

# STATES OF JERSEY

## OFFICIAL REPORT

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[9:30]

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

**PUBLIC BUSINESS - resumption**

**1. Draft Assisted Dying (Jersey) Law 202- (P.65/2025) - as amended - resumption**

**The Deputy Bailiff:**

So we resume the debate in Second Reading on the Articles, as amended, for the Assisted Dying (Jersey) Law. I had indicated yesterday that Deputy Gorst wished to speak.

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

I am taking the view that because the Articles are taken *en bloc* therefore it is the entire bit of legislation where normally one might make a speech in Third Reading, Second Reading is in this instance because they are all together not dissimilar, because the Articles hang together. We are, by my calculation, and I may have misremembered - my memory is not perfect - we have already had 4 votes on assisted dying and each of those previous 4 votes - the original principle, the basis of which path we should follow, and the law drafting memorandum, in effect, and then we have had the first reading of this legislation - all being approved by a substantial majority of the Assembly. Of course, I have been on the other side of those votes, so Members are not surprised for me to comment on. We are getting towards the business end of the Second Reading and, ultimately, the Third Reading, knowing that, by a substantial majority the Assembly supports the introduction of assisted dying legislation into Jersey. I just wanted to make some comments about how the legislation hangs together. To my mind, there is absolutely no doubt other than this is a complex and a nuanced debate and decision. I say that because right now Islanders have different experiences of the end-of-life care. Maybe in earlier speeches I was a little bit too despondent about some of that care, but there is no doubt that right now some Islanders have an appropriate pain-free end of life that they are able to spend with their families, and their end-of-life experience is as good as I think all Members would like to see for all Islanders. That end-of-life experience, of course, is perhaps enhanced in some cases by D.N.R. (Do Not Resuscitate); that is the withdrawal of medical treatment rather than the administration of drugs to end life, which is what we are talking about here. That process is, by and large, undertaken by or with the will of the individual, whether that is simply withdrawal of treatment or desire to have increased pain relief. It is undertaken with the will of the individual, and autonomy has been an important part of this debate, which is why some Members will be supporting the legislation. It is supported by clinicians and family. It has been evolving over the years as citizens have lived longer, as medical interventions and treatment have improved. The corollary of that is that people can be experiencing at the end of their life difficulties, and therefore we have needed to introduce that sort of process. There is an argument that says that assisted dying legislation creates a legal framework to put around those situations. I can understand that argument. The certainty that might be proposed, which this legislation throughout its Articles does propose, is all about creating that legal framework. For my part, I suppose, I have come to this debate and this bit of legislation believing that the current framework is sufficient and that we do not need to take that step away from what I think works well, although I understand that for some clinicians, in a world of litigation, they feel more uncomfortable with putting the patient's needs and the family's needs at the forefront at the end of life in how they administer pain-relieving drugs. For my part, that is sufficient, and this legislative framework that we see throughout these Articles is unnecessary. But I do accept that there is a different argument, and that argument is that this law is required to create a legal framework to give certainty to individuals, to give certainty to clinicians. That to me is also quite a sad reflection upon where we are as a society and how we believe that Government legislation can solve complex nuanced problems. But it is where we are. I, as other Members have said, come from a Judeo-Christian background; that background and basis is the basis of Western community and society. It, of course, welcomes contradiction, it welcomes argument, it welcomes democratic debate, and that

is exactly what we have been doing over the last 3 days. But it has that belief in the sanctity of life in all stages and that life is precious, and I know we have got other legislation that we are going to have to deal with before this parliamentary term expires, which will also raise these issues of sanctity of life. When does life start? In that case, this is when should life end and how should it end. It has that in common with all Abrahamic religions, of course, not just the Judeo-Christian tradition. Therefore, I take the view that in making the final decision on this legislation, I understand the arguments about dealing with pain at the end of life. I think the current process can deal with that. Others may disagree. I also understand the arguments about autonomy, which we had a very powerful speech from Deputy Miles yesterday about autonomy. That is, of course, incredibly important. But I always view autonomy from the perspective of my autonomy, of course, is important but it has got to be tempered by whether my autonomy may have an effect upon somebody else, which is detrimental. I think really the Attorney General designate intimated that in his assessment around the human rights compliance of all of this legislation brought together. The reason I say that is because while there are strong safeguards in this legislation, and I agree that the Minister and the officials have done their best to provide the safeguards that they can, I come back to the point that we are talking about a life-and-death issue. I worry very much that it sends a very subtle and it is an unintended message that one life is more important than another, and one experience of life is more important than another, and that vulnerable members of our community will, if we are not very careful, feel either pressured or undermined or coerced.

[9:45]

I understand that the argument can be run that the legislation as currently drafted it is difficult to see that happening, but we already know that a Member of the Assembly has lodged a proposition to extend the existing legislation. So even though we have had a vote on the scope of the existing legislation, and I know that our lobby friends in the gallery, they themselves have said that this approach to assisted dying will be the most permissive currently either passing through Parliament or awaiting Privy Council. We must bear that in mind as well. For me, even though I recognise entirely where the vote will go, it is not for me the right decision, and I will not be supporting this legislation as it goes through Second Reading.

### **1.1.1 Deputy I. Gardiner of St. Helier North:**

I decided to speak at the Second Reading because we have just gone through all the Articles and had deep and long and very important debates. As Deputy Gorst rightly said, it is probably one of the most - and I feel it is - emotive and complex subjects we can debate as States Members. Preparing the speech today - this morning - I looked at 4 previous debates back in 2021. I looked at my first speech and I remember saying that it is literally a life-or-death debate, as I said at my first speech almost 5 years ago. From the beginning of this process I have received many thoughtful, well-reasoned emails and letters from Islanders, professionals, campaigners on both sides. I remain grateful for all those contributions, even whether I have not agreed, because all these contributions over these 5 years really deeply reflected how this matter touches our community where we equally ... and we, as States Members, were equally proactive and also we were equally reactive in seeking the best way forward for Jersey. As Deputy Morel and Deputy Miles mentioned in their speeches, I still remember when it began with the Citizens' Assisted Dying Jury where the report ... for me, that report gave us an insight into what a group of ordinary Islanders', having heard evidence, belief is the Island should consider. That mattered for me, it grounded this debate not just in politics but importantly in public reflection. Personally I have gone, like Deputy Morel, through ... actually I had 3 elections because I had a by-election and I came into this office with a clear belief that Government should be cautious about interfering in people's private lives and that a person with sound mind has autonomy over their own body. This is fundamental human rights. It was my personal belief when I came in, the freedom to live your own way must, in carefully defined circumstances, include the freedom to die your own way. Saying this over this 5 years, and especially over the last 2 days, I

have evolved. Even yesterday I changed my position on 2 amendments how I expected to vote, and listened carefully to colleagues. I listened to Deputy Bailhache, Deputy Barbara Ward, Deputy Rob Ward, Deputy Doublet, Deputy Jonathan Renouf. I was sitting there and making decisions listening to the debate, and I think this is what the Assembly debate is for. It shows that we can truly listen, weigh the evidence, reflect and make decisions where our values come through. Informed not only by our experiences and beliefs but what we have heard in this Chamber. For me, that is values-led leadership. It is the leadership grounded in integrity. It is about holding firm to your core principles - if it is dignity, autonomy and compassion - while allowing evidence, respectful arguments and thoughtful challenge to shape how those principles apply. Each Member of this Assembly is elected by their constituents. Each of us carries our own conviction and conscience into this Chamber. Over the past days, as I reflected this morning about it, we have seen Members speak not from instructions or alignment, but from deeply-held belief informed by evidence and experience. This is what reflects the strengths of this Assembly. This has been a personal debate. Members spoke from the faith, from humanist belief, lived experience, from professional insights. I needed to confront my Jewish identity and Jewish beliefs and my personal beliefs, and I had a conversation with my community. Even where I think, where I disagreed, I never ever doubted the sincerity and the care behind everyone's contribution. As the Connétable of St. Saviour said, there is one amendment that has not been accepted changed his mind. I was really sad about one of the amendments, the Scrutiny amendment, that gives a personal ability more preference was not accepted. I considered, would it change my mind and I decided it will not change my personal mind. Again I will say, I am proud of how this Assembly has conducted itself. I am proud that we created space for differences without hostility. Proud that Members could speak from the heart. Proud of the Scrutiny Panel, and my thanks to the chair of the Scrutiny Panel and Deputy Curtis and Deputy Bailhache, who were members of the Panel, and to the officers, and also my thank you to the Minister. I think it was an amazing piece of work; we demonstrated maturity and respect. Where I started this process 5 years ago and where I finish are not identical but they are consistent in principle. I changed my mind on some things and I was able to vote freely. So autonomy matters. This legislation, and it is right that this is always complex. It is not easy. This legislation will not simplify the complexity that families will go through. But it recognises that in defined circumstances, compassion and respect to autonomy can co-exist. So for me, within these strict safeguards that we debated through the Articles and limited specifically to terminal illness, for me it is the right step for Jersey, and I will be voting in favour.

### **1.1.2 Deputy D.J. Warr of St. Helier South:**

I am sort of pleased to follow a couple of those speeches. I just want to take us on a personal journey really. I have remained silent throughout this debate because the more I have reflected on this issue the more I strip it down. At my very core I simply do not believe in the concept of the State enabling an individual to take their own life. I was reflecting with the Dean on this matter, and he told me about a sermon he had given on the famous story of Jacob wrestling with God. This feels a bit like that for me. Frederick Buechner characterised Jacob's divine encounter at the Jabbok River as the "magnificent defeat of the human soul at the hands of God." It is in Jacob's story that we can easily recognise our own elements of struggle, fear, darkness, loneliness, vulnerability, emptiness, exhaustion and pain. That really struck a chord. But what has caused me to stand and speak this morning was another coffee room encounter. This time it was a conversation with the Connétable of St. Lawrence. We were talking about some of the more unusual tasks of a Connétable, and she described having to deal with a pauper's burial. It is the true essence of leaving no one behind, the sanctity in which we hold human life, a principle that sits at the heart of Christian belief. From the very beginning of Christian teaching, life is understood not simply as a biological fact, but as a sacred gift from God. The Bible's opening chapters describe humanity as being made in the image and likeness of God. That is a deeply profound statement about human worth, dignity and purpose. For Christians, this is not a symbolic language, it is the foundation of why every human life is considered

precious, irreplaceable and endowed with inherent value. Christian belief of the human life is not ours to own, manipulate or dispose of. It comes from God and therefore it ultimately belongs to God. This belief leads Christians to view every stage of life, from its beginning to its natural end, with reverence and humility. It is why Christians have historically been at the forefront of caring for the sick, comforting the dying, protecting the vulnerable, and offering compassion to those in despair. The duty is not only to preserve life, but to honour its dignity. Central to Christian teaching is the idea that God is present with us in suffering. That suffering, while painful, does not strip a person of their worth. The Christian response to suffering has always been rooted in accompaniment; being present, offering care, relieving pain and surrounding the person with love. Jesus himself modelled this by tending to the sick, comforting the broken hearted, and showing mercy to those society has overlooked. For Christians, compassion is not expressed by ending life, but by standing with someone through their darkest moments. The sanctity of life also carries a responsibility to protect those who may not be able to protect themselves. Throughout history, Christian communities have emphasised the duty to care for the elderly, the disabled, the isolated and the voiceless. The Christian tradition warns that when society permits intentional life-ending actions, even with the best of intentions, those who are most vulnerable risk becoming the most at risk. A life that is frail or dependent is no less sacred and no less worthy of protection and love. But at its heart, the Christian view is not merely about rules or prohibitions, it is about affirming the deep, immeasurable value of every person. It is about recognising that no human life is without meaning, and that no suffering person should ever feel they are a burden, or that their life is no longer worth living, or that ending their life is a solution we offer them. Christian teaching calls us to respond to suffering with compassion, but a compassion rooted in presence, care, solidarity and love. True compassion seeks to relieve pain, not eliminate the person who feels it. Today, as we consider the complex questions about life, death, suffering and autonomy, the Christian voice simply invites us to pause and remember this. Life is sacred, because every person is sacred. A society that protects life, especially the lives of those who are weakest, is a society that affirms its own humanity.

[10:00]

I am though reminded that, for some, this day will be seen as a blessing, so I thought it fitting to end with a poem recently shared with me, and I hope it brings comfort to them. It is by Rosemerry Wahtola Trommer: “Even now, I am becoming wind, something less flesh, more movement, more current, less here, more everywhere. Though the moment I think I know this truth, the knowing re-solids me, makes me into clay that pretends it is wind. But becoming clay again, I am destined to crumble, disintegrate, until I am dust and once again one with the wind. How to trust anything then, except this infinite becoming and rebecoming - and whatever it is that is alive inside it all. That. I put my faith in that.”

### **1.1.3 Deputy K.M. Wilson of St. Clement:**

I appreciate people feel very strongly and believe that we are doing the right thing today. But there are still Members in the Assembly with concerns about this legislation and the way in which it has been presented and drafted. There are Members with different opinions but who, nonetheless, accept the will of the people, even though they carry these personal doubts. Like the majority of Members in the States, I am not in the business of denying a person with capacity the right to make their own decision; arguments of self-determination and autonomy being central to that. But the rights and needs of other people do need to be considered at the same time, people who are vulnerable, people who are open to coercion and people who may have had the capacity once but no longer have capacity. For these people the legislation, as it is drafted, even after Scrutiny, which has provided quite a lot of detail for us to consider, I do not believe that it contains the necessary safeguards that the State has a duty to fulfil to all Islanders. These are the people that will fall victim to this legislation. I am sure it gives many people a good feeling that at least we have got something done and no doubt have been greatly congratulated by the lobby groups advocating for assisted dying,

which have been so heavily representative throughout, as well as during the debate. It is not just a question of getting something done though. How can it be fit for purpose when the safeguards we have identified in this legislation continue to cast doubt, continue to put vulnerable people at risk? What have we done about that? There is a sense that Members are determined, perhaps some even enthusiastic, to get this legislation in its current form passed. I think we would have had better legislation if more consideration had been given to those with serious concerns as to how these things are going to work. Some even asking how we have arrived at a place where someone who is conscious but has no capacity to change their mind in their final moments about a decision they took when they did have capacity, can be euthanised by the State. There are consequences of euthanising someone, and for me the safeguards are not strong enough on this issue. Would anyone here wish to see their relative euthanised because they have lost their capacity? That is the quality of the legislation before us, and I think people in the Island would be shocked to hear that the legislation will allow this. The legislation, as it is drafted, will lead to examples which we are foreseeing now but we are ignoring this because we want to say we have got it done, and it will lead to problems down the line. I am asking for that perspective to be considered, not just because it is my own personal view but I also feel that it reflects a lot of the concerns that Islanders themselves have expressed and as a basis for that I cannot support it in its current form.

#### **1.1.4 Deputy M. Tadier of St. Brelade:**

We are still in the Second Reading and I wanted to take some time to at least reflect upon all the work that has gone into these various Articles. I think over a number of years there has been an iterative process that has been followed, both starting off from points of principle and then giving very deep consideration to where the right balance of autonomy and safeguards should be. The various Ministers, especially this current Minister for Health and Social Services, has made sure that there have been lots of occasions for engagement. We know that of course in the past there was the Citizens' Jury, which Deputy Miles spoke of. There has been no shortage of opportunity for engagement for States Members in this whole process. I availed myself of some of those sessions which were put on quite early on, and I found it a very useful process. I did not need to go to every one but I was certainly kept up to date with the changes. I remember having quite a frank discussion and an open discussion in one of those sessions about the waiver in fact, and I think that was at a point when the waiver was not being considered. People put their points of view forward saying: "Should we not have a waiver if someone was in this situation and they fell into a state of unconsciousness or inability to make decisions? Should they not have their rights respected?" I think for me I am glad that what we have got in front of us, notwithstanding that we have had some robust and, I think, generally very polite debates in here, I think we have shown that we can cover ourselves, if not in glory but certainly do very well when it comes to these kind of debates. There has been some immoderate language, and if I think back over the debate there has been talk of people administering poison, there have been comparisons to mass murderers; so comparing our current medical profession in Jersey to individuals who have been found guilty of being serial killers. I do not think that is appropriate. I do not say that Members do not have the right to offend in this Assembly. I think we do have to acknowledge that Members have to hear things that they do not always like. But of course it is incumbent on any Member of this Assembly, I think, to decide what is considered helpful speech. I have great respect for the last speaker, the previous Minister for Health and Social Services, who is a valuable panel member to me. But I think it is alarmist when we start using terms like state-sanctioned euthanasia, because this is absolutely not what is being passed here. First of all, it would not be legal. I do not think any of the legal advice given to Ministers would allow for state-sanctioned murder to appear on our books. I do not think that would somehow get through the Privy Council. But more fundamentally it is not true; I do not think it is ethically true that is what we are proposing but it could be argued of course if one is a hardliner. But what we have been talking about throughout these debates and these amendments is the balance between choice and autonomy and safeguarding for everyone. It is about not forcing any medical practitioner to do

something that they do not want to do. It is recognising the fact that there will be people who have the same passionate views of Deputy Gorst that Deputy Warr made but in a different way, which does not involve an old deity. It does not involve a figure from an Abraham religion. It may be that they follow a completely different religion. It may be an eastern religion, it may be more mystical, it may be philosophical, it may be that they do not rely on that at all. I am very much aware in my leisure time to make sure that I listen to history podcasts or read books, and recently I have been listening to and reading about the enlightenment in Europe. Of course it came in different phases; in France the enlightenment pretty much came in the 18th century. In Europe, more widely in Italy perhaps where it started off, it was a little bit earlier in the century before. It was not that there was a wholesale rejection of religion or Christianity. It was the fact that there was an ascendancy of the faith in the human and so there was a rebalancing of autonomy. Of course this did coincide with the fact that when there was the invention of the printing press when people would start to read and learn for themselves and of course the Reformation had a bit impact on that. People started to not just take things that they were told for granted and started to think for themselves. I think it is great that in Jersey we are perhaps experiencing our own enlightenment now in the 21st century; better late than never is what I say. That is not to make light of this but this kind of decision probably would not have been possible in Jersey, I would say, even 5 years ago; certainly not 20 years ago. I think it is a great credit to both this Assembly, the work of the Minister, but also an acknowledgement that our community, our society has moved on. It is not about throwing the baby out with the bath water, it is recognising that sanctity of life can be interpreted in many different ways. That has to be the respect for the person, respect for the individual. As many States Members have perhaps said in the past in other debates of not an entirely similar nature but which do have an intersection when it comes to human rights and the choice, is that this is not compulsory. Nobody has to do this and I think that there are sufficient safeguards in this. My last point for this really is to say that it is one thing to say that the Human Rights Law, whether it is the U.N. (United Nations) declaration of human rights or the E.C.H.R. (European Convention on Human Rights) did not envisage assisted dying when it was implemented. But of course human rights are constructed in such a way that they are always evolving and that they are capable of dealing with new concepts and new developments as society itself evolves. There is absolutely nothing contradictory with human rights in all of this. In fact it is just an extension of the possibility for Governments and Assemblies to consider these human rights applications in the round. My final thoughts on this will be that, as Deputy Morel I think said yesterday, he said it is really important to show that this Assembly can make changes. He said that there is often a criticism from outside that changes do not happen. I do not know if that is universal because I think if you take to social media you do get a very mixed response, and that people can be equally critical of changes as they are of States Members not changing anything. It really depends which side of the fence one sits on. But the message I took from that is that when you have conviction, politicians of whatever persuasion that come into this Assembly with a vision and a desire to get things done and they do that, I think the public and perhaps Members of this Assembly also have respect for those people. I think today, although it will be not a decision that everyone in the Assembly can fully support and I respect that, I think it will be a day where Jersey and our systems should be proud of themselves. I think we need to give that acknowledgement to the staff that have been working on this over a number of years - the work is not finished yet - and to thank them for the work that they have done on this, as well as the various lobby groups, both locally, nationally and internationally, who have been battling for this issue often against some very difficult odds.

