:

Thank you very much. Minister, how do you propose the Articles in Second Reading?

8.2 Deputy I.J. Gorst:

I note the Members were very understanding when I gave a rather longer speech than one would normally expect in the principles where I went through the changes and referenced the Articles. I am hopeful that will mean that Members will oblige me in proposing the Articles *en bloc* and I will seek to endeavour to answer any questions as they may arise.

The Bailiff:

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles in Second Reading? Those in favour of adopting the Articles, 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 that the Articles were adopted unanimously in Second Reading

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

Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 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 L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

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

8.3 Deputy I.J. Gorst:

I do, and it gives me really great pleasure because I think these are exciting changes to the Jersey Companies Law. I think it will make it easier for Islanders who are involved in Jersey companies to operate them, but obviously with my financial services hat on it will make the Jersey company structure much more competitive and attractive. It is fair to say that, even in 2025, we saw more registrations of all entities at the Jersey Register than we have seen in many a year and I believe that these changes will build on that. The Jersey company structure is not used as much as I would like to see it used and I think it can be used more and these changes around ensuring it is more competitive, I think it will mean that we can, with a fair wind, have seen more people using the Jersey company structure and see more registrations. That has got to be a good thing for our economy and for seeing jobs and growth in Jersey. I commend this law in Third Reading to Members.

The Bailiff:

Is the draft law seconded in Third Reading? **[Secoded]**

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

I will be quick. It strikes me it is only Deputy Gorst that could describe 131 Articles of Companies Law as exciting. **[Laughter]** But I would like to join him in thanking all that have been involved. A huge amount of work has gone into this and it is a good piece of work that will take Jersey forward.

The Bailiff:

Thank you, Chief Minister. Does anyone else wish to speak in Third Reading? I call upon the Minister to reply.

8.3.2 Deputy I.J. Gorst:

Yes, it is interesting what excites one, but it is probably not much value in delving too deeply into that at all. **[Laughter]** But I do think we have discussed all sorts of items in this sitting, some I have been pleased that they have got through, some I have been more disappointed, but this is a quiet change to Jersey company legislation, which I think is very exciting and sets us on a good, sound, competitive footing for the future. I maintain the changes in Third Reading 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. I can announce that the draft law has been adopted unanimously in Third Reading:

POUR: 46		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
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 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				

9. Draft Cyber Security (Jersey) Law 202- (P.107/2025)

The Bailiff:

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

The Greffier of the States:

Draft Cyber Security (Jersey) Law 202-. A law to provide for the establishment and functions of the Jersey Cyber Security Centre, and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

I am pleased to ask Deputy Scott to take this proposal as rapporteur.

9.1 Deputy M.R. Scott of St. Brelade (Assistant Minister for Sustainable Economic Development - rapporteur):

I am pleased to continue the theme of supporting the economy and inward investment and preventing catastrophe. I do so by presenting a law designed to strengthen Jersey's cyber resilience. Islanders are becoming more and more reliant on digital technology, including Deputy Rob Ward, for well-being, independence, and livelihoods, and it is vital we protect our essential services and our community from cyber attacks and cyber crime. In enhancing protection, this law also formalises and strengthens the role of the J.C.S.C. (Jersey Cyber Security Centre) in raising our collective cyber resilience and public awareness. We cannot afford complacency. Cyber attacks can devastate individuals, businesses, and entire countries. Jersey is not immune. This law offers a balanced, phased approach to reducing our cyber-risk profile. If approved, Jersey will become the first Crown Dependency to introduce a cyber-incident reporting law, albeit more than 20 years after the United States, 10 years after the E.U., and 8 years after the U.K. Let me be clear, threats are real and growing. Names like Black Energy, Stuxnet and Monocryl are not fiction. They are malware that have targeted national infrastructure, disrupted supply chains, and extorted businesses and individuals. Groups such as Sandworm and Medusa exploit vulnerabilities for political or criminal gain, often unseen until it is too late. We have seen the consequences, for example, a cyber-attack in Ukraine in 2015 cut power to 80,000 people for 6 hours. The crippling of Kyivstar, Ukraine's telephone telecom provider, for days in 2023. A ransomware attack in 2024 on a National Health Service lab provider in London that compelled G.P. (general practitioner) surgeries to revert to manual processes for blood tests and diagnostics, delaying medical results and patient services. The attacks attributed to DragonForce last year that targeted Marks and Spencer and the Co-op, impacting Jersey's own food supply chain. Cyber attacks are becoming more frequent, severe and sophisticated. Criminals now sell ransomware on the dark web, even seeking victim ratings to boost their extortion. The current geopolitical climate increases the risk of state-sponsored attacks. It is only a matter of time before Jersey's critical services are targeted and we, as the States Assembly, must do all we reasonably can to raise our Island's cyber resilience by providing early warnings and helping people to recover quickly from attacks. This law focuses on operators of essential services, requiring these providers to register with J.C.S.C., take proportionate cyber-security measures, and report significant incidents to J.C.S.C., which will act as a single point of contact and co-ordinator and an early warning service. Entities covered are identified by sector and significance, utilities, transport, finance, health, water, communications, postal, food retail, public administration and emergency services. The law's phased approach starts with banking in financial services with future regulations expected to include G.P.s and pharmacies. Government services will have similar obligations. While Ministers and

Ministerial-led departments are included within that definition, non-Ministerial bodies detailed in schedule 1 of the Public Finances (Jersey) Law currently are excluded in view of further consideration of their constitutional status. These are your department, the Bailiff's Department, the Office of the Lieutenant Governor, the States Greffe, the Viscount's Department, the Judicial Greffe, the Law Officers' Department, the Office of the Comptroller and the Auditor General, and Jersey Probation Service. I really wish to thank my colleagues in the Economic and International Affairs Scrutiny Panel for raising questions on this, including on this current exclusion. Policy officers are reviewing this exclusion in consultation with non-Ministerial departments with a view to future inclusion to reflect the original policy intent being brought as swiftly as possible. This is likely and hoped to be at the time that the list of operators of essential services is updated to include relevant healthcare professionals such as G.P.s and pharmacies. In the meantime, having highlighted the current exclusion, I trust that all these non-Ministerial departments and States Members themselves, as public servants, will act in the public interest by taking proportionate cyber-security measures and reporting significant incidents to J.C.S.C. for the benefit of the whole community. Our vulnerability is not limited to essential services. A single cyber attack can disrupt our economy and Islanders' daily lives. Last year a cyber attack on Jaguar Land Rover shut down production for over a month, costing the U.K. economy up to £1.9 billion and affecting 5,000 businesses. Only 4 months ago, KMP Logistics, a 158-year-old family-owned company, closed after hackers exploited a weak email password, deployed ransomware and refused to restore access even after payment. The result, 700 redundancies and business failure. Imagine such an event occurring in our Island. A single vulnerability can lead to a total business collapse. This is why every Jersey business, large or small, needs to be encouraged and supported in taking proactive steps to protect itself. This law provides a proportionate educational approach to cyber security, minimising red tape. It formalises the J.C.S.C.'s role in supporting resilience and public education. The J.C.S.C. already operates a centre to identify vulnerabilities and attacks in real time, but until now there has been no legal requirement for essential service operators to share information on significant incidents. This law removes that barrier and enables J.C.S.C. to access a single point of contact for international information sharing too. As I mentioned in our previous debates, information sharing is sensitive but it does need to be encouraged. The law does not make J.C.S.C. a regulator, nor does it give it powers to fine. Instead, J.C.S.C. will issue guidance and standards, engage with industry and public bodies and monitor threats. Its code of conduct, endorsed by the international security network, F.I.R.S.T. (Forum of Incident Response and Security Teams), and other provisions in the law, are designed to support trust in its operations and their independence from Government operations. Where essential service operators fail on their duties, the Minister for Sustainable Economic Development may impose civil penalties. However, this does not extend to Ministers or government departments who may instead be directed to take remedial action. This law is the result of extensive consultation, especially with those likely to be defined as operators of essential services. I thank all contributors to the many consultations and particularly the Economic and International Affairs Scrutiny Panel whose engagement has shaped this legislation.

[17:15]

Members supporting this law will send a clear message, both within this Island and internationally, Jersey takes cyber threats seriously and is committed to protecting Islanders, our economy and our public services. I move the principles of this important and much-needed law.