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

As we approach the close of this debate, it is clear that the Assembly has given this issue very careful and serious consideration. Assisted dying is not ordinary legislation, it raises difficult questions about autonomy, protection, compassion, caution, dignity, responsibility. Throughout this debate Members have spoken respectfully and with clear understanding of the significance of the decision before us. We have heard moving accounts of suffering at the end of life and the desire of someone and there

is a greater choice and control. We have also heard equally important concerns about safeguarding vulnerable people, the responsibilities placed on clinicians and the wider implications of changing the law in this area. Both perspectives are legitimate and both deserve and have deserved the weight we have given. Over the course of scrutiny and debate the proposition - the legislation - has evolved. Safeguards have been examined in detail. The role of the Assisted Dying Review Panel - and I commend them for their work - has been clarified.

[10:15]

Issues relating to capacity, eligibility, oversight and appeal, including third-party challenge, have been carefully tested by this Assembly. We must now balance 2 important principles; first, respect for individual autonomy, that a competent adult who is terminally ill and experiencing intolerable suffering may wish under strict safeguards to exercise that choice at the end of their life. Second, the protection of the vulnerable, that any legal framework must ensure decisions are freely made, properly assessed and subject to rigorous oversight. Members acting in good faith may reach different conclusions; that is inherent in and with conscious legislation such as this. What this debate has demonstrated, however, is that the Assembly has approached the matter thoughtfully, respectfully and with a genuine care for Islanders. If the Assembly decides to proceed, approve the law in the Second Reading, implementation will require continued vigilance, careful regulation and ongoing review. Passing the law would not be the end of the Assembly's responsibilities but the beginning of it. I would like to commend Members for the respectful tone of this debate and to acknowledge the contribution of clinicians, advocacy groups, faith communities, disability representatives and members of the public on all sides of the debate who have helped to inform our deliberations. I will be supporting the legislation.

#### **1.1.6 Connétable A.N. Jehan of St. John:**

Like Deputy Gorst, Deputy Warr and others, I am also proud to say that I come from a Christian background. Listening to Deputy Warr this morning I was reminded of the story of the good Samaritan, a story where the priest walked past and it was the neighbour who helped. We can interpret the good Samaritan story in more than one way. My interpretation as a Christian is probably different to some others but I know that many Christians do think the same as I do. Alleviating suffering, I would argue that the Samaritans' core trait was mercy and action. They believe that providing a suffering terminally-ill person with the means to end their life is the ultimate act of kindness and empathy. Loving thy neighbour, I prefer to interpret the golden rule, do unto others as you would have them do unto you, to mean that if a person would want their unbearable suffering ended they should grant that same right to their neighbour. Earlier in the debate we heard from Deputy Morel about the different circumstances that people find themselves in. He spoke about being sat in the doctor's waiting room not knowing why other people are there, what they may be suffering from and how he, like most, did not share why he is attending. In one of the amendments I spoke about respecting others' views. In recent weeks and months I have experienced 2 very different circumstances of people who are both receiving palliative care. The first is a gentleman, a quiet, private man, who really did not want to trouble anyone. He remained at home for as long as possible, probably too long and has now made the inevitable journey to see out the last days of his life in the wonderful care of hospice. Having offered to assist the family, I received a message at 6 o'clock on Christmas Day. The wife, I would say, had reluctantly messaged me asking for help. I rushed around to assist; he was very calm and apologetic. I asked why they had waited 3 hours before calling me and they said they did not want to interrupt my lunch. A few weeks later I had another message, again asking for help. This time it was in the middle of Storm Gorette and, again, they had contacted me as a last resort because they needed help. I always think, what if it was my wife who needed that help? Would I want someone to go and help her? Of course I would. It was not far for me to travel and, as Minister for Infrastructure, I was more than aware of the advice not to leave home. I went to assist and, again, they were very apologetic but extremely grateful. The gentleman in question I

know is a man of faith and, although I never asked him, I would be very surprised if he would ever contemplate assisted dying. The second example is a gentleman who is incredibly close to me, someone who has battled cancer for the last 6 years and done it with all their might. Sadly, they too are now receiving palliative care, with members of the hospice team giving assistance in their home. We had not discussed assisted dying before. Two weeks ago we went for breakfast, lunch is still a possibility but dinner is out of the question as he does not have enough energy from mid-afternoon. The person told me they had attended hospice for an appointment with the doctor the day before to discuss pain management. I asked who he had met and he said who. I knew them and how lucky he was to have met that person and have them looking after them because they are so good at what they do. I said I had discussed assisted dying with this health professional in the past. While fully appreciating the excellent work carried out by the team at hospice and others but our views sadly differed. I am a firm believer in choice. I looked across the table anxiously waiting for his response. He looked at me and after a short pause: "Good" he said. He told hospice if the law gets passed he would want to sign up for it: "You would not believe it" he said: "The pain at times and the other side effects is truly unbearable." Sadly, if - or should I say when - this law is passed it will be too late for this individual and others like him. But he and others will take some comfort to know that others in the future will have an option. This is just one example of 2 people at similar stages in the same process. They are very different, their families are both supporting them doing what they think is right. Safeguarding, the protection of individuals, including health professionals, reviews, et cetera, et cetera, are vitally important. Ultimately, it is about people. We have heard more than once that this is likened to state-sanctioned euthanasia. Do those who suggest this prefer the continuation of suffering and would they describe that as state-sanctioned torture? What is right for one may not be right for the other. Let us give people choice. I would like to pay tribute, as others have done, to the Minister and his team for their excellent work. I would also like to pay tribute to the panel and especially the chair for their extremely thorough review of the proposals. In closing, I would echo the words of the chair of the panel: "We can be proud of this. We can be assured that the work has been thorough from both officers, advisers and, in this Assembly, the politicians." **[Approval]**

#### **The Deputy Bailiff:**

Does any other Member wish to speak on the Articles as amended in Second Reading? If no other Member wishes to speak, then I close the debate and I call upon the Minister to reply.

#### **1.1.7 Deputy T.J.A. Binet of St. Saviour:**

This debate on the Articles has been necessarily long and at times a little challenging. The Assembly has wrestled very creditably with one of the most important matters that it is ever likely to face. Much has been said about the provisions of the draft law, and I would like to thank all Members for their contribution. As with the debate on the principles, on such a subject I do not feel it is appropriate for me to make mention of any specific comment or any specific speech, save for saying that in adopting this law we would be establishing one of the safest, most clearly defined and transparent assisted dying systems anywhere in the world. A system designed not only to enable choice at the end of life but to protect every person touched by the process; the person seeking an assisted death, their family, professionals and members of our whole Island community. I believe the majority of Islanders want this law to be passed. They want us, as their elected representatives, to have the courage and conviction to make the decision today to adopt this safe and well-considered law. There are a good number of people to thank and I hope Members will not mind, but I have saved that for my final comments at the end of the Third Reading. As stated at the beginning of the debate, it seems sensible for the vote to be taken *en bloc* and with that in mind I would like to call for the appel.

#### **The Deputy Bailiff:**

Sorry, did you call for the appel, Minister? Thank you. The appel has been called for, I invite Members to return to their seats. If all Members have had the opportunity of returning to their seats,

I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the Articles, as amended, have been adopted:

<b>POUR: 32</b>		<b>CONTRE: 16</b>		<b>ABSTAINED: 0</b>
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 St. Clement		Connétable of Trinity		
Connétable of Grouville		Connétable of St. Ouen		
Connétable of St. Mary		Connétable of St. Saviour		
Deputy G.P. Southern		Deputy K.F. Morel		
Deputy C.F. Labey		Deputy M.R. Le Hegarat		
Deputy M. Tadier		Deputy I.J. Gorst		
Deputy S.G. Luce		Deputy K.L. Moore		
Deputy L.M.C. Doublet		Deputy Sir P.M. Bailhache		
Deputy S.M. Ahier		Deputy D.J. Warr		
Deputy R.J. Ward		Deputy A. Howell		
Deputy C.S. Alves		Deputy R.S. Kovacs		
Deputy I. Gardiner		Deputy B. Ward		
Deputy L.J. Farnham		Deputy K.M. Wilson		
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 Deputy Bailiff:**

We come to Third Reading. Do you wish to propose the matter in Third Reading, Minister?

**Deputy T.J.A. Binet:**

Yes, Sir.

**The Deputy Bailiff:**

Do you wish to speak in Third Reading?

**1.2 Deputy T.J.A. Binet:**

No, Sir. I am aware that at least one other Member wishes to speak, so I will reserve my comments for closing.

**The Deputy Bailiff:**

Very well. Does any Member wish to speak in Third Reading?

**1.2.1 Deputy J. Renouf of St. Brelade:**

I chose to speak in Third Reading rather than Second Reading but my comments are relatively short. Third Reading is an opportunity to say if we think there is any reason why we think the amended law should not be passed. I am as free from such doubts as I can be. It has been a full and detailed debate, and I hope that when people look back they will judge that the Assembly did its job well. It feels to me that all points of view have been expressed very fully. I would like to observe that decisions we have made in this debate have, essentially, followed through on the views expressed by the public through various consultations and exercises and also carried through on decisions taken by the Assembly in previous votes. That consistency is not necessarily a guarantee that we have got things right, but it does give a feeling of solid foundations to the law that we will, hopefully, shortly pass. I note that the Minister has played a straight bat throughout these proceedings. He did not seek to reintroduce his own views. He has shown clear thinking and good judgment and I congratulate him for his shepherding of this legislation through the Assembly. **[Approbation]** I do not share the view expressed by Deputy Moore that because we have difficulty with our Health budget we should not launch the assisted dying service. The Health budget is indeed a problem and opinions differ on the reasons for the crisis in health funding. However, I do believe we need to think about assisted dying in a different context. Deputy Moore is right to say it is a new service but to see it only in those terms is, I respectfully submit, to miss the significance of the moment. Because assisted dying is also a major extension of human rights and it reflects a fundamental shift in society's views about what is humane and you could also say what it is to be human.

[10:30]

It extends personal autonomy. Having said that, I do think the issue of money will not go away. We should all be aware that there are many ways this could play out in the following years. If waiting lists for serious treatments continue to grow, then it may well be that the public start to ask questions about where the money should be spent. But rather than seeing that as a deal breaker, I would say it is likely to spur future Ministers for Health and Social Services to resolve the issues, just as introducing the assisted dying service has led to a welcome focus on and commitment to palliative care, so the assisted dying service will focus debate rightly on the funding and organisation of our health services. I endorse all thanks that have been expressed so far and will not repeat them. But I would like to add thanks to the Acting Attorney General for his contributions. I think he spoke more yesterday than anyone. **[Approbation]** The ability to call up multiple relevant clauses in the law without hesitation is a reminder, if I needed one, why I would never have made a career in law. I would also like to acknowledge the former Minister for Health and Social Services, Deputy Wilson, who also played her part in ensuring this legislation was progressed, despite I think we can possibly

infer from her own personal views. I would personally like to thank the officers involved in the Minister's Department who have shown extraordinary stamina and incredible patience. I attended various public meetings, including one that we held in our Parish to gauge public opinion, and where those officers interacted with the public I think they showed absolutely amazing ability to handle the various intense emotions and views that were expressed with calm and dignity. I think everybody who attended those meetings was also impressed. They have shown immense professionalism. Where have we got to? I believe a good law with strong safeguards. It feels seaworthy and it is time to push it down the slipway.

### **1.2.2 Deputy L.M.C. Doublet of St. Saviour:**

I will not repeat any of the thanks that I gave in my speech on the Second Reading. But what I will do is draw Members' attention to, I think, other people that we should be grateful to, and those are the campaigners in this area and some beyond our own Island. Some I bumped into last night, who may still be in the gallery today, who have travelled over to our little Island to observe this debate and are watching with interest. I think Dignity in Dying is one of the groups there; there may be others. I know that the Humanists U.K. (United Kingdom) campaigners have not been able to travel today but they are watching. We have these Articles before us today, not just because of the hard work of all the people, the officers and Members that many people have mentioned but because of the courage and the determination of many campaigners who have, I think, started the conversations probably beyond our shores, and we should be very grateful to them. Certainly there are individuals locally who have been part of those campaign groups, many of whom have written us many emails and talked about their views and referred to those campaigns. I am very pleased to say that Humanists U.K. has played a big part in that and one individual, Nathan Stilwell, who has campaigned with such compassion and dedication and great knowledge of the subject; I am very grateful to him and to all of the campaign groups. Some of the speeches on the Second Reading, I was really moved by the Constable of St. John. I thought that was such a powerful speech from somebody of faith. I find great similarity sometimes between those who have religious beliefs and my own humanist beliefs, sometimes we have more in common. I find that that is so interesting and moving, the conclusion that he had come to by way of his own religious beliefs that have brought him to a similar conclusion to me; very powerful speech. The final group of people that I wanted to thank and pay tribute to is Islanders who have died over the last few years perhaps. Some of them are people who are known to us and family members that have been mentioned in some speeches. I think all of us carry memories of losses that we have experienced, and that has certainly shaped some of the decisions that we have made here today. As a humanist and humanists, we believe that we make our own meaning and we make our lives meaningful by the choices that we make and the values that we hold. When I think about people like Alain du Chemin, who I think Deputy Miles mentioned in her speech, and also Gary Burgess was another person who has impacted this debate hugely. There are others as well and I do hope that other people will mention anyone else who I have missed, any individuals who even at the time of their own suffering and close to their own deaths chose to speak out about this, knowing that things were not going to change in time for them. But knowing that they could perhaps add something to the conversation in our Island to change things for others who come after them. I remember having conversations with Gary Burgess about death and what a good death looks like, and I know that he reflected deeply on this. I think their deaths are all the more meaningful for having had that impact and made that contribution to us making this change. I hope that their families know that and can take some comfort from it. Yes, I remain grateful to all of the people I thanked yesterday and the campaign groups, including the humanists and others and also Islanders who have spoken out. Even through their own suffering they have helped to make real change, and I hope that their families will carry that with them and take some comfort from it.

### **1.2.3 Deputy R.J. Ward of St. Helier Central:**

I am going to try and stick to the words that I have written down because I have been so careful in what I say. But before I do I have to say - I suppose I will put my cards on the table - I am not a religious man, I am far from it. I am probably the nearest to an atheist that you have. But in my work, in my representation, I think I am in a unique position of visiting every single religious faith there is on the Island and we have our drop-ins in church halls and we go to all of the different groups. I am honoured to be invited to see them, to go to the mosque to see the breaking of the fasting today and do you remember that, for Iftar? I have got to say one of my favourite meetings in my role is the Religious Education Advisory Council because it is a model for the way the U.N. should be, where every single religion on our Island sits around the table and discusses education. It is a wonderful experience and I have learned so much. It gives me an opportunity in a way, which I do not often get, to talk about the structural anthropologist, Claude Lévi-Strauss, who said that: "It is only by knowing the other that we know anything about our own culture." By knowing other opinions, by seeing other views, we learn a lot more about ourselves and we can structure and function in our world and make rules. Those are not abstract ideas, they are real ideas. I have segued myself into the words that I have written down because today we are not voting about an abstract principle, we are voting on concrete, carefully-designed model for assisted dying, a model shaped by years of consultation, evidence-gathering and the voices of Islanders who asked us to confront the realities of end of life suffering with honesty and compassion. Death is not something that we talk about enough in our society. I think we all have a fear and I understand that. I am not going to talk about individuals, it is a little bit too personal, so I am not going to go down that line I am afraid. Jersey has taken a uniquely thorough approach. We began with the Citizens' Jury representing a broad cross-section of our community, who concluded after months of deliberation that assisted dying should be permitted under strict conditions. We then commissioned detailed ethical, legal and clinical advice. Now we have before us a proposed model that reflects Jersey's values of dignity, autonomy, safety and transparency. Let us be clear what this does, it restricts eligibility to assisted dying only to adults who are resident in Jersey, capable of making and communicating their own decision and either terminally ill or experiencing a serious irreversible medical condition. It is not a broad or permissive system; it is tightly defined. It embeds multiple layers of clinical safeguards. The model requires 2 independent doctors to assess eligibility and manage a reflection period, confirmation of decision-making capacity at every stage and the option for clinicians to conscientiously object. No doctor is compelled, no patient is rushed, no decision is taken lightly. It provides pathways with clear protocols. This respects both patient preference and clinical judgment. It also aligns Jersey with the safest international models, ensuring that the method used is appropriate, controlled and medically supervised. It establishes strong oversights and accountability. The model proposes a statutory monitoring body, mandatory reporting of every assisted death, an independent review ensuring compliance. The amendments have added yearly reports back to the Assembly and a 3-year review; that is a very transparent process. This is not something that is going to operate in the shadows but it will do so, hopefully, with the respect for people's privacy. It also, I believe, recognises that assisted dying and palliative care are not competitors but partners. The model explicitly commits to strengthening palliative care, ensuring that every Islander, regardless of whether they have considered assisted dying, receives world-class support at the end of life. That is a challenge I know that we face as an Island and I would support anything that increases the capacity and the quality of palliative care. The model before us is not rushed, reckless or untested. It is a product of careful design. I mentioned before and I will mention the officers that I know. Some years ago when I was on the Scrutiny Panel that was scrutinising some of this work, some time ago it started - many, many years ago in its first iterations - and, therefore, there is years of work that has gone on. There are safeguards that I believe can work. Vulnerable people are protected, abuse is exceptionally rare and this is the point why I am supportive as much as anything else, the presence of assisted dying will bring comfort to many, even if it is never used. The ability to control your own end of life to me is a very important part of my autonomy as a human being. The final points I will make, beyond the evidence there lies something that is far more fundamental and that is the lived

experience of Islanders who have asked for this choice. People who want reassurance that when medicine can no longer help, the law will not stand in the way of their dignity. The model gives us and them assurance. It gives them control, it gives them clarity, it gives them compassion, a regulated option for an end of life. We cannot remove death from life but we can remove unnecessary suffering from dying and we can do so in a way that is safe, humane and uniquely tailored to Jersey. Supporting this is not about valuing life less, this is about valuing the person living their life, their autonomy, their identity and, incredibly importantly, their final wishes. I urge Members to support in the Third Reading. I think they will and to do so with confidence in what we have built is a good model. It ensures dignity that is not a privilege but a right. I thank everybody for all of their contributions. It has been a very difficult time but I think we have done so with dignity and I think we have done so well across the Assembly.

#### **1.2.4 Deputy S.G. Luce of Grouville and St. Martin:**

This has been a long and winding road that has led us to the door of this Third Reading. When we look back we can see that the path that we have taken has been full of challenges. But despite many setbacks, the final destination has always been in sight, if at times only just. I want to say that in my view debates like this one show us off in a good light, maybe in our best light. Opinions have been argued and debated with decorum, with empathy, with understanding but, most importantly, with respect.

[10:45]

States Members have shown that even in such a small jurisdiction as ours we can treat big, complicated and morally-challenging subjects, such as assisted dying, with respect. After all, respect is defined as where we accept something or someone for what they say, even if their opinion is different from our own or we do not agree with them. This has been a combined effort without doubt. No stone has been left unturned. Many stones have been turned and put back where they were but some have been turned, adjusted and allowed to remain. On that note, I would wish to thank the Scrutiny Panel for their part in this process. They have turned stones and shown us what good scrutiny should look like. Many of their findings and recommendations and amendments have been accepted by the Minister, while others have found their way to the floor of this Assembly for debate in the way they should do. I will leave it to the Minister to thank officers from both sides of town, if you like, from Morier House and from Union Street and to thank the public for the huge input that they have had into our deliberations. But one person the Minister will not thank will be himself. I would just like to say that in my opinion his dogged determination to drive this law has been, in my mind, one of the overriding reasons that we are here today, about to vote in the Third Reading. I will have absolutely no hesitation in pushing the pour button at the end of this debate, and I would urge Members to do the same.

#### **1.2.5 Connétable M.K. Jackson of St. Brelade:**

Not wishing to repeat the words of my Minister just now but I would start at the beginning and say I am respectful of the Minister for Health and Social Services' tenacity in driving this proposition through. I appreciate that it is a matter close to his heart. Once again, as others have mentioned, I am grateful for the Scrutiny Panel's assiduity in reviewing every detail of this complex legislation. This will certainly reinforce the protection of the vulnerable, and I have been pleased to support, I think, most of the amendments put through by the panel. My position is driven not only by personal experience but of course as one gets closer to the departure gate of life, the mind sharpens to what one's exit strategy might be. I link this to my *ex-officio* position on the Management Committee of a residential care home, where I truly fear the psychological effect that this legislation may have not only on my 50 vulnerable elderly residents but also those in similar situations in the Island. I feel for that reason I must distance myself from supporting the draft legislation. Views that I have received personally from those involved professionally in healthcare are mixed, and this shakes my confidence

in the draft. Finally, my ethics simply do not allow me to support the concept. With apologies to the Minister and indeed those who have had different experiences, I regret that I am unable to support the proposed legislation for assisted dying.

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

I have also supported the Articles in Second Reading and intend to continue to do so, that is because of my own views on this. Those views of course are informed by my own experiences and baggage in this area and the views of people who have influenced me over the course of my life. Some of those were G.P.s (general practitioners) who felt very strongly, who were very strongly in favour of this. As the Constable of St. Brelade said, there are other medics who are deeply opposed to the subject. It is also something I indicated at hustings during last year's election that I would support this in principle. I feel for those constituents who may have been affected and are voting one way or the other. It is important to hold a consistent line. That is not to say that I do not have continuing and abiding concerns about the operation of the law. The thing that I have always been concerned about is the question of capacity. I was involved in great detail in the work to implement and then put into operation and indeed effect the Capacity and Self-Determination Law of 2018. I would like to think I have a fairly strong understanding of issues around capacity, both how you assess it, how you then respond to it and how you ensure that people are able to make such decisions as they are able to do within the scope of their own capacity. I have spoken to officers very many times, certainly several times over the course of the last almost 4 years, and I am grateful for their time in indulging my concerns and assuring me that the capacity tests and the processes will work to ensure that capacity is carefully considered and that person does have capacity to make a decision. It matters then a great deal that the capacity assessment is carefully thought through. We talked yesterday - I think Deputy Renouf talked about authority bias - people are fearful of men in white coats if they still wear them. We all know blood pressures rise in the presence of a doctor or a person in a white coat; we all know that. People are fearful and they do not want to look stupid. The capacity assessment along the lines of: "If we give you these drugs you will die, do you understand?" "Yes." That is nowhere near sufficient capacity assessment. Capacity has to be looked at very, very carefully and I strongly, strongly hope that those conducting those assessments will do so very, very carefully and very thoughtfully. The fact that someone says: "Yes, I understand" does not necessarily mean that they do. Quite ironically my views on capacity had been very much formed by a former colleague who was very knowledgeable on the subject. Some of you may have come across him - I am not going to name names - the experiences of his grandmother. It is slightly ironic that I met him a couple of months ago and we talked about assisted dying and I told of my concerns about capacity. He was more concerned about coercion because of the nature of Jersey and the money that exists in some parts of this Island, and he was more concerned about that but capacity is important. What is also important is communication, how we communicate issues around assisted dying, both to the public at large and to those people who may want to take assisted dying. Sir, you and I, and I think the A.G. (Attorney General), are broadly of a vintage, and I suspect you will remember at the start of your career that it was quite acceptable or certainly routine for lawyers to pepper their documents and their letters with Latin phrases and words that we understood but the clients might not. Over a period of time we have had that knocked out of us. We have been told that that is not acceptable. I am sure Deputy Bailhache mourns the loss of French in court judgments and in our laws. But we have been told it is not acceptable to write in a way that people do not understand, that we must be shorter in our use of language, it needs to be clear in our use of language, that people must understand. I am not sure from documents that I have seen from doctors that they have been through that process. I do not think doctors necessarily always communicate well. They have their own technical jargon. They use their shorthand that they understand but patients might not. It is important that all doctors involved in this process go through that same process that we have gone through of learning to communicate well. That also extends to Government, Government does not communicate well with the citizens. That has been something I tried very hard to do and, as Minister for Social Security, to

try to get communications better. The answer is often: “Yes, but this is a legal process, this is a legal letter and we have got to explain that.” But as I often say, we must tell people what the law means and not what it says. Government’s own communications in this have got to be critical and they cannot just be written in Morier House by lawyers. We have got to write in a way that people genuinely, clearly understand; that is one of the most critical things of all. It is something that most lawyers who work in Government will know that I have told them several times by now. Having said all that, it is very difficult and, while I do support the legislation, I find it difficult, in fact impossible, to feel remotely uplifted by the decision I think almost certain we are going to make today. I do not feel it to be a cause for celebration because what we have to remember is that there will be very many people ... numbers vary, but I would say for every person who will be pleased with this legislation coming into force there will be others who will be very disappointed. There will also be people who are, frankly, frightened by this law coming into force. It is a pity that we have not seen them. We have seen the pro-lobby outside who seem to be very professionally corralled and supported. It is a pity in some respects that the opposing people have not had that same support to put their view forward. What I think is deeply unfortunate, and I know it is a matter of personal belief and personal view, but I think that it is really unfortunate for those people that even before we have finished the debate on this, we are looking at a proposition to extend it even further. For those people that is a slippery slope writ large. We have not even got the law in place, that that is their concern. We have to accept that people are frightened. I think it is unfortunate we have got that tabled, but that will be debated another day. What I am going to say last is finally the decision about the value of a life can only ever rest with the person whose life it is. No one should ever make a decision about whether a life is worth living. I will give you an example of that, and I am going to try and be very sparing of details because I cannot remember who told me this story and I do not want anybody to feel they have been identified. A few years ago I met someone who told me about a friend of theirs who had spent 6 months in the presence of someone who had a very severe medical condition which caused profound paralysis. That person could only move their eyelids and they communicated by blinking their eyes at an iPad. The person telling this story had said to the friend who had spent all this time in the presence of that person: “Having seen all that, you would not want to live like that, would you?” The friend said: “Yes, I would because even if I could only move one eyelid I would want to stay alive and see my children.” Everybody has things that life is worth living for and none of us should ever put ourselves in a position or be in a position where we make a decision about whether another person’s is worth living, and we just have to remember that throughout that debate.

### **1.2.7 Connétable K.C. Lewis of St. Saviour:**

I will be very brief. I will not repeat anything I have said previously but I will be brief. There are occasions when people in life fall into a deep, deep depression and for reasons best known to themselves decide to take their own life. Some people take pills and often as not they are saved, taken to hospital, and I will not go into details but within a day or so they are released back into the community, most of which deeply regret their actions and go on to have a full and active life. I know we are talking about 2 different types of people here; that the people in the draft assisted dying are approaching the end of their lives. But it is the ability to change their mind that I have trouble with and it is the waiver that I have a problem with that it is just not set in stone yet. The other item that also bothers me deeply is if it is a member of your family and you are trying to persuade them not to go through with it, then you will be accused of coercively trying to prevent them from doing something, which could be unlawful.

[11:00]

It is these 2 items that trouble me deeply and for that reason I cannot support the Draft Assisted Dying (Jersey) Law.

### **1.2.8 Deputy L.J. Farnham:**

I will also be brief but I think it is worth just making the point again because it is an important one, the principles of this legislation have been thoroughly debated and the detail carefully tested and refined. The safeguards within the law have been carefully clarified and strengthened through the scrutiny and amendment process. But it does remain a matter of conscience for every Member. I have not shared any personal details during this debate but it is a great matter of conscience for myself and has required a great deal of deep thought. I have sat on the bedside of 2 parents who suffered rather long and quite uncomfortable, notwithstanding the excellent care they had at the time. I am reminded of an Australian aboriginal proverb that says: “We are just all visitors to this time and place. We are passing through. Our purpose here is to learn, to observe, to grow and to love and then we return home.” If this piece of legislation can make that journey just a little bit more comfortable for some, then I am pleased to support it.

### **1.2.9 Connétable D.W. Mezbourian of St. Lawrence:**

I have been pondering as to whether or not to speak on this today because Members know that yesterday I voted against all the amendments. Indeed, when we had finished yesterday evening, one Member said to me: “Deidre, your button seems to have been stuck today” and indeed it was. I think on a number of occasions I was the only one who voted against the amendment. Someone kept saying: “Can we have the one, please, Sir?” so my name was called out quite a few times yesterday. But I feel that I should tell Members why I voted against everything and I will vote against the law in Third Reading. We have been discussing this for some 5 years but my mind was made up on this some 40 years ago when I was a very keen A-level student at Hautlieu - well, I think I was keen, I hope I was - and I was studying a relatively new A-level at that time called General Studies. We had a very dynamic General Studies teacher - I hope I can name him, Sir - Mr Cyd Le Bail, well known, well liked and highly thought of. He invited us to see a film that he thought would do us all the world of good and that film has haunted me for the past 40 years and it is called “Soylent Green”. If I may, for Members who may not be aware of it, just set the scene a little bit about the film. It is set in a dystopian future of dying oceans, year round humidity caused by the greenhouse effect with the resulting pollution, depleted resources, poverty and overpopulation worldwide. Those severe worldwide shortages of food, water and housing took civilisation to the brink of collapse and only the elite could afford their spacious apartments, clean water and natural food within the walls of the communities in which they lived, which were patrolled by armed guards. Meanwhile, the majority of the population lived in squalor. They hauled water from communal spigots and they ate highly processed wafers made by a large food processing firm known as the Soylent Corporation. That corporation introduced over time a more nutritious wafer made from plankton and it was known as Soylent Green. The other wafers, I think, had been one red and one yellow. Let us cut to the end of the film. Oceanographic reports came to light showing that the oceans were dying and could not produce the plankton to make the Soylent Green wafer. As it turned out, the ingredients for Soylent Green, since they could not find plankton, there was none, became the human bodies that were obtained from those in the population who sought relief from their poverty through the assisted suicide that was available at government clinics. We are talking 1976, as I say 40 years ago. The film was set in the future in 2022, which to me seems a long time in the past now, but the film’s closing words have stayed with me for ever, from when I first saw it all those 40 years ago: “Soylent Green is people.” I think it is probably the only phrase from any film that I have watched in my life that I can remember, but is that dystopian future almost here with us now? What do we have? We have the greenhouse effect, we have overpopulation, we have depleted resources and we have extreme poverty. If it is not quite here, it is certainly on its way. What we do not yet have, as we saw in the film, are the extremes of state-sponsored suicide, but the introduction of this law could, I fear, be the first step towards that. We just do not know the reality of how the law could be amended in the future. My real concern is the prospect of eligibility criteria creep and, as Deputy Millar mentioned earlier, I believe that is something that Deputy Southern is proposing within the lifetime of this Assembly and I think Deputy Gorst referred to that when he spoke. Those concerns remain

with me. I have been haunted for 40 years by the film “Soylent Green”. With reference to what Deputy Millar said, she mentioned those people who were frightened, and I have to admit I am frightened. I am frightened that potentially the law could be amended, however improbable it seems to us today. I am sure most of us sitting here cannot imagine that the law could be amended to have the extremes as we saw in the film, but I cannot support something, I cannot support a law that could set us on the pathway to the dystopian future of “Soylent Green”.

**Deputy L.M.C. Doublet:**

Sir, I wonder if the Constable would give way for a point of clarification? I was listening carefully to her speech and I just wondered whether she was aware of the original source material that that movie was based on, which is a book called “Make Room! Make Room!” by Harry Harrison. It does not include the twist that she named on the food in the book. The original source material is based on soy and lentils and unchecked population growth and does not include that horrifying twist that the Constable named.

**The Connétable of St. Lawrence:**

I am happy to clarify. I am aware of the source material, I think from 1966. However, it is the film that has focused my attention on this law and it is the film that has made my mind up as to where we will vote today. The Deputy used the word “horrifying”. It is, it is a horrifying twist, which none of us can, I am sure, expect will happen but which could do. That is my point, it could do.

**1.2.10 Deputy M.R. Scott of St. Brelade:**

Well, I had a different education and, yes, it is quite a depressing film from what I hear. I would say, even in terms of the themes in overpopulation and these things, the world is a different place now. I have been fortunate enough to read books by Hans Rosner and Steven Pinkerton about how society improved for the better while at the same time some of the concerns that ... I remember my own father talking about one 18th century writer suggesting that we will have to eat insects because of overpopulation, but in fact statistically the actual trend is changing. I do think that film had an important point and that is about how important it is for us, as a States Assembly, to prevent the abuse of power, and that has informed me a lot in my work as a States Member, in my work in looking at the ombudsman, and the work I have personally done looking at this law. That is one of the reasons why I spoke in respect of one of the safeguards. This will not be the first jurisdiction that has such a law to support people at their end of their lives with choice, and I will quickly come back to that. The Constable of St. Saviour, I believe, and this was the basic point I was going to make, suggested that people would not be able to change their mind, and the law is not structured like that. At any time that they have capacity, they can change their mind. There is nothing that is going to stop them. They can decide to postpone the decision to a later date and, if they do not have capacity to make a decision, at that point they do not have capacity and we have already had that discussion. I feel incredibly uncomfortable when we talk about suicide that so often affects people who are young and healthy, suffering from psychological conditions, and it is a very different situation from people at the end of their lives. But here is the thing about that particular choice. There may well be times in the lives of people even sitting here when things have got really bad and you have thought about that choice and it has been available to you but you have thought no, I understand that is a choice. For some, and I know this might sound strange, it almost makes things more bearable because if it is pain, it is temporary. Everything is temporary in a sense and you can bring forward that, but most of us will be saying, just as the lady who could only operate an iPad with one eye, nevertheless I see value in life and this is life for me and I want to hang on to it. Basically, this law does not take away any of those particular choices. In my experience, the elderly are less fearful of men in white coats than of hospitals and dying in them.

[11:15]

It remains really important that the options of palliative care and proper end of life are put into the equation, and they have been. Lastly, there was some mention about pounds and pennies again. The social and emotional benefit of this option, we cannot quantify. I know many of us have been distressed as family members to see people who, notwithstanding the drugs that are supposed to relieve pain, have seen end-of-life suffering. I know that some of us have religious views about this. I think it is complicated being a Christian, particularly when even your own church has been associated with culpability and the imposition of death, but when I go to church I do so to remind myself of love and forgiveness and what I believe is that nature. I go to church even more now, having become a States Member, to remind myself of those things. [Laughter] So I commend this law.

#### **1.2.11 Deputy R.L. Kovacs of St. Saviour:**

I want to begin by acknowledging, with others, the enormous amount of work that has gone into this law. I know many Members supporting it do so from a place of compassion. It is a deeply complex and emotional issue, and I respect them. For me, my opposition is not based only on my Christian faith, although my faith does shape my belief in the value of life. It is also because I am not fully satisfied that every safeguard is strong enough when the consequence is irreversible or when the possibility of expanding the eligibility or options may already be on the horizon. I struggle with the inconsistency as well, especially in a medical system still needing desperately more funding to save lives. If someone stands on the edge of a building wanting to end their life, we call it a tragedy. We intervene through the suicide prevention strategy. We send support, we find counselling, we do everything possible to save them even though their reason might be related to severe or terminal illness. Yet in another setting, the same person can then express a wish to die via the assisted dying and then the States may automatically facilitate that death. I find it difficult to reconcile those 2 positions. Where is the clear moral line? I have deep empathy for people who are suffering and I understand the desire for relief from pain. I believe in expanding palliative care, dignity and choice in treatment, but I cannot escape the fact that diagnoses are sometimes wrong. People outlive prognosis. Some recover when no hope was given. Miracles, whether medical or otherwise, do happen. If we pass this law, even with the safeguards, which I still believe are not sufficient, we accept that some lives will end earlier than they otherwise might have. For me, even one life lost is one too many. With compassion for those who disagree and with respect for the work done, I cannot support this legislation.

#### **The Deputy Bailiff:**

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

#### **1.2.12 Deputy T.J.A. Binet:**

This has been an extremely interesting and very detailed debate right up to the end, but it is time to draw the debate to a close. Before I call for the appel in the Third Reading, I would like to take a moment to reflect on the long 5-year journey that has brought us to this point and all those who have contributed to it. I want to thank a number of people, and I know that they have already been thanked but I think it is important for the work done on this. I would first like to thank all my fellow States Members for their willingness to grapple with the issue of assisted dying and for their thoughtful and informed contributions and indeed for their kind and generous personal comments. I particularly want to acknowledge the contribution of the Assisted Dying Scrutiny Panel, the hard work of their officers and the wise counsel of their advisers. I would like to make particular mention of the chair, Deputy Doublet, for her constructive and helpful manner in which she has led the team. Importantly, I want to thank the people of Jersey who have actively shaped and developed this law, all those who have shared their hopes and concerns and spoken with such candour about death and dying, often having to relive some of their life's worst experiences in so doing. Thank you to each and every one

of them. On behalf of all Members, I would like to extend our thanks to the hardworking team at the Greffe, to the acting Attorney General, who has had a very busy couple of days, and of course you, Sir, for guiding us very ably through this complicated process on your very first time in the Chair. **[Approbation]** Finally, and I hope Members will not mind, I have saved a special mention for the 2 officers - and I do know we do not use names but we all know who they are - who have worked tirelessly and professionally over this long period. We do now have a world class assisted dying law and this is in no small part due to their exceptional efforts. I hope all Members will join me in saying a final thank you to them. **[Approbation]** I call for the appel.

### **The Deputy Bailiff:**

The appel has been called for and I invite Members to return to their seats. If all Members have had the chance to return to their seats, I will 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 Assisted Dying (Jersey) Law has been adopted in Third Reading:

<b>POUR: 32</b>		<b>CONTRE: 16</b>		<b>ABSTAINED: 0</b>
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 St. Clement		Connétable of Trinity		
Connétable of Grouville		Connétable of St. Ouen		
Connétable of St. Mary		Connétable of St. Saviour		
Deputy G.P. Southern		Deputy K.F. Morel		
Deputy C.F. Labey		Deputy M.R. Le Hegarat		
Deputy M. Tadier		Deputy I.J. Gorst		
Deputy S.G. Luce		Deputy K.L. Moore		
Deputy L.M.C. Doublet		Deputy Sir P.M. Bailhache		
Deputy S.M. Ahier		Deputy D.J. Warr		
Deputy R.J. Ward		Deputy A. Howell		
Deputy C.S. Alves		Deputy R.S. Kovacs		
Deputy I. Gardiner		Deputy B. Ward		
Deputy L.J. Farnham		Deputy K.M. Wilson		
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				

## **2. Draft Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law 202-(P.85/2025) - as amended (P.85/2025 Amd.)**

### **The Deputy Bailiff:**

We move on to the next item of Public Business, which is the Draft Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law, which has been lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and Members will recall that the debate resumes following the adoption of the principles on 2nd November last year and a referral to the Children, Education and Home Affairs Scrutiny Panel. Minister, you have lodged an amendment to the Articles. Do you wish to propose the Articles as amended?

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

Yes, please, Sir.

### **The Deputy Bailiff:**

Are all Members content to take the Articles as amended? Thank you. How do you wish to propose the Articles, Minister?

### **Deputy M.R. Le Hegarat:**

Sir, I propose to put them *en bloc*.

### **The Deputy Bailiff:**

Do you wish to speak?