The Bailiff:

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

9.1.1 Deputy M. Tadier of St. Brelade:

First of all, thank you, Assistant Minister, for both moving the proposition today and for her engagement throughout the process on behalf of her department. We know that this law has not come out of nowhere, that in fact it builds on the Cyber Security Strategy that was published in 2017 and, like the Minister, we would also acknowledge the great work that that department has done. We have had both briefings with them but we have also conducted site visits to their nerve centre, so to speak, and all of which was very illuminating and impressive. So even if I do not claim to understand everything that was flashing up on the screens, it is reassuring to know that they are there both for information purposes to support the business community and indeed residential users, but they are also there to guard against attack from nefarious forces that the Minister has explained could be either for commercial gain or could be States agents, or a mixture of both. This has been something of a moving feast so one of the, I suppose, small areas that we focused in on quite early on was the statutory reporting period. If there has been an incident there are various different standards throughout the world, which could vary from 72 hours right down to 12 hours, in which, if there has been an attack, for the person who has been subject to that to report it to the authority. We felt, as I think ultimately the Minister and Assistant Minister did, that the shorter that time period the better because every hour and every minute really is valuable when it comes to the knowledge and information that is shared. You may not necessarily be able to solve the problem that you have had - although you may well be able to - but it is about stopping other people from necessarily having the same attack that you have had. At one stage the proposal was to have a 48-hour period; we would have probably brought our own amendment but we know that certainly the national picture was looking to get that down to 24 hours instead of 48, and that is where we are at now. I think that is a good thing that has happened, partly organically anyway, and that is travelling in the right direction. One of the other areas that we did - and the Assistant Minister did mention it in her opening remarks - was that we noted that at the moment that provisions do not extend to non-Ministerial departments. I thank the Minister for providing clarification as to why that is the case. She will not mind me saying from the email that she sent that it was the policy intent for non-Ministerial departments to be included within the scope of the security duties to be placed on operators of essential services, but there is perhaps a slight sensitivity, we might say, around Ministerial control over non-Ministerial departments and how that might work. What I would ask the Minister to clarify in her summing up is just a timeline really, so when does she envisage that provisions for non-Ministerial departments should be made so that they could be brought into line with this law. Maybe she can just clarify for the record what those N.M.D.s (non-Ministerial departments) are and the consequence of not having them under this law at the moment. So if she thinks there is any lacuna there, or if it is simply something that will be managed and solved suitably in a short timeframe. Apart from that, the panel is very supportive of these proposals. We acknowledge that this is no small amount of work but that it is highly important not only for Jersey's reputation but for its functioning. We see the damage that any single attack can do to the network and not just to the business community but to all of our lives. Interestingly enough - and I do not know if it was linked - when we were doing our own review some months ago now into cash usage in Jersey we saw what can happen if a store and indeed the whole payment system goes down. It can cause disruption, which as a little aside is why I think it is always great to have cash as a backup. I would not like to see cash going anywhere any time soon. But these are the real consequences that can happen in the real world, so our panel is again thankful for the work and the briefings that we have had. I would like to thank the panel and our officers as well for guiding us through this. We are happy to support the proposals.

9.1.2 Deputy K.F. Morel:

I would first of all like to thank Deputy Scott for all the incredibly hard work she has done on the Cyber Security Law and developing it to the point where we can propose it to the Assembly. I would also like to thank the Economic and International Affairs Scrutiny Panel for the work that they have done on this. While I am in the mode of thanks. I would also like to thank the Jersey Cyber Security Centre. A few years ago that centre did not exist and in the few short years that it has been in