### **2.1 Deputy M.R. Le Hegarat (The Minister for Justice and Home Affairs):**

Yes, please, Sir. We return to the debate on P.85/2025, the Draft Marriage and Civil Partnership (Dissolution and Separation) (Jersey) Law, the principles of which were approved in November of last year. This is an important and long overdue modernisation of Jersey's family law. Since approving the principles, the Children, Education and Home Affairs Scrutiny Panel has reviewed the draft law. I would like to thank the panel for the valuable work that they have undertaken on this matter. As a result of this, I have lodged some minor technical amendments to the draft law and will continue discussions with relevant parties on more detailed issues, with any further minor amendments to be progressed in future regulations, an approach that is supported by the panel. Before turning to the draft law and the amendments, I want to briefly remind Members of the overall effects of this draft law. This legislation creates a single, modern and unified system for ending marriages and civil partnerships, replacing the outdated laws from 1949 and 2012. It removes the requirement to assign blame when these relationships break down, recognising that they do not always endure and that the law should not make their ending more painful than necessary. Importantly, these reforms also strengthen protections for victims of any form of domestic abuse by

reducing opportunities for coercion and controlling behaviour. Under the principles agreed by the Assembly, the draft law provides no-fault dissolution, allowing couples to simply declare that their marriage or civil partnership has ended without needing to assign fault; immediate access, allowing applications for dissolution at any time after a marriage or civil partnership begins, removing the need to spend years waiting in limbo; the end of contested applications, preventing one party from prolonging the dissolution process or trapping the other in a marriage or civil partnership they wish to leave; unified terminology, introducing the term “dissolution”, “conditional order” and “final order” from the ending of both marriages and civil partnerships while acknowledging that “divorce” will continue to be used informally to describe the end of a marriage; enabling future consideration to be given to pension sharing. This legislation does not make ending a relationship easy. It simply aims to remove unnecessary conflict where possible. It protects children by reducing hostility and continues to align Jersey with best practice adopted elsewhere. I will briefly highlight the effect of the key provisions in the draft law. Under Article 2, jurisdiction for dealing with dissolution remains with the Family Division of the Royal Court, ensuring continuity and maintaining judicial expertise. The residency and domicile requirements have been modernised so only one party must be domiciled in Jersey, reflecting principles of equality. The court retains the discretion to determine whether it has due jurisdiction to deal with dissolution and all related matters, which provide an important safeguard against dissolution tourism or forum shopping, as it is commonly known. Article 3 introduces a no-fault dissolution system, removing the requirement for an applicant to assign blame and allowing applications at any time after a marriage or civil partnership has been formed. An application for dissolution must be in the prescribed form and include a signed statement that the applicant or applicants seek the dissolution of their marriage or civil partnership. The existing 2-stage process is retained but the maximum period between conditional and final orders is extended to 6 months with the court retaining discretion to reduce that period where appropriate. Article 4 of the law retains the option of formal separation whereby couples remain married or in a civil partnership while being formally separated for legal purposes. Articles 6 to 10 modernise the grounds for annulment, removing outdated grounds such as non-consummation. Articles 11 and 12 address the presumption of death, setting out the circumstances in which an applicant who believes their partner has died may apply for dissolution. Reflecting the fact that the decision to end a marriage or civil partnership may be made jointly, Article 13 allows applications for dissolution to be submitted either jointly or by individuals. Article 16 gives the court the power to adjourn dissolution proceedings and direct couples to participate in alternative dispute resolution services. The court already promotes and encourages the use of these services in divorce and dissolution proceedings as it may help limit costs and, importantly, promote early resolution and the reduction of acrimony and, significantly, the risk of emotional harm to children, it being acknowledged that it is not parental separation that harms children but parents’ acrimony. Article 18 confirms that once a final dissolution order is made, individuals are free to marry or enter a civil partnership, while religious representatives rightly retain discretion over whether to solemnise such marriages in their places of worship. The welfare of children is an important matter, and this is reflected in Article 19 where the court retains the power to delay issuing final orders if matters relating to children require further consideration. The ending of succession rights upon dissolution, unless otherwise specified, are dealt with in Article 20. My amendment proposes that the reference to this Article is removed from later Articles.

[11:30]

Part 4, which encompasses Articles 21 to 40, addresses how financial and other related matters will be dealt with. These Articles largely replicate existing arrangements but introduce key reforms, including the recognition of nuptial agreements and trusts in Article 22. One of the ongoing challenges in current proceedings is the lack of certainty in financial outcomes. The draft law addresses this by creating a presumption that nuptial agreements and trusts are binding, provided that certain safeguards are met. Where they are not, the court retains discretion to vary, modify or

terminate the terms of the agreement or trust. The fairness of any such agreement is key. Article 29 provides the States with the ability to introduce pension sharing in the future. Currently, pensions cannot be shared on divorce or dissolution and, instead, sometimes offset against other assets, a method that is not always fair and feasible. The draft law creates a mechanism for pension sharing to be added later, offering a more balanced approach than simply offsetting. Because pension sharing is a technically complex reform, the draft law prioritises delivering no-fault dissolution now, while putting in place the framework needed to develop pension sharing provisions at a later stage. The option for the court to order a clean financial break between the parties is in Article 32. This allows the court to end future financial claims while preserving obligations towards any children. Such an approach is generally preferred at the conclusion of proceedings, as it provides clarity, certainty and the opportunity for parties to move forward with their lives. Currently, when assessing the financial arrangements of parties, the court is guided by the principles embedded in section 25 of the England and Wales Matrimonial Causes Act 1973, which together with the case law that has developed, focus on needs, sharing and contributions, all against a backdrop of fairness. The law does not currently, and will not in future, mandate an equal 50:50 split of the current assets on dissolution. This is merely a starting point. To further assist the court, the section 25 factors are reflected in Article 31 of the draft law. There are further provisions introducing interim occupation orders, legal cost assistance and strong deterrents against the powers to remedy asset concealment and asset dispensation. Together, these measures aim to uphold integrity and promote fairness, while offering support, where needed, to those who may be financially weaker or otherwise vulnerable. I am pleased that these measures go further than ever before to ensure that where a financially controlling party has been able to manipulate matters during the marriage or civil partnership, the court will be able to provide a remedy during proceedings, even in relation to events that have occurred before those proceedings were issued. Finally, parts 5 to 7 consolidate outdated laws, ensure recognition of overseas divorces and dissolutions and provide administrative and transitional frameworks for the introduction of new legislation and processes for the dissolution of a marriage or civil partnership. Should the Assembly decide to approve this draft legislation, further work will be required before the changes it contains can come into effect. Two existing sets of rules of court which separately govern the processes to end a marriage or civil partnership will need to be fully updated and consolidated into a single, comprehensive set of court rules. The timing of this work will be a matter for the court to determine, but I am sure there will be pressure from the legal profession for it to be progressed as a priority. In closing, this draft law is modern, compassionate and practical. It aims to remove unnecessary conflict and provides greater clarity for families during what can be a challenging transition. It balances fairness with flexibility, judicial discretion with predictability and individual rights with social responsibility. It also provides greater support for those who wish to leave an abusive marriage or civil partnership. I commend the law and ask the Assembly to support it in the Second Reading.

### **The Deputy Bailiff:**

Are the Articles, as amended, seconded? **[Seconded]** Does any Member wish to speak on the Articles as amended?

### **2.1.1 Deputy C.D. Curtis of St. Helier Central:**

The panel has published a comments paper since we called this matter in. A number of legal issues had been raised quite late in the day, and all these are explained in the comments paper dated 18th February. Since calling in the matter, the panel has studied the issues raised by the Jersey Family Law Association, discussed them with the Ministerial team and met and discussed with one of our Family Court judges. One of the main issues raised was the non-inclusion in the draft law of the grounds of irretrievable breakdown. In the comments paper, Members will find a table showing the grounds for divorce in different jurisdictions, and while Jersey's grounds will be different to most other jurisdictions, the panel accepts that this will not impact on the practical application of the law. There were other concerns raised by the Jersey Family Law Association and while some

disagreements remain, these can be addressed in the regulations, as the Minister has just stated. Also, the Minister has amended the law in response to some of the issues that were raised already. So, the panel supports both the draft law and the draft amendment. The panel does, however, ask the Minister to confirm that she will be initiating discussions to consider whether the following matters should be addressed through further regulations ahead of the law's enforcement. So, firstly, adapting the wording of the law to ensure there is explicit power provided to the court to revoke a conditional order. Secondly, adapting the wording of the law to clarify suitable provisions for children, particularly when over the age of 18. Finally, adapting the wording to allow further court discretion around orders for payment in respect of legal services. So, we do ask the Minister to clarify those points, but we can assure the Assembly that after much consideration, that the panel does support the amended draft law.

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

I am glad to follow the chair of the Scrutiny Panel and thank them for their comments and recommendations and fully support their request for some clarification from the Minister. I support this draft law and the Articles in Second Reading that have been put forward, in particular the long overdue introduction of no-fault divorce. Removing fault is not just an administrative tidy up, it is a substantive safeguard. By preventing a respondent from defending the fact of divorce, we remove one of the mechanisms that can be used to prolong proceedings, drive up legal costs and exert financial or emotional pressure. For individuals experiencing coercive or controlling behaviour, that matters. It limits the opportunity for a difficult separation to be weaponised. It shifts the process away from blame and towards resolution. Earlier and yesterday, we spoke about the importance of this Assembly being willing to make meaningful change, and this is another example of that. It modernises our law, reflects contemporary understanding of relationships and harm, and brings dignity and fairness to what is already a difficult life event. It is a practical reform but is also a principled one. So, I wrote to the Minister in Written Question 38/2026 to seek clarity on how coercive and controlling behaviour has been considered within this draft law, particularly around financial arrangements and matters concerning children. This is not theoretical, this question did not come from a theory base, but it was because I was contacted by Islanders over the last few years as part of my role, who have shared their experiences of how the current system can be used to prolong harm. So, by removing the ability to contest the divorce itself, this law removes a significant lever of control. It is not a small tweak; it is meaningful protection. On financial matters, the draft law strengthens the court's hand, as we have heard from the Minister. Article 31 retains established principles, including the ability to take serious conduct into account where it would be unfair to ignore it. It also goes further. Article 34 introduces interim occupation orders. That matters in situations where one party may have controlled access to the family home. It allows the court to regulate occupation while matters are resolved, providing immediate and practical stability. Article 36 enables the court to order payment in respect of legal services. Financial abuse often involves restricting access to funds for representation. This provision helps level the playing field so that a financially weaker party is not shut out of justice. Article 40 redresses transactions designed to defeat financial claims. In coercive situations, assets can be dissipated or transferred to frustrate orders. This Article gives the court the power to intervene where there has been deliberate manipulation. Article 16 allows the court to direct parties towards alternative dispute resolution. Of course, alternative dispute resolution must be approached carefully where abuse is present, but the court retains discretion. It is not automatic. It is considered. For the arrangements of children, they, of course, as we heard from the Minister, remain governed by the Children and Young People (Jersey) Law 2022, where the children's welfare is paramount. I do welcome the confirmation that the independent review of the Family Court system in domestic abuse cases will examine further whether legislation, guidance and procedures are sufficient, and whether further strengthening is required. That ongoing work is essential, and I will continue to follow this. So, this law is not solely about abuse, it applies to all couples, but it is right that we examine it through that lens. No fault divorce

is designed to reduce conflict, and conflict is often the environment in which coercion thrives. This is a measured and modern reform. It, again, reflects contemporary understanding of relationships, strengthens safeguards and removes unnecessary hostility from an already painful process. For these reasons, I am very supportive.

### **2.1.3 Connétable M.K. Jackson of St. Brelade:**

My point is fairly fine, and it is something - whether the Minister is able to answer or it may need to be the Attorney General - my question is over what used to be the right of dower and whether that is translated into the new law? I thought it had gone. Does it still exist? I am not sure, and that is my question. I was looking at Article 25, and I could not see any reference to it.

### **2.1.4 Deputy L.M.C. Doublet of St. Saviour:**

On the in principle debate for this legislation I made a couple of points, one of which I will reiterate now. I think Deputy Jeune touched on it in her speech, and it was around what is in the best interests of children. The research into child development and child psychology shows very clearly that high conflict separations between parents, that is damaging for children, and minimising conflict is what is in the best interests of the child. I feel that this law will go a long way towards helping children who, through no fault of their own of course, find themselves in this situation. Hopefully that will be able to ease some of those difficult situations. I also spoke about domestic abuse, which again, at other debates at this sitting we have spoken about, and we have spoken about coercive control and emotional abuse and how that can be entirely hidden, and can impact women and men. It can impact people of any gender and any type of person, as well. I do believe that this law will go some way towards helping victims of that type of abuse specifically; it is the ability to not have to wait 3 years. The Scrutiny Panel did a great job with their comments, and it really helped me to form my thoughts on this. I am fully supportive of the law. The Scrutiny Panel indeed mentioned the 3-year limit at the moment. There is some ability for the court to exercise discretion and reduce that, but currently, even where there is firm evidence of abuse, that still is not happening at the moment. It is very hard to provide evidence of coercive control and emotional abuse, so I can imagine that there will be a lot of people, mostly women, who have suffered greatly because of this law the way it is at the moment, and there will be suffering eased by this new law. Something that the panel raised in their comments, which I thought was very interesting and I wanted to comment on - it is near the end of their comments paper - and they have said that there are no changes to pension sharing at this time. I wanted the Minister to respond to this, because the panel have recommended that this is looked at in the future and that pension sharing arrangements can be included in the law.

[11:45]

This is something I think we need to talk about more, and we need to shine a light on this more. There is a significant pension gap in Jersey. I have raised it previously, and I believe other Deputies have as well. It is something, again, that is largely hidden. The reason for it is that domestic labour is largely performed by women and also childcaring responsibilities largely fall to women still. This is changing slowly, but the research shows that the responsibility for those tasks largely fall to women. Of course, if one is not in paid employment but is instead working in the home - and it is work and should be recognised as such - there is no remuneration for that work. There is often no recognition for it, and there is often no acknowledgement of that contribution to the marriage which enables the other parent or the other partner to go out and be in the workplace, and to gain money for their employment. That work that is done in the home, the washing, the cleaning, the cooking of dinners, that work enables another adult oftentimes to go out and be economically active and to put money into a pension. Then, of course, when divorce occurs, that pension often will not be allocated to the partner who was working in the home. That is a great injustice, I feel, and one that is largely hidden at the moment. It is largely hidden, I think, because of the way that our society often sees older women as invisible, and I would like any women in Jersey who have suffered from this situation

in our legislation to consider speaking up about it and speaking to us about it. For my fellow Members, I would encourage them to consider and talk to their constituents about it. Let us try to highlight this issue and make some progress on it. I would really like the Minister to comment on that specific point, which I thank the panel for raising that in their comments. There is some great work they have done there. I am largely supportive of the legislation. I note that, I think it was 2015 that we first had a debate about it, which was my second year as a States Member, and it is one of these big changes, similar to the first debate that we have had this week, that we should not underestimate how big this is and how much of a positive impact this will have at a really difficult time in many people's lives. So, I thank the Minister for the work that she has done in getting it to the point that we can vote on it today.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Articles in Second Reading? If no other Member wishes to speak, then I call upon the Minister to reply.

**2.1.5 Deputy M.R. Le Hegarat:**

I thank the panel for their work. Members might wonder why there seems to have been some changes and things moving, and there was a need for the panel to do further work. That is related to the fact, as the Deputy behind me said, this has been going on for a significant period of time; since 2015, I believe. There has been some discussion with various parties, and I think it reflects that some of the matters that were raised, there are different parties that have different views on them. So, a pragmatic approach was taken in relation to certain parts, and that is why there will be further discussion that will go moving forward. In relation to the matters that the panel bring up, then yes, of course, the officer that has been working on this particular piece of legislation has been working on it, I believe, for the entire period of time in relation to the ongoing work. I thank Deputy Jeune for her comments because, in actual fact, she is right that she asked a number of questions in relation to this, and this is exceptionally important when you are looking at domestic violence in relation to being able to dissolve a marriage or civil partnership without having to show that there is a reason why. In relation to the question asked by the Connétable of St. Brelade, the domiciled provisions have been changed and modernised, and they are now sitting under Article 2. The changes reflect modern-day principles, where wives have not been required to adopt their husband's domicile in Jersey since 2023.

**The Deputy Bailiff:**

Minister, I hesitate to interrupt, but I think the question was concerning dower and the Attorney General has got his light on.

**Mr. M. Jowitt K.C., H.M. Acting Attorney General:**

The right to dower is dealt with in the Wills and Successions (Jersey) Law 1993. It is a right enjoyed to real property by the surviving spouse or surviving civil partner. This law is on a different matter, and it does not affect the Wills and Successions (Jersey) Law 1993, because this law is not concerned with surviving spouses and surviving partners, because there has been an annulment or a dissolution. So, the issue does not arise.

**Deputy M.R. Le Hegarat:**

My apologies, I have got my dowers and my domiciles muddled up today. In relation to the question that Deputy Doublet asks in relation to pension sharing, I think part of the reason why this journey in relation to this law and this coming forward now is because of the technical issues in relation to the pension sharing and the work that is required in relation to doing that. That work is ongoing and within the law there is a framework that is going to be put in place in order that that can be done moving forward. I think it was more about the work is ongoing and we did not want to delay the law any further while those matters were looked at and brought forward. So, I fully identify that the law needs to have a look at all aspects of financial arrangements and of course, rightly, pension

arrangements, because there will be parties within a marriage or civil partnership where one will contribute significantly to a pension and have a significant pension fund at the end of their working life, where others potentially will not. In the past, what has always happened is that usually the pension is brought into the generic of all of the overall arrangements, but of course, a pension is something that somebody has for their lifetime and so of course, they will benefit long term for it. These are matters that will and are being looked at effectively at this stage. But it was more about not delaying this law any further.

**The Deputy Bailiff:**

Do you call for the appel Minister?

**Deputy M.R. Le Hegarat:**

Yes, please.

**The Deputy Bailiff:**

The appel has been called for. The chair of the Scrutiny Panel wishes to speak.

**Deputy C.D. Curtis:**

I just wonder if the Minister could respond to what I asked, which was if she would confirm that she would be initiating discussions to consider 3 particular matters before the enactment of the law, which were around conditional orders, provision for children and orders of payments?

**Deputy M.R. Le Hegarat:**

My apologies, I thought I had agreed that I would do that.

**The Deputy Bailiff:**

The appel has been called for. I invite Members to return to their seats, and if all Members have returned to their seats, I ask the Greffier to open the voting. All Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. I can announce that the draft law, the Articles as amended, have been adopted:

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				

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

**The Deputy Bailiff:**

Minister, do you wish to propose the draft law in Third Reading?

**2.2 Deputy M.R. Le Hegarat:**

Yes please.

**The Deputy Bailiff:**

Do you wish to speak in Third Reading, Minister?

**Deputy M.R. Le Hegarat:**

I would just like to thank all of those parties that have participated in this, obviously, the Scrutiny Panel, but also the extensive work that has been done by the Law Commission. It was a long time ago that they published their report and we are where we are today, the Family Court judge alongside the Family Law Association and the Law Drafting Officer.

**The Deputy Bailiff:**

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

**2.2.1 Deputy L.M.C. Doublet:**

I just wanted to ask the Minister if she had a timescale for the further work that is going to be done on the pension sharing please, even if she can just give a ballpark, that would be helpful to know. I am pleased to see that it is still going to go ahead, that work. I thank the Minister for that.

**The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? No other Member wishes to speak. Then I call upon the Minister to reply.

**2.2.2 Deputy M.R. Le Hegarat:**

I thank the Deputy for that question, however I do not have a ballpark figure, but I will certainly make enquiries with the officer that has been doing all of this work, and hopefully we will be able to get her an answer sometime today. I ask for the appel.

**The Deputy Bailiff:**

The appel has been called for. I ask Members to return to their seats, and I ask the Greffier to open the voting. If all Members have had the opportunity of voting or casting their votes, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading:

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				

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

### **3. Draft Heritage (Jersey) Law 202- (P.121/2026)**

#### **The Deputy Bailiff:**

The next item of Public Business is the Draft Heritage (Jersey) Law lodged by the Minister for Sustainable Economic Development and the main respondent is the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

The Draft Heritage (Jersey) Law 202-. A law to provide for the securing of Jersey's archaeological heritage, the reporting, recording and preservation of objects for archaeological and historical significance to Jersey and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

**The Deputy Bailiff:**

Minister, do you wish to propose the principles?

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

Yes, Sir, thank you, I do. I know in this Assembly, and not just confined to this Assembly, people in Jersey have an incredible appreciation of their heritage and a lot of the work we do in this Assembly is informed by our heritage. I know Members hold Jersey's heritage dear. So, I am delighted to be able to bring forward the Draft Heritage (Jersey) Law 202- which, if passed by the Assembly, would be the first time - which is incredible given how much we value our heritage - that Jersey has introduced legislation that seeks to protect Jersey's archaeological heritage by introducing clear legal obligations for reporting, recording, investigating and preserving objects and sites of archaeological significance for the Island's benefit. We all know and believe that Jersey's archaeological and cultural heritage is a vital part of the Island's identity; collected memory and scientific record a valuable resource for historical and scientific research. However, as we stand here today, Jersey lacks a clear and comprehensive legal framework in this area. The existing approach relies heavily on customary law and voluntary reporting which does not provide sufficient clarity or protection. This draft law, if supported, will be the most significant issue to be addressed in heritage for the last 30 years. Before we discuss the draft law, I would like to take the opportunity to thank Members and officers of the Economic and International Affairs Scrutiny Panel for their work in Scrutiny and for their supportive comments on the draft law, which Members are able to read. I would also like to thank the many individuals and organisations who have a particular interest in the matter from within and outside the Island who contributed to the public consultation on both the draft law and the proposed draft regulations with regards to reward and archaeological licenses. A draft code of practice was also included in this consultation. As well as asking broad questions on the draft legislative bundle, including principles of the need for heritage legislation, which was strongly supported, there were more specific questions on definitions of an archaeological object, Jersey national antiquity and treasure trove.

[12:00]

There were also questions on regulations on valuation of reward and licensing of archaeological excavations, which were equally supportive but do not form part of the proposition today. With such a specific topic, responses were limited, with 37 responses resulting in around 25 further amendments to the draft legislation. A formal response to this public consultation was published earlier this month. I would like to take the opportunity to thank both the Office of the Lieutenant Governor for its support in addressing the customary rights issue, and my own department's heritage legislative working group, including representatives from Jersey Heritage, who have been invaluable with their expert and professional knowledge and advice on the subject matter. For completeness in understanding how the draft law will work in practice, both the draft regulations, reward and archaeological licences are included in the report, as is the draft code of practice in an addendum. The meaning of heritage is very broad and covers the full range of our inherited traditions,

monuments, objects and culture. It is the range of contemporary activities, meaning and behaviours that we draw understanding from. Heritage includes but is much more than preserving, excavating, displaying or restoring a collection of old things and objects. Meanwhile, antiquities can be described as objects from ancient history. Jersey, importantly, is a signatory to the 1992 Valletta Convention. The convention requires each party to institute a legal system for the protection of their archaeological heritage, including mandatory reporting, as stated in Article 2, to the competent authorities by finder of the chance discovery of elements of the archaeological heritage; and Article 3, preservation of the archaeological heritage by applying procedures for the authorisation and supervision of excavation and other archaeological activities in a scientific manner; and to subject to specific prior authorisation the use of metal detectors and any other detection equipment or process for archaeological investigation only by qualified, specially authorised persons. While the Government of Jersey has made some progress in respect to its Valletta obligations - namely reporting, a voluntary scheme currently in place; excavation, which is currently regulated in the sites of scientific interest; historic environment record, while currently not statutory it is included in the draft law and, by way of comparison, it has recently become embedded in England and Wales - there is currently no robust legislation in place for the protection and management of finds of national archaeological and historical significance to Jersey, which is something that, as we stand here today, we need to reflect upon and something which I find surprising given how much I know this Assembly values the Island's heritage. The need for heritage legislation in Jersey has been recognised since the late 1990s in response to the adoption of the Treasure Act and Portable Antiquities Scheme in England and Wales in 1996. The then Her Majesty's Solicitor General in 1999, in her article *Treasure Trove: Lost, Stolen or Strayed* in the Jersey Law Review, commented that: "Few would argue that the existing law provides adequate protection of artefacts of archaeological or other significance". However, it is only in recent years with the finding of the Le Câtillon II coin hoard and a lack of a legal framework on how to manage the find that there has been a real desire to bring forward comprehensive legislation in order to prevent history repeating itself. In the summer of 2022, following the settlement of the Le Câtillon II coin hoard, I instructed the Law Drafting Office to begin drafting new heritage legislation. A government legislative working group was established by my department with representatives from other areas of government, law officers and representatives from Jersey Heritage. The process began with a symposium, with a number of leading academics and professionals involved in portable antiquities across the British Isles, and chaired by Historic England. This initial gathering allowed the working group to hear about what has worked well within the islands, within its existing legislation, and what further opportunities Jersey should consider in the development of its own heritage legislation. The draft law provides a suite of revisions to complement both the heritage strategy as well as assisting Jersey in its effective and timely implementation of a number of relevant international conventions relating to heritage and antiquities and to provide for a platform for implementation of potential future conventions. The draft law aims to close critical gaps by protecting irreplaceable heritage. Without a clear legal framework, archaeological objects and associated information are vulnerable to damage, dispersal or private sale, undermining Jersey's cultural legacy while valuable information from non-designated archaeological sites may be destroyed. It is sad that Jersey's history is littered with the dispersal of its heritage through private sale, destruction and other means. It will also close legal gaps. The existing reliance on unwritten conventions provides no statutory obligation for reporting finds, creating uncertainty for finders, land owners and authorities. It helps meet international obligations as we are signatory, as I have mentioned, to several treaties and conventions that require robust heritage protection, which this draft law seeks to deliver. It promotes transparency and fairness. The draft law introduces clear processes for reporting ownership and rewards, balancing the interest of finders, land owners and the public. It supports research and education by creating a historic environment record, ensuring finds are preserved in public collections. The draft law will help safeguard knowledge for scientific study and public benefit. Importantly, it will prevent future disputes. The draft law will also provide a statutory framework to reduce ambiguity and potential future legal disputes over ownership and the

handling of significant finds. The draft law proposes to introduce a fair reward system for finders and land owners, while ensuring that objects of national significance remain accessible for public benefit. As I intimated earlier, the purpose of the draft law is as follows. It is simple. To provide for the securing of Jersey's archaeological heritage, the reporting, recording and preservation of objects of archaeological and historical significance to Jersey, and for connected purposes. The proposed draft law is separated into 6 defining parts. Part 1 includes interpretation, the definition of archaeological object, defining a Jersey national antiquity based on the Waverley Criteria, which are a well-established and recognised set of rules developed during the 1950s to control the export of important cultural property deemed national treasures from the U.K., and embedding and defining customary law on treasure trove. Part 2 focuses on the reporting of archaeological objects, by when and to who, offences relating to reporting of archaeological objects, exceptions to that reporting, the protection of archaeological objects and offences relating to the protection of archaeological objects. Part 3 relates to treasure trove and Jersey national antiquities, the rewards and the code of practice. Initial assessment of whether a find meets the archaeological object criteria will be undertaken by Jersey Heritage's Finds Liaison Officer. If it is deemed that the object may be a Jersey national antiquity or treasure trove, the Viscount will be notified. In the case where it may be treasure trove, the Receiver General must be informed. The Viscount, in his independence and based on the facts laid before him, will make a determination as to an object either being a Jersey national antiquity and/or treasure trove. The draft law makes provision for a reward. Those objects considered as Jersey national antiquities and those determined as treasure trove will be treated slightly differently in the process. With the latter, the Minister must consult the Receiver General for their views. I am really pleased to say that the U.K. Treasure Valuation Committee, the T.V.C., has agreed to oversee the valuation of objects and make recommendations. The T.V.C. already does this for England and Wales, as well as the Isle of Man. I am pleased to say that I am currently in advanced talks with the T.V.C. and will hopefully be signing off on an M.O.U. (Memorandum of Understanding) shortly. Importantly, the reward paid for any of these objects should not exceed the value the Jersey national antiquity would fetch on the open market. Further, a reward must not be paid in respect of human remains. To assist finders in understanding how the whole process will work, from identifying an object through to potential reward, a code of practice will be prepared and published. As suggested earlier, a draft code of practice has been developed and Members can see that as part of the report. Part 4 of the law relates to the statutory historic environment record and the information that will be recorded and maintained relating to archaeological objects. Part 5 relates to the States having regulatory powers to comply with future international obligations and standards, to protect Jersey's heritage, and the licensing of archaeological excavations. Finally, part 6 gives provisions related to the relationship with customary law, limitation of civil liability, offences by bodies corporate and regulations. As a consequence of this draft law if it is adopted, amendments will be required to the Planning and Building (Jersey) Law 2002 and also the Shipping (Jersey) Law 2002. Subject to support, this draft law will come into force by Ministerial Order. The draft regulations and draft code of practice will be lodged simultaneously. The draft regulations would then be voted on by the next Assembly. It is the sad truth that we will never know how much of this Island's incredible heritage has been lost over the years. But this law will ensure that going forward our heritage will be known, understood and recorded at the very least. In relevant exemplar cases, it will also ensure that our heritage is protected through public rather than private ownership, which is entirely appropriate, even if it is too late for countless items that have already disappeared in the past. I do hope that Members will support this proposition. I always forget the words at this point, I propose the proposition.

#### **The Deputy Bailiff:**

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

#### **3.1.1 Deputy H.M. Miles of St. Brelade:**

I felt that I really should speak. For many Islanders, heritage is something that is admired from a distance, seen in museums, in our landscape or in the stories we tell our children. That was the case for my family until 2012, until heritage arrived quite literally under our feet. As many Members of this Assembly will know, my husband is a metal detectorist and he was one of those who uncovered the Le Câtillon II hoard. I watched up close the excitement of that discovery. The sense of wonder, the pride, the feeling that something extraordinary had been entrusted to ordinary people. From at the outset, the finders did the right thing and declared the find to the Crown immediately. A supervised archaeological excavation followed. But I also witnessed the uncertainty, the strain and the long, difficult process that followed. A process shaped not by clear law but by customary expectations, informal understandings, mistakes and gaps that no one had ever intended to leave unfilled. Sir, you will remember the process very well, as it spanned your entire career in the Law Officers' Department. **[Laughter]** It took 10 long years to sort out, during which time the land owner sadly passed away. That experience has stayed with me. It has shaped how I think about heritage, about fairness and about the responsibilities that we all share when something of significance is found. It is precisely because of that experience, not in spite of it, that I support this draft law. It is clear to me that the draft law is not about diminishing the role of finders or land owners. It is not about rewriting the past, it is about learning from it. It is about ensuring that no future finder, whether a detectorist, a farmer, a builder or a child on the beach, has to navigate the kind of years of uncertainty that my family lived through. So I think the draft law protects heritage while respecting the people who discover it. The Le Câtillon II hoard showed us the extraordinary richness of Jersey's past but it also exposed the fragility of the systems meant to protect it. When existing law is unclear, no one benefits. Not the finder, not the land owner, not the public and not the heritage professionals who are simply trying to do their job. This draft law replaces ambiguity with clarity. It sets out clearly what must be reported, when and to whom. It ensures that significant finds are preserved for the Island, while also ensuring that those who discover them are treated fairly and consistently. It is a framework that respects both the object and the people that find it. Importantly, it creates a fair, transparent reward system. Detectorists are usually motivated by curiosity, community and a love for history. But they also deserve some certainty. My family knows what that feels like when that certainty is missing. This draft law introduces a statutory reward mechanism; clear, transparent, and it replicates tried-and-tested systems in other jurisdictions. It simply removes the guesswork.

[12:15]

It removes the risk of disputes. More importantly, it ensures that responsible behaviour is promoted, recognised and not penalised. It strengthens Jersey's ability to manage its heritage responsibly. I am pleased to see that the draft law establishes the statutory historic environment record in law and that it introduces licensing for intrusive archaeological work, and aligns Jersey with international standards such as the Valletta Convention. These are not abstract administrative reforms. They are, without doubt, the foundation of good stewardship. They ensure that our heritage is recorded, understood and managed in a way that supports education, research, planning and responsible development. The Le Câtillon II discovery could be described as a once-in-a-lifetime moment. But the lessons it taught us should not be once in a lifetime, we owe it to future finders and to future generations to ensure that our laws are clear, fair, and fit for purpose. I feel this draft law does exactly that. It provides certainty where there was uncertainty, it provides fairness where there was inconsistency, and it provides stewardship where previously we relied on convention and informal rules. Supporting this draft law is not about choosing between the finders and heritage professionals or between private rights and public interest. It is about recognising that all of those things matter and that a modern transparent legal framework is the best way to honour them. My family's experience has taught me that heritage is not just about objects, it is about people, those who discover our past, those who protect it, and those who will inherit it. I think the draft law respects all of them. So, just in closing, I would have one question for the Minister for Sustainable Economic

Development and that is, I wonder if he could expand on the role of the Treasure Valuation Committee and tell us about the stage that they have got to within the Memorandum of Understanding. Because it is certainly my experience that the experience that these finders had with the Treasure Valuation Committee was not a positive one. As I am sure you will remember, recommendations were made by the Law Officers' Department to challenge the valuation by the Treasure Valuation Committee. So I wonder if the Minister could just really make some comments about that. That is all I have to say, but I consider, as the former secretary of the Jersey Metal Detecting Society, be that a long, long time ago, and certainly I have spoken to many metal detectorists, as I know the Minister has consulted widely, it is a fair, balanced, proportionate, and long overdue piece of legislation, and I shall be supporting the draft law.

### **3.1.2 Connétable M.K. Jackson of St. Brelade:**

I have 2 small unrelated questions for the Minister. The first is to ask if he is aware what the status of the Mont de la Ville Dolmen is, which I am aware a former governor took off to the U.K. and still remains on an estate over there. The second question is: what is the status of the former Newgate Prison façade, which languishes in a field in the Island somewhere?

### **3.1.3 Connétable K.C. Lewis of St. Saviour:**

Unfortunately, or fortunately, Deputy Miles has just mentioned 90 per cent of what I was going to say. I was unaware of Deputy Miles's involvement with detectorists and her husband's involvement. My question basically was: where does finding a few coins and buttons end and treasure trove begin? Because behind St. Saviour's Parish Hall there is a field owned by the Parish, and my hope and desire is to build a small car park and a children's play park there. I was approached by an amateur detectorist who said: "Constable, would you mind if I did a sweep of the field?" and I said, "Well, if you find another gold hoard, that would solve a lot of problems for us." He did come back after 2 days with 2 sixpences and a thruppenny bit. If Members ask: "What is that?" I will be very depressed. But nothing of value was found. But basically it is a question to the Minister. Where does finding a few coins end and treasure trove begin?

### **3.1.4 Deputy J. Renouf of St. Brelade:**

I would like to start by congratulating the Minister on bringing this law. It has been, as he has alluded, a long road. It has caused me to reflect on what you might call the small Island paradox, which is that we often speak encouragingly about our ability to make our own laws, to devise our own specific laws, to suit our own specific circumstances, because of our unique constitutional position. Indeed, that is one of our greatest gifts, if you like. But the other side of that, the paradox, if you like, is I think we have limited resources to achieve that goal; that is the other consequence of being small. This legislation, which I know has been worked on for some time, is perhaps a reflection of that. So there is a formal reason for supporting this law, which the Minister has outlined, to do with providing a proper legal framework for archaeological investigation, to meet our international obligations, close legal loopholes, and prevent future disputes, and so on. But I think, for me, the bigger issue is that this law recognises the social and economic value of our heritage assets and gives them greater protection. That, to me, feels incredibly important. I think Jersey's competitive advantage is pretty well entirely built on our difference, and I have alluded to the legal framework that we have, which has allowed us to, in many ways, build our economic prosperity. But our economy is also built on a wider understanding of our unique identity. People come here to live, and as tourists, because of our heritage, which is understood, I think, in the wider sense. It is also what makes life in Jersey special. It is a package which also includes our geological heritage, which has shaped the cliffs and bays, the valleys and promontories, our natural heritage, in terms of flora and fauna, and critically it includes our archaeological heritage, which allows us to reconstruct our unique story deep into our past. I think unravelling our distant past is a fundamental part of establishing and adding to our unique Island story. In doing so, by the way, we express our profound respect for the lives of those that came

before us. One day, all that will be left of our own lives will be called archaeology. Sadly, I suspect our archaeological footprint will be somewhat easier to detect than our ancestors. Whether future generations give it as much value as we give to archaeological remains will remain to be seen. But it is worth acknowledging, we have, as the Minister has said, a world-class archaeological heritage. The Le Câtillon II hoard, of course, is utterly extraordinary. I think for many reasons, but not least because it gives us such a tantalising glimpse into the lives of people living through a turbulent period in the Island's past. But we also have the astonishing site at La Cotte in my own Parish. I have early memories of attending digs at La Cotte with my father, and it has been a pleasure to pick up the threads of that early association with the team led by Dr. Matt Pope, who have continued investigating that and other prehistoric sites in the Island. I think, to truly understand the significance of La Cotte, you have to put it in a bit of context. It was inhabited by Neanderthals, distant human ancestors, or close human ancestors, I should say. They inhabited that site intermittently over about 200,000 years, came and went as the ice ages waxed and waned. Even though there were gaps of tens of thousands of years between their occupation, remarkably they kept coming back to the same place. It is an extraordinary thought. Human civilisation is generally thought to be about 10,000 years old, but the Neanderthals came and went over a 200,000-year period to that one place. In coming back to that place, they could not have done it from memory. They had been away for thousands of years. It was because La Cotte was such a uniquely suitable site. It was the obvious place when you arrived back in this area. It was special then, and I would say still special today albeit in different ways. So the point I want to make is that we live, walk among an extraordinarily rich archaeological heritage. When we walk on the sand dunes, we are walking in a prehistoric landscape just underneath the surface. There have been many digs. There are many archaeological remains there. The north coast at Grosnez, near Grosnez we have another Neanderthal site, less well-known and less extensive, but nevertheless there. Of course, beneath the fields and buildings of the Island, we have archaeological remains and we will need to work hard to protect those assets. This law is a good start, an essential start, but I think there is more to do. The law focuses us on what has not been discovered yet. Many construction projects are in sensitive archaeological areas, and we need to ensure that sites are investigated for archaeological remains. I want to absolutely emphasise that does not mean that development cannot go ahead. It just means that we investigate and understand our archaeology before development occurs. Protecting our archaeological heritage should not be seen as a regulatory barrier. It is an investment in the one thing that gives us something in the world, a unique story that differentiates us in a world that is in many ways becoming more homogenised and more standardised. So I welcome this legislation wholeheartedly and commend the Minister for bringing it.

### **3.1.5 Deputy M. Tadier of St. Brelade:**

I was not sure if you had caught my light. We seem to be spoiled with choice when it comes to St. Brelade representatives speaking on heritage matters. We may get a full house today, depending on what Deputy Scott wishes to do. I rise in my capacity as chair of the Economic and International Affairs Scrutiny Panel, to whom this proposition falls ordinarily. We were pleased to have briefings on this and to get our heads around the law, a law which has been very much years in the making as the Minister and other speakers have said, which you yourself also know about. I am going to focus my comments primarily on the comments we have produced around customary law and treasure trove, because I think much of the rest of the law is completely uncontentious. I am not saying that this area is inherently contentious, but I think there are perhaps some considerations about ways in which treasure trove has been treated elsewhere, because there have been revisions of the law in other customary law jurisdictions, not necessarily including Scotland, so there are different approaches which have been taken. These were some of the questions which our panel rightly asked about why certain decisions were made or not. So I am just going to read some of the comments. The panel sought clarification regarding which elements of customary law remain with the draft law and the reasons for their retention. The Minister advised that the only customary provisions preserved in the draft law is the Crown's long-established right of treasure trove. So there are really 3 main elements

that need to be satisfied still, both which reflect the customary law position that treasure trove is defined as, firstly, an object of more than 50 per cent gold or silver; that it has to be deliberately hidden; and that it has to be with the intention of later recovery; and with no identifiable owners or heirs. So potentially 4 different aspects there, depending on whether you separate something has to be deliberately hidden with the intention of later recovery. I think a question that may need to be asked by the Minister in summing up is whether or not any of those elements provide difficulty for clarification in terms of proof. So how does one prove if something has been buried hundreds of years ago, that it was buried, you can tell it has been buried, but you do not know what the intention of the burial was for, whether it was just to keep it hidden for ever or whether it was intended to be recovered later. Presumably, when it says for recovery later, it means by the same person or somebody related to that person rather than just some unknown person in the future.