existence I believe it has shown its value to this Island many times over, helping some key institutions in Jersey deal with unexpected cyber attacks. In saying “unexpected” cyber attacks, every cyber attack is unexpected, although when you see the level of security around some institutions and some people’s information technology, perhaps those cyber attacks should be a little more expected than they are. In an interlinked world and in a world in which Jersey operates across many jurisdictions and many time zones, it is vital that Jersey has a strong Cyber Security Law and has the capability to protect itself, help institutions and organisations when they do suffer an attack, and are able to alert other institutions and organisations when an operator of essential services has suffered an attack. It is for that reason - and I will labour the point - that it is very important that we do find a way to bring non-Ministerial departments under the purview of this law, because quite simply, in my view, the judiciary is an operator of an essential service, the States Greffe is an essential service, and there are other non-Ministerial departments which are essential. It comes to mind that some of the biggest and most impactful cyber attacks have started outside of the targets of those targets. One major U.S. retailer - and this is going back some 10 years or so now - their unwitting air conditioning supplier was the conduit for the attack. It is not, in my view, appropriate that non-Ministerial departments remain outside of this law because they are essential, and it would be appalling if ultimately weaknesses in their cyber security were to lead to a greater problem in Jersey. That is a piece of work to do. It shows that this law is not finished. As the chair of the Scrutiny Panel said, it is going to be iterative and it is a journey, but I hope that all Members will support this law because I think it is a fantastic start. I am speaking, in a sense, for Deputy Scott here without having asked her permission to; Deputy Scott has also been very clear since her time in Scrutiny and her time as an Assistant Minister that there is an opportunity for Jersey to have cyber security services as one of the arms of our economy. I think she is absolutely right in that but in order for us to do that in a successful manner we have to have a cyber-resilient Island, and this is that first step. We do have businesses obviously operating in Jersey already who work in the area of cyber security but if we are to attract more then we have to have a strong base from which to work from, and this law, I think, is the most visible and evident expression of that strong base. Just quickly one final comment, another perhaps lesser known aspect of Jersey’s Cyber Security Centre is that they are providing their cyber-security services to Guernsey. Within our department we have been really pleased to be able to work with Guernsey and in that create a level of inter-island working. It is important that is a contractual relationship so it is a different relationship in that respect, but I am very pleased that Guernsey chose the Jersey Cyber Security Centre to provide cyber security services to that island too. So it is a very innovative way of working between the islands and I am really pleased it appears to be working very well. I will continue to support the Jersey Cyber Security Centre in delivering that service to them. With that, I am grateful again for all the work that Deputy Scott has done on this, and I think this is the start of having a safer Island and also it is the start of opening up more opportunities for the development of our economy.

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

Bearing in mind the advice of the Chief Executive that we ought to take care about the proliferation of A.L.O.s (arm’s length organisations) I wonder if the *rappporteur*, when she replies, might explain why we need to ... not to establish the Jersey Cyber Security Centre, but whether it is going to be, in any sense, incorporated I am not clear exactly as to how the functions of the director are going to work in relation to the Minister. The Minister has power to give a direction to the Director of the J.C.S.C. if he considers that the direction is necessary in the interests of the security of Jersey. But at the same time, Article 3 of the law provides that there is operational independence for the director, and that the director generally speaking cannot be directed as to how to undertake his functions. I wonder if the *rappporteur* can give us some clarity as to how these different provisions work together.

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

Deputy Bailhache has touched on one of the principles that I think this law has got quite right, which is in creating the statute around the J.C.S.C., it is not creating a new independent body, one which employs its own staff and commissions its own paid for commissioners or non-executive directors. It is designed in a way to create independence within the employment and governance model that is the States of Jersey Employment Board. In doing so I think some of the things to call out are the pragmatism around the tax as well; the ability to create technical advisory capabilities to advise the director. Perhaps, in case things have changed since I last saw the details, the Assistant Minister will surmise this, but the facility provided here is more akin to that of Statistics Jersey, in which there is rightfully an independence of the provision of the service but not necessarily with the bureaucratic weight of the service being provided outside of Government through a grant-funding model. What I would say is we know that, notwithstanding the description of independence, it is still within this States Assembly's remit to decide the extent to which we prioritise that funding. We did indeed see that play out in the debate around Statistics Jersey funding in the Budget 2026 to 2029. One thing about the principles, I do think Members should continue to consider how we structure independent services being provided to ensure they are lean, or at least proportionately provided. The fact that this law does not propose a new independent body, which would come with perhaps paid for commissioners, is of merit.

[17:30]

What I would add - and it will no doubt come up in commentary about the Alcohol Licensing Law - is that the role of Director is a statutory role now, one that carries functions, but it is not one that carries term limits or reappointments, perhaps partly by virtue of the fact the role is held by States of Jersey employee. But when we talk about some of these key statutory roles in the Island, I think we have seen varying practices as to whether we renew those. The Information Commissioner I think has a term but can be renewed, the Commissioner for Standards, the Children's Commissioner and the Comptroller and Auditor General all have terms that cannot be renewed. I think understanding the approach behind that, what it does for ensuring fresh ideas and introduction of new talent is a really important thing, and as the J.C.S.C. develops that may need to be in Ministers' minds.