[12:30]

So I think that there are potentially still problems with the definition of this part. The question we asked really, which was part of our thinking, was the fact that treasure trove definitions as part of customary law really come from a mediaeval period. So they came from a time where I believe the custom was influenced by Germanic law, and it grew up that anything that was found of value in this particular definition, if it is more than 50 per cent gold or silver, it reverts to the Crown. That comes from a time when the Crown needed to raise money for itself because it was engaging with many wars around Europe, for example, and the Crown was, of course, around before there were elected governments to do those things. So there is a fundamental question that at least needs to be raised here about why in the 21st century, if somebody finds something that is made of gold or silver, and it happens to be more than 2 objects in their back garden or indeed a field, why the Crown should have an automatic right to that? Because that is certainly not the Latin system. Latin basically operated a system of finders keepers. If you find it on your lawn you keep it. Why should somebody in the 21st century have to give something to the Crown? Those are probably more personal comments than necessarily panel comments, but that was certainly a thought process which the panel did also go through. When we put the question to the officers in charge, the answer came back, and I can probably read it, or rather I will summarise it, is that they did consider doing away with that part of customary law, but I think it would have been a long, drawn-out process and it was seen to be much easier just to reflect the current situation into this legislation. It is worth noting at this point that when the U.K. Parliament changed their law back in the 1990s, the definition, although treasure trove was kept as a subsection, the treasure trove was redefined as just treasure, and so they had their Treasure Act. Certainly, when it came to single precious metal artefacts that were not coins, it was recognised that an object that is not a coin, that is more than 300 years old when found and that has metallic content which is at least 10 per cent by weight, precious metal, gold, or silver, that is a treasure. Part of that recognises the fact that over a longer period of time, and of course as metallurgy got more sophisticated ... I look at Deputy Southern here, who I recall did study both metallurgy and French as a young man, which is partly why his French is so rusty now. It went quite a long time to get that one in. I can write other jokes for anyone at a small cost. As metallurgy has developed over the centuries, of course, it has been partly able to use other metals to achieve that, but also because the value of that has become perhaps more scarce, and we have seen that also in coins, though this does not relate to coins. The amount of silver and gold that is being used in coins over time has reduced. So I would question whether or not it is wise to keep the percentages at 50 per cent silver and gold, given the fact that more modern coins in recent years will have much less content in there. There is also a more fundamental question as to why it is just limited to silver and gold, is there not? So if one were to find something made out of platinum in a field, that had been deliberately buried with the intention of recovery later, why would that not revert to the Crown? If it is something that was only 40 per cent silver, 40 per cent gold, but was encrusted with rubies and diamonds, why would that not be considered treasure trove, because the Crown might be interested in having that reverting to him as well? Obviously, these things are not personal. We are talking about the Crown as a

concept here, and I get all that as well. So I think there are some very interesting questions which perhaps, if the Scrutiny Panel had been more minded to over a longer period of time, were we not at the end of a session where there is a heavy load of legislation, we might have been able to perhaps analyse some of these questions in a bit more depth. The long and the short of it is, though, I think what we have before us is a functioning draft law, which I think will meet many of the requirements that are necessary so that we do not find ourselves in situations again where there are complex wranglings when a find has been made. The important thing, which I have not referred to - focused very much on treasure trove here - is that there are, of course, other historical objects which do not fit into these categories, into this very narrow category, which will of course be of great public interest, which might want to be retained by Jersey Heritage or indeed other organisations in the Island. It is important that we have a framework by which this can be done expediently, but also with a high level of transparency. So, notwithstanding those earlier comments, which I think it was right to make, the panel, including myself, is happy to support what is being proposed here today.

### **3.1.6 Deputy Sir P.M. Bailhache of St. Clement:**

I am very pleased to follow Deputy Tadier because, if I do have any concerns about this law, they do centre upon the concept of treasure trove. But perhaps I could say, first of all, that I completely support the Minister's proposition and I am going to vote for it. So he should not be concerned in that respect. It is a really important piece of legislation which is long overdue, and I am delighted that it has come forward to the Assembly. It is important because our heritage is so important to the Island, and because our heritage should stay in the Island. There was a time, I think, in the interwar years, when quite important archaeological finds were uncovered in Jersey and ended up in an English museum. That seems to me to be completely wrong. Our heritage belongs here. It belongs to us. I do have a slight regret at the elliptical way in which treasure trove has been dealt with in the law. Article 11 of the law states absolutely clearly that a Jersey national antiquity belongs to the public of the Island. First class. That is exactly as it should be. If a Jersey national antiquity, however, is treasure trove, we get into a rather circular argument as to who is the owner. What Article 12(1) says is that if a Jersey national antiquity is treasure trove it is held by the Minister in trust for the Crown. What does that mean? It seems to me it must mean that it is held for the Crown in right of Jersey. It is another way of saying that it belongs to the public of the Island. But my regret is that the law could not say so. It may be that His Majesty's Receiver General might have taken an objection to that on traditional grounds, but, if so, with due respect to the Receiver General, it is an objection that should have been overruled. Tradition is fine, but sometimes it must give way to modernity. Since the Act was passed I think in 1947, which, as it were, repatriated the Crown's assets to Jersey, the assets of the Crown in Jersey are assets of Jersey. I will conclude by saying that I think there was a simple solution to this, and Deputy Tadier almost got there. But I think treasure trove should be abolished. If treasure trove were abolished, then the only question that would be left is whether it is a Jersey national antiquity. That is the crucial question. It is a shame that we could not get there in one leap in this law. But, nonetheless, by a circuitous route, I think we do get there. For that reason, I am very happy to support the law.

### **The Deputy Bailiff:**

Thank you, Deputy. We are approaching the point in Standing Orders where I am required to ask the Assembly about the adjournment for lunch.

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

Are there other Members due to speak, sir?

### **The Deputy Bailiff:**

Sorry, I have got no one else to speak.

### **Deputy L.J. Farnham:**

I propose the Minister sums up then.

**The Deputy Bailiff:**

Minister, are you content to reply and sum up?

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

Sir, sorry, I have a point.

**The Deputy Bailiff:**

Sorry, yes.

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

It is just a very small point, really. Thank you. It was really about pushing the law further. That is really all it was about. That was about extending it to encompass Jersey's wider historic environment, protecting not just what is found, but the landscape and context from which finds emerge. Other jurisdictions protect archaeological areas as well as artefacts; that is point one. The second one, the law could provide stronger enforcement tools. At present, the draft establishes obligations but without substantial penalties for failing to report finds or for unlicensed excavation. Without real enforcement, compliance risks becoming optional. Finally, the Island's maritime and underwater heritage remains largely unaddressed. Jersey's coastline and waters hold centuries of wrecks, submerged sites and artefacts at risk of damage or illicit removal. A truly comprehensive heritage regime must extend beyond the shoreline. Those are the points I would like to make.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? If not, I call upon the Minister to reply.

**3.1.8 Deputy K.F. Morel:**

I thank everyone for a short, but really fascinating debate. I am delighted that everyone spoke in support of the law. I will start by addressing - they are all relatively technical - I will start with the Connétable of St. Brelade. I cannot give you an answer. I cannot give the Connétable an answer, I am afraid, about Hauteville or Newgate Prison, the stone from there. But I can work with Jersey Heritage to try to get an answer for the Connétable. To the Constable of St. Saviour, and Deputy Tadier referred to this in his speech, as did Deputy Bailhache, the law creates 3 categories of object: archaeological object, Jersey national antiquity, and treasure trove. They are defined quite clearly, as Deputy Tadier referred to. So most objects would be at the very least Jersey national antiquities. But if they are at least 300 years old, then they become archaeological objects as well. However, if they, as Deputy Tadier said, are more than 2 objects and made up of more than 50 per cent gold or silver and were deliberately hidden on the land all those years ago and where the heirs are unknown, they become treasure trove. So we have quite clearly defined the 3 different types of objects. So I think the law works quite well in that respect. From Deputy Miles's perspective, indeed, with regard to the M.O.U. with the Treasure Valuation Committee in the U.K., a finder who is unhappy will be able to appeal either to the Minister for Sustainable Economic Development or can ask another Minister to review the process that the valuation went through. This would be detailed in the regulations coming forward in the next term. Of course, the Treasure Valuation Committee's recommendation is based on independent and professional experts and the individuals themselves will be able to submit their own valuations to the T.V.C., who will consider them alongside those experts. So there is a method for dealing with issues. Trying to make sense of the customary law is one of the reasons why we have a definition of treasure trove, which is so unusual and specific. The more than 50 per cent silver and gold, it must have been hidden in the past, not just dropped; things which are very difficult in themselves, and there is great subjectivity. This is principally because we have tried to take customary law definitions and bring them into statute in that respect. What I would say to both Deputy Bailhache and Deputy Tadier, and indeed myself, is that were we to have a lower

definition as the treasure threshold in the U.K. is 10 per cent gold or silver or precious metal, if we were to widen the definition from 51 per cent plus to 10 per cent, it would mean that more objects end up being the property of the Crown. Indeed, I have enormous sympathy with the perspective that Deputy Bailhache and Deputy Tadier put forward with regard to the Crown's right.

[12:45]

In full disclosure, that was the path that I set off on. But it was very clear that would have been a process that would have taken many, many years. Ultimately, asking the Crown to give up its right would have been a very long process. It may be elliptical, but I do think the solution we have found in that respect is an appropriate one. So, yes, the Crown still has that right. It is the Crown's property, but the Minister will look after that right in trust on behalf of the people of Jersey and the Crown effectively. So the practical result, I believe, is the same. But I think, for the sake of getting this much-needed law through, it was right that we maintained the Crown's right in that respect. Deputy Warr, thank you. There are references to underwater wrecks mentioned and also objects found in the shoreline, and so the law does deal to some extent, but I have no doubt, because we are learning more and more about Jersey's archaeological heritage in the marine environment, and it is much greater than many of us realise. Deputy Renouf, I thank him for his comments. La Cotte is an incredible site. Indeed, the King himself dug there as well many, many years ago when he was a young Prince of Wales. When I speak to any visitors to the Island about Jersey's heritage, it starts 250,000 years ago at the very least, which is incredible and something we must not lose sight of. Also with regard to lost treasures, just as an example of something that has been lost, and Deputy Bailhache, I do not know if he knew about this particular instance, but it is one which, before 1947, objects that were found as treasure trove or particular objects were sent off-Island to the U.K. to a U.K. museum, and the U.K. Government then took them into its ownership and disposed of them as they wished. Indeed, a jadeite axe that was found in Jersey, which I believe now sits in our museum, but that was sold by the U.K. Government, I understand, for £7,500 and ultimately into private ownership and ultimately got bought back by Jersey Heritage, I think in the 1990s or early 2000s, for £15,000. So it is astonishing how easily we lost our heritage. Indeed, Dolmen de Mont de la Ville is sitting in a celebrity's back garden in the U.K. Across the board, we have lost our heritage. The Dolmen de Faldouet used to be a tourist attraction. So what you see is the Dolmen de Faldouet, which is an amazing dolmen, but if you look at the entrance area, that was all built by a Victorian who fancied drumming up some tourist trade, which in itself becomes archaeological, I guess, or historical. But with that, and not wanting to hold anyone back from lunch, I propose the appel in this case.

**The Deputy Bailiff:**

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

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
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 K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

Deputy M.B. Andrews				
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**The Deputy Bailiff:**

Deputy Tadier, does the panel wish to scrutinise the draft Law?

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

No, thank you.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

With that concluded, are Members content to adjourn? Yes. The States stands adjourned until 2.15 p.m.

[12:49]

**LUNCHEON ADJOURNMENT**

[14:16]

**The Deputy Bailiff:**

We resume the debate on the draft Heritage Law and we come to Second Reading. Minister, do you wish to propose the Articles in the Second Reading?

**3.2 Deputy K.F. Morel:**

Yes, I do wish to propose the Articles in the Second Reading.

**The Deputy Bailiff:**

Do you wish to speak?

**Deputy K.F. Morel:**

Not a huge answer. I spoke in my speech earlier; I spoke through the different parts of the law and broke them down. So I do not want to repeat what I have already said. So I would like to propose the regulations. Most of the regulations ...

**The Deputy Bailiff:**

Articles.

**Deputy K.F. Morel:**

... occur in the next Assembly ...

**The Deputy Bailiff:**

Articles.

**Deputy K.F. Morel:**

Articles, apologies. The regulations will appear ...

**The Deputy Bailiff:**

Articles.

**Deputy K.F. Morel:**

Sorry. In the next Assembly, there will be a vote on some Articles that will appear in the law. I will take questions from Members, I think is the easiest way to go through this.

### **The Deputy Bailiff:**

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

#### **3.2.1 Deputy M. Tadier:**

Who knew that heritage law could be such fun. So I did want to speak specifically on Article 12, given the earlier comments from Deputy Bailhache. If I had known, or if the panel had known that we had such a potential ally in reforming the draft law and the definition of treasure trove, we might have asked to meet with Deputy Bailhache to speak to us as a panel. But I did want to give clarification because we do address this in our comments and, notwithstanding the fact that I think the Minister gave a very reasonable answer about the fact, first of all, that he had considered abolishing the definition of treasure trove and the Crown's claim over it in the first place and why he did not do that, I should have really read the 2 paragraphs from our comments. So I will do that now, because it does relate very much to Article 12 and why it is there. So the Minister explained that although abolition of treasure trove was considered, reflecting the approach taken in England and the Isle of Man, those jurisdictions still effectively retain treasure trove as a category of objects because their statutory definition of treasure now encompasses what would historically have been considered trove. By contrast, Scotland adopts a different model under which all archaeological finds fall to the Crown as *bona vacantia*. As I joked with the Attorney General designate earlier, *bona vacantia* sounds like something you might say in Italian to wish somebody a good, happy holiday. But as we were told earlier, lawyers still liking to use Latin; it can be a perilous thing for a linguist who mistakes that. So *bona vacantia* just means that it is an empty good, it is a good that belongs to nobody, and that is a point I think I forgot to raise earlier as one of the conditions of what treasure trove needs to be. So it needs to be something that does not have any identifiable owners or heirs. So that makes sense, does it not, because if somebody finds a couple of gold rings on St. Brelade's Beach when they are doing metal detection and they are definitely more than 50 per cent gold, we go through that process. Were they deliberately hidden? No, they probably were not, so they are not going to constitute treasure trove. Was there an intention to discover them later? There might have been. If there are no identifiable heirs or owners, well, post it on St. Brelade's parishioners group and you will soon find out if it meets the criteria of treasure trove. So I do not think that is what we are talking about here. The comments go on to say that the panel was further advised that there are constitutional reasons why altering baseline customary law should be avoided at this stage. Moreover, is the quote, it is ultimately a matter for the Crown whether it wishes to dispose of its rights, a negotiation which, even if considered desirable, would likely take many years. Thus, what the draft law does is accommodate the Crown right in a manner consistent with the ambition to ensure that relevant objects end up in the public collections for the public benefit. So just to reassure Deputy Bailhache that we did very much look into this, and the answer was that, even if the Minister was minded to do it, it would have taken a bit too long to get a workable draft I think is the fair answer and the answer that we got from the officer during our briefing. But who knows? We could maybe revisit this in the future. Certainly for my part though, I am comfortable with the Articles as they stand and I hope that gives some reassurance that the Scrutiny Panel at least has done its due diligence in this matter.

#### **3.2.2 Connétable D.W. Mezbourian of St. Lawrence:**

I would just like to check with the Minister. When we make laws that can effectively change people's lives, if they inadvertently then go ahead and break the law in some way without knowing about it, I would like the Minister to explain how he is going to make this public, in particular with regard to the code of practice which would need to be published. I raise the point because, not very long ago, a well-known local organisation applied for retrospective planning application after they had had cause to, I would say, desecrate a grade 2 listed heritage site. They seemed quite complacent when they came to the department. Now, not all of the Planning Committee felt the same as I did, and indeed as I do. But I was really concerned about the damage that could have been caused to

archaeological artefacts. If the code of practice is strong enough and made public, needs to be published as I understand it, then hopefully such organisations in the future would not be putting in for retrospective planning application after they have caused damage to an archaeological site. So I would just like the Minister to elaborate on that, please.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Articles? If no other Member wishes to speak, then I call upon the Minister to reply.

**3.2.3 Deputy K.F. Morel:**

I apologise for my sticking with regulations when I should have stuck to Articles. I apologise for that. If I am not re-elected in the forthcoming elections, one of the things I will miss in this Assembly is the joy of Deputy Tadier's wordplay and insights into words and their meanings, because I genuinely enjoy that and I am grateful for Deputy Tadier.

**Deputy M. Tadier:**

That is dependent on me being re-elected as well.

**Deputy K.F. Morel:**

I did understand that, but I was not going to throw that one out there. But I thank Deputy Tadier, because, yes, he has explained exactly the reasons why we have not gone down that road, as I spoke briefly to Deputy Bailhache in the lunch break as well about that. It is something for another Government, should they wish to move forward with taking away the right of the Crown, or the Crown giving up its right would be a better way to say it. But I think we have a Heritage Law which is going to do a great deal to protect heritage into the future in all sorts of different ways. We focus very much on objects, but it should also be understood that this does talk about intangible heritage. This is also about intangible heritage and perhaps the most obvious and clear piece of intangible heritage that we often speak about in this Assembly is Jèrriais, our native tongue, which is a piece of our intangible heritage and needs to be guarded in the same sort of ways. With respect to the Constable of St. Lawrence, it is a really, really good question that the Constable raised. Number one, the code of practice will be widely distributed. It will be published. Jersey Heritage will particularly be the main point of contact for that. But I think the Connétable has raised a real point, which is, aside from metal detectorists and people who we know are interested in trying to uncover our heritage, and they will be provided with the code of conduct directly, but the construction sector is a sector which does encounter and butt up against Jersey's heritage. I know there is one public work at the moment where a Bronze Age burial site has been found through that work. It is really important that that is reported and it has been. Whether you are doing public or private construction work, if in the future, should a business or a person encounter through construction work sites of archaeological significance, they will be bound to report them. Article 21 of the draft law does specifically talk about offences by bodies corporate and others. That is really important because often I think we perhaps, in some of our laws, the corporation is often not referenced, and so it is just individuals who many of our laws refer to. But, in this case, we have specifically pointed to offences by corporate bodies. Just because you are a building firm that dug through a site of archaeological significance not expecting to, that will not mean that you are able to ignore your duties under the law, which will be to report that site, in the first instance to Jersey Heritage would be the appropriate place to go. They would then help you choose whether to take that to the Viscount or to the Receiver General, depending on what has been found. But I am very pleased that we have specifically talked about corporate bodies in this so that, going forward, they will have to understand their duties. Thank you. I call for the appel.

**The Deputy Bailiff:**

The appel has been called for. So I invite Members to return to their seats. If all Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the Articles have been adopted:

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
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. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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 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				

**The Deputy Bailiff:**

So we move on to Third Reading. Do you wish to propose the matter in Third Reading Minister?

**3.3 Deputy K.F. Morel:**

Yes, please.

**The Deputy Bailiff:**

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

**3.3.1 Deputy Sir P.M. Bailhache:**

I just would like to say that I really ought, at this stage of my career, to have realised that one ought not to make a speech unless one has read all the papers beforehand. Having now read the report of the Scrutiny Panel, I appreciate that the panel was completely on the ball. If I suggested otherwise during the course of my earlier speech this morning, I regret it. I think the panel, as I say, was absolutely right to raise the issues regarding treasure trove that they did.

**3.3.2 Connétable M.K. Jackson:**

My comments are really briefly to thank the Minister for asking an officer to respond with regard to my earlier question on the Mont de la Ville. The officer does tell us that, having looked into the possibility a couple of years ago, expert advice was given that it was not a viable proposal at this point. But the dolmen has significance as part of the history of the land on which Fort Regent is built and there is plenty of scope to recognise it. So perhaps the Minister for Infrastructure in his budget for redevelopment of Fort Regent could find the money to bring the dolmen back over to the Island.

[14:30]

**The Deputy Bailiff:**

Minister, did you wish to speak in Third Reading or reply?

**Deputy K.F. Morel:**

I will sum up at the end of this.

**The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? We have the Chief Minister. Very well. Deputy Tadier.

### **3.3.3 Deputy M. Tadier:**

I think he was first, but I am happy to go. I defer to seniority. First of all, there is no need for Deputy Bailhache to apologise. I did not take anything that he said earlier as a criticism of the panel, and I am glad that he has been reassured that we have looked at this from all angles. I think those comments were worth making both from himself and just the fact that it is time to reflect, and we could have gone for a much more modernised law in all aspects, but I think the complexities around there, given the fact that the reality that it would have changed is it would have been notional rather than actual. So what I want to say, just on behalf of the panel in summing up, is that we recognise that significant work has been undertaken in developing the draft Heritage Law and the engagement that was carried out with key stakeholders by the Minister and department themselves. The draft law represents an important step in modernising Jersey's heritage protection framework and reducing reliance on customary practice. Having examined matters that relate to the consultation, the reporting requirements, the treasure trove enforcement and operational practice, we are satisfied in the Third Reading as well that the legislation provides a clearer, more robust foundation for managing archaeological finds. We also note that the associated draft regulations on rewards and licensing will not be debated at this stage. So these have not been examined in detail, but there will be a job of work both for the Minister to bring those forward in future and for the next Scrutiny Panel to look at those. So, overall, we are happy to continue our support for this law in the Third Reading and we commend it also to the Assembly.

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

Very briefly, I just wanted to join the thanks to the Minister and his team. I know there has been a lot of work and a lot of collaboration with the Crown through the Office of the Lieutenant Governor, as Deputy Bailhache raised earlier. There are one or 2 perhaps issues to revisit around treasure trove in the future. I have to say, I enjoyed Deputy Tadier's humour in relation to precious metal. That was indeed comedy gold. May I say, just talking about this, going back to treasure trove and Deputy Bailhache. I understand Deputy Bailhache has a big birthday coming up. It would be indiscreet for me to say which one, but it has got a zero on the end and it might even be the one that qualifies him, I am not sure, either a national treasure or perhaps a local artefact, but we will have to decide on it in the future. [Laughter]

### **The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak, then I call upon the Minister to reply.

### **3.3.5 Deputy K.F. Morel:**

I would like to thank Members for their wholehearted support of this law. I also want to highlight, going back to Deputy Bailhache and Deputy Tadier, and the constitutional relationship, I am heartened by the fact that we maintain, as an Assembly, Members in the Assembly who are always carefully guarding our constitutional relationship and our autonomy. I think it is absolutely vital, because it is one of the things that I always worry about losing over the years. But, as I stand here today, I know I am in good company, people who want Jersey's autonomy to remain and our relationship to the Crown to be treated as something which is always moving and always changing. I think it is also worth saying that, when I spoke to officers about the history of treasure trove and found artefacts in Jersey, officers came back to me - I am saying this with knowledge of Deputy Bailhache's former office - they praised a succession of Bailiffs for always just working to grow Jersey's sense of autonomy and to grow Jersey in the area of national artefacts. That 1947 work was really important. Over time, Jersey has brought matters into its remit, which previously were not for hundreds of years. It was very much put on the shoulders of Bailiffs from my officers' perspective, and I am grateful to them for that. I would like to obviously thank my officers and Jersey Heritage for working on this law. The Société Jersiaise and the National Trust have been a great help in this

as well, and they are the bodies that will most likely be working with this law into the future. I would also like to thank the metal detectorists. They have really embraced this, and they could have approached this from a very different perspective, but they have not, and they have been fully supportive of this, and that was reflected in Deputy Miles's comments earlier, and I am very grateful to them for their work with this, as I am to everyone who helped with the consultation. We can be proud that, at the end of this Assembly, we seem to be passing, effectively, Jersey's first Heritage Law that protects our heritage in a way that it has not been before. As I said, I know that I am surrounded in this room by people who value Jersey's heritage enormously, and the fact that we are voting to take through our first Heritage Law, which does seem shocking to me, because I have grown up in an Island that values its heritage. So I think for many years I have just assumed we had strong protections and strong governance around this, but we did not. So, if we pass this now, I think we can all be very proud of the fact that we will be, at the end of this 4 years in office, taking Jersey's heritage into a brighter future. Thank you. I ask for the appel.

**The Deputy Bailiff:**

Thank you very much, Minister. You have asked for the appel. The appel is called for. I invite Members to return to their seats if they are not already in the Chamber. If all Members have returned to their seats, I would ask the Greffier to open the voting. If all Members have had the chance to cast their votes, I ask the Greffier to close the voting. I can announce that the Heritage Law in Third Reading has been adopted:

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
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. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				

Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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 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				

#### **4. Draft Treaties (Jersey) Law 202- (P.122/2025) - as amended (P.122/2025 Amd.)**

##### **The Deputy Bailiff:**

The next item of Public Business is the Draft Treaties (Jersey) Law, which is being lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel, and I ask the Greffier to read the citation please.

##### **The Greffier of the States:**

Draft Treaties (Jersey) Law 202-. A law to provide for the States Assembly to approve treaties. Recognising that Jersey has an international identity separate from that of the United Kingdom and may develop further that international identity; and further recognising that Jersey has autonomous capacity in domestic affairs and that international obligations that are binding on Jersey may require the enactment of domestic legislation or otherwise have an impact on domestic affairs; and further recognising that Jersey has an ever-growing need to participate in international affairs and should not be bound by treaties on which Jersey has not been consulted or that it does not wish to have applied to the Island. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

##### **The Deputy Bailiff:**

I ask the Minister to propose the principles.

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

Deputy Gorst will be acting as rapporteur.

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

In proposing the draft law, I acknowledge the joint responsibility that I share with the Chief Minister for the conduct of Jersey's external relations under which fall the rights and obligations conferred upon Jersey through our participation in treaties which are binding under international law. I also note that this draft legislation has, in one form or another, been under consideration for a number of years. Most recently, passage of P.6/2023 made clear that this Assembly was strongly in favour of a more consistent approach to the approval of treaties that would apply to Jersey. In accordance with that proposition, the Legislation Advisory Panel has led a substantial piece of work to assess options for a new treaty approval mechanism and I am grateful to the L.A.P. (Legislation Advisory Panel) in consultation with P.P.C. (Privileges and Procedures Committee), the Law Officers' Department and my department for these efforts. It is fair to say it has not been a straightforward task. Government of Jersey enters into treaties by several routes, including letters of entrustment granted by the U.K. or the extension of application of treaties ratified by the U.K. These different mechanisms are generally a good thing for Jersey, creating several routes through which the Island can participate in international agreements, but they have added complexity to the design of a coherent approval framework. This complexity has been compounded by the novelty of such legislation. To my knowledge, the draft law represents the first time any Crown Dependency, Overseas Territory or devolved administration has proposed legislation specifically to govern how treaties are presented to its parliament. Accordingly, when supporting the development of this legislation, officials have also undertaken consultation with the U.K. Government to seek alignment with Jersey's constitutional status and the relevant aspects of the U.K.'s own treaty approval procedures, including those set out in the Constitutional Reform and Governance Act. Engagement with the U.K. will continue and because the draft law has minimal precedent and deals with a complex patchwork of international agreements, it is possible - if I can call upon the Attorney General designate's picture yesterday - that there may indeed require in that ballet another plié or arabesque or pirouette before we get over that final hurdle. The various consultations and drafting efforts made it clear that the treaty approval process cannot be addressed by a single uniform procedure. Given practical and legal challenges, a one-size-fits-all approach simply would not work and would jeopardise Jersey's ability to participate in certain treaties. I believe the draft law therefore represents a good balance. It provides a new legal mechanism to govern how treaties are presented to the Assembly in line with the spirit of P.6 and reaffirms Ministerial accountability through this Assembly. This is a step forward providing clarity to a process where in the past there has been the potential for ambiguity. In the main, the draft law does this by codifying procedures that are already established, for example for Assembly approval of entrustment agreements such as double taxation agreements. It is a short piece of legislation that defines scope and outlines the approval mechanism for different treaty types. In summary, these can be described as follows: Article 2 covers treaties signed under entrustment. The Minister must lodge the treaty together with an explanatory memorandum for the Assembly to approve before Jersey can enter into the treaty. This is the process that we hope to follow at the next States sitting with the Bahrain Double Taxation Agreement. Article 3 provides an equivalent procedure for a treaty the relevant Minister wishes to have extended to Jersey following its ratification by the U.K. Article 4 applies to free trade agreements. These agreements in which Jersey often seeks to participate are treated separately to the draft law because of the way they are negotiated by the U.K. with other countries. This makes it practically impossible for the Assembly to receive the treaty text for approval in respect of Jersey's participation before the U.K. has signed the agreement. Therefore, the draft law has been drafted in line with principles of the Jersey's participation in the United

Kingdom free trade agreements proposition and requires the Minister to lay the treaty and an explanatory memorandum before the Assembly within 28 days of U.K. ratification for information. Members will be aware that following engagement with Law Officers, an amendment to the draft law was lodged to remove the separate category of law enforcement agreements. That was Article 5. This ensures consolidation as such arrangements now typically take the form of a memorandum of understanding and therefore outside the scope of the draft law or where legally binding would fall under Article 2. Consideration has been given to the impact of the new law, including potential for more Assembly time needing to be allocated for consideration of treaties or treaty amendments as well as the potential reputational risks for Jersey in the event that the Assembly were to reject a treaty negotiated in good faith with an international partner. Mitigations will be put in place to limit these potential impacts wherever possible. Early engagement with policy lead departments will be conducted to encourage sufficient time to be built in for States consideration and, while it is inevitable that there will be some teething issues with a new procedure such as this, I will also instruct officials in my department to produce guidance to support Government colleagues bringing treaties to the Assembly under the draft law.

[14:45]

In conclusion, the draft law represents the culmination of several years of work to bring forward legislation that provides, as I have said, a clear framework for the approval of treaties as they apply to Jersey. It offers greater consistency, transparency and accountability while preserving the flexibility needed to manage the different forms of international agreements. Finally, I would like to thank members and officers of the Legislation Advisory Panel, Privileges and Procedures Committee, the Corporate Services Scrutiny Panel and the Economic and International Affairs Scrutiny Panel for their helpful comments and their continued support for the draft law. I propose the principles of the law.

**The Deputy Bailiff:**

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

**4.1.1 Deputy S.Y. Mézec of St. Helier South:**

It was just very briefly to thank the Minister and, of course, the Legislation Advisory Panel for all of their work on this. It was me who lodged P.6 in the first place, and I am very pleased to see this framework now being proposed and ready to go because it not only strengthens Jersey's autonomy but also strengthens the supremacy of this Assembly as the decision-making body for the Island. I just want it on record my thanks to all of those involved to getting to this point.

**4.1.2 Deputy H.M. Miles of St. Brelade:**

I am standing as chair of the Corporate Services Scrutiny Panel. We have reviewed the Draft Treaties Law and presented comprehensive comments, which have been available to the Assembly. We note this is a significant proposal that strengthens how Jersey engages with international agreements. The purpose of this draft law is clear; it introduces a formal framework to ensure that any international treaty that Jersey enters into or has extended to it is brought before this Assembly for consideration and approval. We noted that it brings transparency, democratic oversight and clarity to an area of growing constitutional importance. We also note that this legislation follows extensive work by Government, the Legislative Advisory Panel and the Law Officers' Department, and the panel recognises that this has been a substantial undertaking. We also note that it represents a first; during scrutiny, the panel learned that Jersey would be the first Crown Dependency or Overseas Territory to introduce legislation of this kind in relation to international agreements, and that alone demonstrates both leadership and maturity in how the Island manages its external relations. The draft law covers the 3 categories of treaties: entrusted treaties, extended treaties and also free trade agreements. Importantly, it also preserves the flexibility to incorporate decisions made by the

Council of Europe in the future. A recurring theme throughout the panel's scrutiny has been the importance of that flexibility, choice and participation ensuring Jersey's voice is protected in negotiations while recognising our unique constitutional position. The panel also noted the value of the proposed exit mechanism enabling the Assembly to decline participation should the terms of an agreement not serve Jersey's interests. We also highlighted some of the risks: increased demands on Members' time, reduced flexibility in urgent situations or the possible of rejecting a treaty and the potential impact that that may have Jersey's international reputation. The panel were pleased to receive assurance that the draft law satisfies stakeholders in the U.K., other Crown Dependencies and, in particular, the Privileges and Procedures Committee. We are heartened to know that work is already underway to develop the necessary guidance to support those new processes. Finally, we consider the Government's own amendment to remove Article 5, and we accept the view that the provision was unnecessary and that any binding asset sharing agreements can be dealt with appropriately under the new Article 2. In closing, the draft law provides clarity, ensures democratic involvements and places Jersey on a firm constitutional footing in how we engage internationally. It recognises that participation in treaties is ultimately a binary choice and this Assembly should have the authority to make that choice on behalf of the Island. In conclusion, the panel is supportive of the proposals and welcomes greater transparency and constitutional clarity that this law will bring.

#### **4.1.3 Deputy S.M. Ahier of St. Helier North:**

I am sure Members will also note that after the main respondents, we put up comments that P.P.C. also brought forward comments. I just want to explain the reason for that. It is obviously from P.6, which Deputy Mézec brought, in paragraph (b), which requested that the Legislation Advisory Panel in consultation with the Privileges and Procedures Committee bring forward legislation. In light of the requirements of P.6/2023, as amended, the Privileges and Procedures Committee was briefed on 10th November 2025 by Deputy Bailhache, in his capacity as chair of the Legislation Advisory Panel, accompanied by the senior legal adviser from the Law Officers' Department. P.P.C. is therefore satisfied that the provisions of P.6/2023 have been met in that the Committee was consulted during the development of the draft law.

#### **4.1.4 Connétable K.C. Lewis of St. Saviour:**

Just a few minor points. I mean I fully approve of this step. It certainly is in the right direction and ratifying anything that the U.K. may bring forward is a good step but, as the chair of the Scrutiny Panel has touched on, there are dangers of not going along with the U.K., which could put us at a disadvantage. My only question is: how far can Jersey go of its own volition under the letter of a trust, if at all?

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

To begin, I would like to thank the Minister for External Relations and his team and the L.A.P. for the work they have done on this. External relations is an interesting area in terms of our own governance where it has always been seen, and in most countries is seen, as just the preserve of the executive. But in this, I think we can see that obviously from Deputy Mézec's original proposition and others that the States Assembly itself would like to have a greater role in that, and that I do understand because Jersey needs to, as Deputy Miles said, have a good international reputation. Also, Jersey needs to be connected to the outside world in the many different ways, and those are through treaties as much as through physical connections. At the same time, though, we want to make sure - I am sure many Members of this Assembly want to make sure - we are not bulldozed by the outside world and that when we sign up to a treaty that it is an appropriate treaty to sign up to. The Constable of St. Saviour just talked about treaties that the U.K. has signed which we then will be ratifying in the future. It is right, and I am very pleased that the Assembly is now saying that we need to think about every treaty that we enter into. We need to understand whether it is the right size for Jersey and whether it does the right things for Jersey. I also see this law as being a step towards the

Assembly and Jersey taking greater control of its international relations. I think one area that we must continue to fully support in terms of finances and resources is external relations. It is through that function that we ensure that Jersey gets what it needs from its relationships. We have seen through the U.K.'s exiting of the European Union how that has had a massive impact on Jersey's relationships with Europe, and most particularly with France, Normandy and Brittany, and how we have had to take it into our own hands because the U.K. is never going to take our relations with Normandy and Brittany into their hands, so we have to do it ourselves. More than just symbolically, I see this law as being a law which is the States Assembly saying: "We understand these things and we want to take these matters into our own hands a lot more." I hope that future States Assemblies will continue to do that.

#### **4.1.6 Deputy M.R. Scott of St. Brelade:**

I just have a question in terms of the bringing of treaties, or perhaps something I just want to flag. When I brought before the Assembly certain legislation to extend intellectual property treaties to the Island, I basically did it in a group because there are different types of intellectual property legislation and there were 4 treaties involved. When I read this law, it talks about a text being lodged and an explanatory memorandum in each case. I am very much supportive of the general principle of this treaty, but I wonder just about whether there could be a potential for red tape if, in fact, you have got the situation like this and therefore expect the consequences that you cannot deal with treaties in groups. Perhaps the Minister can just explain what the position is with the States Assembly just so we are aware going forward.

#### **The Deputy Bailiff:**

Does any other Member wish to speak on the principles? If no other Member wishes to speak, I call upon the Minister for External Relations to reply.

#### **4.1.7 Deputy I.J. Gorst:**

Firstly, perhaps I will be thankful to those who were thankful for the work that has been undertaken, and I appreciate that. As I said in my opening comments, it has been challenging to find a framework which will work in practice, enhance the democracy of this Assembly but also at the same time allow Jersey to negotiate treaties in its own best interest. If I take the question of entrustments, currently Jersey only receives entrustments for individual treaties, and it is quite clear what those individual treaties are which can be negotiated with individual jurisdictions. That is something which I think we have proven over time that we can manage competently. We follow model treaties, and they are reasonably and relatively straightforward and easy to negotiate, particularly when it comes to double taxation agreements because of the simplicity of our tax code. Again, other Members have mentioned the event that is taking place on 7th June. Should I come back to this place, and that of course is in the hands of the electorate, it is absolutely, I think, the time for the incoming Minister to seek to have a more globalised entrustment which would allow the entrustment for types of treaties and not limited to a particular jurisdiction, but that is work which needs to be progressed. Treaty extensions. I think there is a legitimate point here. In the geopolitical world in which we find ourselves with some multilateral organisations coming under strain, I do think now is an appropriate time for us, as a small Island community, to ask ourselves whether we really do need to have all of the international treaties extended to Jersey in a way which we have fallen into the path of doing because they can bring obligations to a small island and increase the cost of governance. I think we need to carefully consider going forward whether there are benefits. To pick up the point that Deputy Scott just made, I can absolutely see the benefits that the department brought forward with those treaties around I.P. (intellectual property) and the potential economic growth that could be delivered through the extension of those treaties. Of course, this law does not stop them being brought together if they are a package of treaties and you are wishing to have them extended at the same time. That is purely a matter of process. I do think that we, as an Island, have some questions to ask about in future just

what the value of those extensions are. When it comes to free trade agreements, historically the free trade agreements which we have now been party to in a post-Brexit world have really just replicated the previous arrangement that was in place prior to Brexit. There is value in that, but I personally think the greater value is in free trade agreements where Jersey is included for services, not just goods replicating what was our relationship with Europe previously. To pick up on Deputy Morel's point, Jersey is an open internationally-focused Island. It is the basis of our current economic success, and we must continue to be open and aware internationally because we facilitate and it is a privilege for us to host international business.

[15:00]

Therefore, I hope and I believe that Jersey will continue to be open and outward looking in its approach to the world and I think that only brings benefits for us. Perhaps I have got slightly sidetracked in responding to some of the comments of Members, but I maintain the principles of this law in First Reading, and I call for the appel.

**The Deputy Bailiff:**

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

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
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. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				

Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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 R.S. Kovacs of St. Saviour:**

It did not work.

**Deputy M. Tadier:**

Deputy Kovacs tried to vote. I saw her push the button, but it did not register.

**The Deputy Bailiff:**

You are right, her vote was not registered unfortunately, Deputy. I think in the circumstances, we can allow your vote to be registered.