The Bailiff:

Thank you, Deputy. It is 5.30 p.m.; do Members want to continue? Does anyone else wish to speak on the principles? Accordingly, I call upon the Assistant Minister to respond.

9.1.5 Deputy M.R. Scott:

I thank the States Assembly for giving me a little bit of time to wrap things up. Hopefully I can do this as quickly as possible. I thank Members for their contribution and both the chair and the Minister for their kind words. I will just answer the questions that have come up. There was mention of the statutory reporting period, and indeed there was some discussion around this. I am really glad that in the consultation we brought people along to agree to the 24 hours, and I thank the panel for their support in that. The point about the non-Ministerial departments, I believe that it is really not insurmountable, that we do need to be sensitive to the constitutional elements here. I already have proposed something with my officers but I want to make one thing clear, anything that is being proposed is going to be consulted with the non-Ministerial departments, as it should be. I have got a constitutional legal background and, I have to say, had not been aware of some of the anxiety that perhaps had been caused by the initial proposals. But we intend to move this along as quickly as possible after the law has been enacted, and hopefully the non-Ministers can be comfortable with us doing something that is appropriate for their area in terms of the way in which these obligations, I believe, should be enforced and accountability achieved without compromising independence. I too want to thank officers of the J.C.S.C. I really appreciate the panel visiting their offices; I invite all States Members to do that. They are doing some amazing work monitoring vulnerabilities. They have a service called Jersey Cyber Shield, please spread the word among your constituents because

it will help them protect themselves. Deputy Bailhache mentioned the C.E.O. of Government Jersey's concerns about proliferation of A.L.O.s, and Deputy Alex Curtis did point out that we have not created an independent body as such. What has been created within the law is some protection of the operation of the centre. I need to be clear, because I did a lot of work here, it is really important that the J.C.S.C. has trust. People are sharing information so the actual need to have all these provisions that say: "No, you cannot just share information with Government, you will have independent systems." There is nothing in this law that says that the Minister can ask for information of people with cyber attacks, indeed even his powers to enforce the law by imposing civil penalties has to come out of information that has come in the public domain. Sometimes it is quite obvious if an essential service has collapsed as the result of a cyber attack, and the whole public would be saying they should be made responsible. But sometimes there also are obligations to report data breaches under the Data Protection Law, and information can come out that way. But there is a provision that basically says that the operations will be run independently, but basically people should keep their snouts out of the work of the director of the J.C.S.C. When the Minister does have the ability to give direction because it is in the interests of our public security that is on the basis of what Deputy Curtis has called a T.A.C. That is an acronym for a Technical Advisory Centre. The director of J.C.S.C. can set them up, so can the Minister, which are groups of people who are independently helping to scrutinise. As you may expect, it is a very technical area so these individuals will have that technical expertise. That is the kind of mechanism where we have tried very hard to enable independence while having a degree of accountability. It may be in time that people can be more comfortable or think it is more appropriate to have a more distinct separate operation. I personally am going to put it out here right now, A.L.O.s themselves are not necessarily a bad thing, it is the way in which they are managed, the way in which they are made accountable, all those things are relevant to this conversation. I certainly would warn people who are saying any independent agency is a bad thing. Nevertheless, good financial management is important. I believe Deputy Alex Curtis also mentioned the term of the appointment of the director of the J.C.S.C. Currently he is a States employee; he has got a contract. Where you have independent agencies typically the law will say: "This person can only be in place for a certain amount of time." It did not happen in the Statistics Law because in fact there was somebody in place in that role with a contract at the time. But I totally agree with the principle - you have seen it with the Comptroller and Auditor General - that ideally you have limited terms to enable fresh talent to come through to ensure that things do not get too fossilised. Indeed, with the Information Commissioner there is a term that can be renewed and good practice generally is to ensure that you have open recruitment in that area. That is what I have got to say. I call for the appel, thank you.

The Bailiff:

The appel has been called for, thank you, Assistant Minister. 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 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. Mary				
Connétable of St. Saviour				
Deputy M. Tadier				
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 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 Tadier, can you confirm that your panel do not wish to scrutinise the matter any further?

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

Let us have a think. No, we do not, Sir.

Deputy K.F. Morel:

May I propose the adjournment?

The Bailiff:

Are Members content to adjourn? The States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:39]