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

Before we move on, could we just maybe get a ruling as to how this should work in future? The buttons have shown that they have not always worked and I was under the understanding Members should, if the buttons continue flashing on a push, indicate to you that their buttons are not working as recorded. Just if you could set what should happen in future if Members see that their vote is not being recorded so this does not happen again.

**The Deputy Bailiff:**

I understood the purpose of the question, Deputy. I am not going to be making a ruling on this occasion. I noted that Deputy Kovacs was in the Chamber when we opened the voting, and I accept her assurance that she attempted to cast her vote and it did not register. It was not a contentious vote. The result of adding her to the voting is not going to change the result. In this particular case I have allowed it, but I think it would be premature for me to start making rulings on a matter of that potential significance. I do not think it is necessary for me to do so at this stage. I am going to decline to make a ruling, despite your invitation. I hope you understand. Thank you. Does the Corporate Services Scrutiny Panel wish to scrutinise this matter? Thank you, Chair. We move on to considering the Articles. The Chief Minister has lodged an amendment to the Articles. Minister for External Relations, do you wish to propose the Articles as amended?

**Deputy I.J. Gorst:**

I do, Sir. I beg leave of the Assembly to do that. In my comments in the opening principles, I made clear that that was Article 5 and the reason for the amendment, and therefore I hope that Members will take it as amended by that amendment to remove Article 5.

**The Deputy Bailiff:**

Thank you, Minister. Are Members content to take the Articles as amended? How do you wish to propose the Articles, Minister?

**4.2 Deputy I.J. Gorst:**

*En bloc*, if I may, and I will endeavour to answer any questions that may arise.

**The Deputy Bailiff:**

Does any Member wish to speak on the Articles in Second Reading? If no Member wishes to speak, Minister, do you wish to reply?

**Deputy I.J. Gorst:**

No, may I just call for the appel, Sir, so we can check the system again. Thank you. **[Laughter]**

**The Deputy Bailiff:**

I invite Members to return to their seats and if all Members have had the opportunity of returning to their seats, I would ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I would ask the Greffier to close the voting. I can announce that the Articles have been adopted:

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
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. Saviour				
Deputy C.F. Labey				

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

**The Deputy Bailiff:**

We move on to Third Reading, and do you wish to propose the matter in Third Reading, Minister?

**4.3 Deputy I.J. Gorst:**

If I may, Sir. Thank you.

**The Deputy Bailiff:**

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

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

May I just be permitted to say 2 things on the debate in Third Reading? The first one is that although Deputy Mézec spoke on the debate on the principles, I do not think he made it clear, and I should like to make it clear, that it was Deputy Mézec himself that appreciated that it was an important principle that the Assembly should have the responsibility for deciding whether or not a treaty or international agreement should apply to the Island. I lodged an amendment to that, but the original principle was that of Deputy Mézec and I think he is entitled to credit for that. The second thing is, and I hope the Deputy will enjoy this moment from me **[Laughter]** ...

**Deputy M. Tadier:**

Would the Deputy be willing to sign the Senator Mézec’s paperwork? **[Laughter]**

**Deputy Sir P.M. Bailhache:**

The second point is that the law officers - indeed you, yourself, in your former capacity - very generously allowed me in my capacity as chair of the Legislation Advisory Panel to be party to discussions which took place with the law officers’ constitutional and international adviser. Although I do not wish to say any more than this, I think I can properly say that it was the conclusion of all those involved that there was absolutely nothing in this draft law which is contrary to the existing constitutional relationship between Jersey and the United Kingdom. It is an important matter, which I hope that the Chief Minister will bear in mind in the event of any further discussions taking place.

**The Deputy Bailiff:**

Does any other Member wish to speak in third reading? If no other Member wishes to speak, then I call upon the Minister for External Relations to reply.

**4.3.2 Deputy I.J. Gorst:**

I do not think I am required to comment or answer any questions there, so I will call for the appel in Third Reading.

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. If all Members have had the chance to return to their seats, I would ask the Greffier to open the voting. If Members have had the chance to cast their votes, I ask the Greffier to close the voting. The draft Treaties Law has been adopted in Third Reading:

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
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. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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				

## **5. Amendments to Standing Orders - Miscellaneous Amendments (P.12/2026)**

### **The Deputy Bailiff:**

he next item of Public Business is Amendments to Standing Orders -, Miscellaneous Amendments, P.12/2026, which has been lodged by the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

### **The Greffier of the States:**

The States are asked to decide whether they are of opinion – (a) to rescind their Act dated 17th January 2024, in which they had adopted an amendment to Standing Order 2 to alter the roll of elected Members, and to make the following amendments to the Standing Orders of the States of Jersey with effect from 8th June 2026 – 1. Standing Order 2 [Roll of elected Members] For paragraphs (1) to (5), substitute – “(1) When required, the roll of elected Members shall be called in the following order – (a) Senators; (b) Connétables; (c) Deputies. (2) The order in which the Senators are called shall be determined according to the length of time each of them has held office as an elected Member. (3) The order in which the Connétables are called shall be determined according to the length of time each of them has held office as an elected Member. (4) The order in which the Deputies are called shall be determined according to the length of time each of them has held office as an elected Member. (5) If any 2 or more elected Members have held such office for the same length of time, the order between them shall be determined according to the alphabetical order of their surnames. (6) If there is more than one elected Member to whom paragraph (5) applies, the order between them shall be determined according to the alphabetical order of their forenames.”. 2. Standing Order 105 [Modes of reference to other members of the States] Before sub-paragraph (a) insert the following and re-designate the remaining sub-paragraphs accordingly – “(a) a Senator, by name;” 3. Standing Order 115 [Chief Minister: nominations] In paragraph (3), insert “Senator, ” before the word “Deputy” each time it appears. (b) to make the following amendments to the Standing Orders of the States of Jersey with immediate effect – 1. Standing Order 66 [Duration of periods for questions without notice] For paragraphs (1) to (3), substitute – “Each of the 3 question periods shall be 15 minutes or, if shorter, the time needed for all Members of the States wishing to ask a question to have spoken and for those questions to have been answered.”.

### **The Deputy Bailiff:**

I ask Deputy Ahier, as chair of P.P.C., to propose the amendment.

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

I feel as though the Greffier has rather stolen my thunder. With this amendment, P.P.C. is looking to make 2 sets of changes to Standing Orders. The first set of changes is to make provision for the role of Senator. I do not need to remind Members of why these changes are needed. Having already made the legislative changes, those required to Standing Orders are relatively small in number. We need to make provision for how Senators will be addressed during Assembly meetings. As with Deputies, they will be referred to by name. We need to ensure that people elected as Senator at the next election, and future elections, can nominate candidates for Chief Minister, and we need to allow for Senators to form part of the roll call taken at the start of each meeting. In terms of the roll call, these changes will see Senators called first, as they were previously, and all 3 types of Members will be called within their groups. Senators first, then Connétables, then Deputies. The roll call will be based on length of service, regardless of whether the service is continuous or not. Where there are 2 Members with the same length of service, the difference will be split by the alphabetical order of their surnames. Members may recall that in the past there was quite a complicated system for working out the roll call that in *extremus* could see consideration given to Members’ honorary service or the seniority of the *authorisé* at their election. The Assembly had already agreed to change from that system before the decision to reintroduce Senators was made. These changes to incorporate

Senators do not affect those earlier decisions. The second set of changes relates to all questions without notice. The current setup dates from when the Assembly moved to a 3-weekly meeting cycle. As Members know, there are 3 slots at each meeting. Ministers appear on a rota basis, with the exception of the Chief Minister, who appears each time in the third slot. Standing Orders currently mean that any time not used up during the first 2 slots is added to that third slot for the Chief Minister. The amendment would remove that carry forward, and in future all Ministers, including the Chief Minister, would face a maximum period of 15 minutes each time they appeared. No other changes would be made. The Chief Minister would continue to appear third at each meeting, with other Ministers rotating through the other slots.

[15:15]

The commencement date for these changes to Standing Orders will be 8th June 2026. For the changes to questions without notice, they would not therefore take effect until after the election. The carry forward will therefore remain for the last 2 meetings of the current Assembly. I make the proposition and ask Members to support these amendments.

### **The Deputy Bailiff:**

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

#### **5.1.1 Deputy J. Renouf of St. Brelade:**

My eye was caught by Standing Order 2, which concerns the order of the roll call. I note that for some strange reason, Senators have been inserted into the roll call as having their names called first. I would say, however Senators may like to see themselves, once in this Assembly we are all equal. One vote each. I am not aware of any special privileges that are conferred to any different class of Member by Standing Orders, so why should the Senators come first? We might look at the rest of Standing Order 2 for some guidance. When it comes to individual Members within each class of Member, the order of the roll call is based on length of service. Applying that principle to categories of Member would lead to a rather different order of the roll call. Constables would be called first, with an impressive 800 years of service. Deputies would be called next, since they have been in the States since the middle of the 19th century. Finally, we would get to the Senators, relative newcomers, still in their shorts, who only appeared in 1947. However, as Deputy Ahier says, the reason Senators are proposed to be called first is because that is how it used to be. That feels like a very Jersey solution to the problem. I do point out that we could have chosen a far more neutral order of roll call rather than reinforcing implicit status and hierarchies. We could have gone for an alphabetical order, for example. Or if we had to do length of service, it could have been length of service regardless of the category of Member. I am not going to vote against the changes, and I decided the point was not worth an amendment. I just wanted to make the point.

#### **5.1.2 Connétable M.K. Jackson of St. Brelade:**

I am keen to follow the previous speaker because the thrust of my speech was in a similar vein. I would just point out to Members that Constables have been sitting in the States since the middle of the 16th century and glad to have done so and contributed to the operations of the Island Government. I regret not having brought an amendment, but I think it is a point that I would ask P.P.C. to consider in the future.

#### **5.1.3 Deputy M.R. Scott of St. Brelade:**

When I read this proposition, the thought did briefly pass my mind, and I thought I would not mention it, but since my 2 fellow Parish representatives have chosen to speak, I will just follow up. When I saw the proposition, I thought: "Why should Senators go first?" And I then thought: "It is because they represent larger proportions of the population. That sounds right." Then I went down to: "Hang on, then it is Constables and then it is Deputies." But of course, Deputies, many of them represent larger populations than the Constables. Then I thought: "Well, the big exception is my own

constituency. So how do we sort that out?" I was tempted to suggest that we should have some sort of gladiatorial contest, and I would quite happily appoint Deputy Renouf as the champion for the Deputies in a contest with the Constable of St. Brelade.

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

I have 2 points really on both of the amendments. On the first, I take many of the points that have been said before understanding why Senators are first and maybe picking up from Deputy Scott, not about the gladiator contest, but about the fact of representing 3 Parishes in my constituency, it does seem a bit strange that Deputies does come into third. It would be good to understand from the P.P.C. Chair, the discussions that were had and why that was decided in the end. I do not think because it was done in the past is enough for me to support this. But also, second, I would like to hear from the chair about the issue of the timing and taking away that extra time to the Chief Minister. I also do not in an instance agree with that either. It is the main opportunity for those who do not have access to the Chief Minister on a regular basis to be able to ask all the different questions for somebody who is overseeing the Government and overseeing the Council of Ministers and there will be a wide range of topics that the Chief Minister should be able to answer and should show the vision and drive that they are taking. If there is extra time within the questions without notice, I think that should be given to the Chief Minister. The Chief Minister is lucky that it does not happen every Wednesday over lunchtime like it does in the U.K. I also do not think that it should be limited to 15 minutes. Often many Chief Ministers and Ministers are quite good at running out the time in their answers and often there are only a few questions that can be asked in that time. I think to be able to ensure that there are enough people within the Assembly to be able to ask their questions that they would like of the Chief Minister because that is the time that they do have every time there is a States Assembly, I think that we should have that right to do so. I will not be supporting these amendments because of both of those issues.

#### **5.1.5 Deputy M. Tadier of St. Brelade:**

Given the fact that the Constables have been in the States since the 16th century, I think we can excuse them if now and again one of them does fall asleep from time to time. I was not intending to stand, but I think because I cannot let pedantry just be the sole occupation of my other male St. Brelade's Deputy colleague to say that while the Constables might be the oldest type of Member of elected States Member in this Assembly, it is not true to say that the Deputies are older than the Senators, because this type of Deputy is the newest creation. While there have been Deputies in name in this Assembly, we have never had Deputies who represent super constituencies before, which is what we have got now. Some of those super constituencies are Parishes, but others are an amalgamation of Parishes. So, while the nomenclature may have stayed the same, the actual role that a modern Deputy plays is very different from even the role that a Deputy might have played in the constituency, which is much larger now than 2 years ago. The nature of the elections are different, so maybe the Deputy should be quite rightly relegated to third place when it comes to the honour of the roll call. Fortunately, I do not think we should take our esteem as individuals or even as our elected class, so to speak, from which order we come in the roll call. If I wanted not to be outdone in radicalism either, a more radical position than anything that Deputy Renouf has suggested might be, why do we even have a roll call at all? But I think that would be far too radical for the Jersey context. I think on reflection, the roll call would be supported, because we know that within our oath of office the primary function that we have is to attend the meetings of the States when we are called upon to do so. I suppose the roll call at least shows the public who is here and who is not here. For my thoughts, if I were to remain a Deputy, being third in the order behind Senators and Constables does give one a little bit more time to get into the Assembly, especially if one is running to get here for roll call. Unfortunately, if I do get re-elected, I will not be the last of the Deputies, so I might have to be in my seat a little bit quicker in future. The question of the Chief Minister's question time being curtailed, I think that was the point that Deputy Jeune was making, so there will just be 15

minutes of question time for the Chief Minister, if that is what I remember from our discussions on P.P.C. I would remind Members, because they may not know this, but in the past the Chief Minister was only up for questioning not every session, so it was not every States Assembly. That was changed, not least because I asked for it to be changed, because I thought given the fact that the Chief Minister is the head of our Government in the Island and he is appointed by all of us, ultimately, that it is right that he should face questions every time that the States sits. It might seem that this is moving slightly backwards, but what it does mean is that those other Ministers who are on the roll, who do not face questions by any means every week without notice, should not be shortchanged either. There could have been a perverse mechanism where you do not ask a Minister who is not up for questioning every week, who might only be up for questions every 8 sessions, or 6 sessions, or whatever it is, because you want to ask the Chief Minister even more questions, and that could be seen to get the other Ministers off the hook. I think this is a fair balance, and it is worth remembering that the Chief Minister, whoever that might be in future, will still be up for questioning at every States sitting. So, in the round, I think this is quite balanced. It is not radical and I do not think we need to talk too much more about where we all sit on the order of roll or where one might sit in the future.

#### **5.1.6 Deputy A.F. Curtis of St. Clement:**

I will not speak on part (a). I think the points have been made, both broadened, as I think I said, it is slightly pedantic as well. But it is part (b), and when the chair of P.P.C. read out the change to the minutes, I saw the current Chief Minister almost thrust his hand in the air in delight at that, which surprised me. I thought he prepared every Monday in excitement for his favourite part of the week, which is, of course, answering 15 or more minutes of questions from the rest of the Assembly. I would ask the chair of P.P.C., as I have given him notice, that we could take part (b) separately, so we could vote on part (a) and part (b) of this proposition. As was just highlighted by Deputy Tadier, and indeed a Member to me just a couple of minutes ago, there is a circumstance in which people may choose to ask other Ministers fewer questions because they wish to build up time for the Chief Minister. In doing so, they are clearly thinking about wanting more time for the Chief Minister because there is a pressing matter of the day, perhaps, to talk about. I would say there is not a compelling reason to change it, we should keep it as it is, and remind Members that just because we have the time, it does not mean we have to use it, and the media are always quite well at picking up those who perhaps ask more questions than the value delivers. It is an opportunity for the Assembly, it is not one we have to take up, but I do think there have been instances where a slightly longer period of questioning for a Chief Minister, perhaps against other Ministers who have maybe a fairly short work programme at that time, is something we can exercise, but again with discretion.

#### **5.1.7 Deputy R.J. Ward of St. Helier Central:**

I am going to speak about all the parts of it. It is very clear to me that, come on, let us be honest, let us be realistic about where we are here. This is a clear hierarchy. Were we not all in a debate about Senators? Of course it is. As a Deputy, you will be a third-class citizen in this Assembly with an equal vote. That is the reality of where we are. That is what is going to form the Council of Ministers. That is what this Assembly voted for. Now you are getting the first part of it back. It is interesting that in an Assembly that is so Francophonie-based, and so we have had so many things about our links with France, we seem to have forgotten equality, fraternity, and equality, have we not? We could have made this very equal by making it alphabetical. As a Ward, I would say inversely alphabetical, because I am very punctual, and then give me a chance to leave if I wanted to after the mark to go and refresh myself and do my hair for the cameras. But that is not what we are doing. Let us be really honest about this. This is going back to where we have always been because it has always been done that way, and that is where we are. It is not a good idea. It is the wrong thing to do. I was not really caring much about this. Deputy Renouf, we do not always agree on everything, but he has made me think about this, and I am not going to support it now. I do like a bit of rebellion every so often. The other part about the 15 minutes for questions; I completely disagree with that. It is up to

Members to ask Ministers questions for that 15 minutes, and if they do not have questions, they do not have questions. But as Chief Minister, if that time is expanded that time is expanded. It is a really significant role. You should be prepared for that. I think there is no problem with that at all. The more rigid we have with those times and questions, the less open we are as a democratic Assembly who is going to ask those questions. I am afraid, no, I cannot support that. I do not think it is the right thing to do.

[15:30]

I finish with simply saying, we should have done this by alphabetical order, inverse alphabetical order, and Deputy Tadier, if any of us are re-elected, then who knows? But I am afraid in this occasion I am now not going to support this. I have changed my mind from the beginning of the debate, and I am quite pleased to have done so.

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

I just want to respond and remind Members that at the last sitting, the questions dried up for me after only 8 minutes. I fear I am inviting trouble by reminding Members of that. But I hope we can move swiftly on because I think we have talked about which order we get called in for long enough.

**Deputy M.R. Scott:**

Point of order, Sir. Just can this proposition be taken in parts in terms of the ... right? OK, thanks. The Greffier nodded for you.

**The Deputy Bailiff:**

Yes.

**5.1.9 Deputy S.Y. Mézec of St. Helier South:**

It is to raise a slightly different point, which is that though the proposed changes to Standing Orders here prescribe a role of elected Members, it is important to note that they do not do anything at all to alter any reference to a seating plan for Members based on what category of title they hold. There is only one other reference to that in the Standing Orders, which itself does not prescribe how that should be done. It simply says it is the duty of the Greffier to do that. For what it is worth in the next Assembly, if there are any concerns about the hierarchy of membership that these rules create on these benches, we will be doing our absolute best to undermine that, and we will be insisting that whatever category of title that our Members hold, we will continue to sit together in the Chamber because that is how it ought to be.

**5.1.10 Deputy L.M.C. Doublet of St. Saviour:**

I just wanted to very briefly build on what the previous speaker mentioned, and that is also if this does impact the seating plan, that we must be mindful of any future Members that may have disabilities and need any kind of accommodations, and that notwithstanding whatever other hierarchy we have that those individuals should be considered at the earliest opportunity so that any disability-related needs can be met.

**The Deputy Bailiff:**

If no other Member wishes to speak, then I call upon the chair of P.P.C. to reply.

**5.1.11 Deputy S.M. Ahier:**

I will try to answer as swiftly as possible, as the Chief Minister said. Why have Senators been put first? There was a view expressed by some at P.P.C. that Senators should be called last as they will be the newest type of elected Member in the Assembly. However, P.P.C.'s ultimate view was that the Assembly had decided to reinstate the office of Senator, rather than introduce a new office, and the changes therefore see Senators put back where they appeared previously on the roll call. An

amendment to Standing Orders could always be made in future to amend that order. It is well within the remit of Members to bring forward changes if they so wish. On the topic of the seating plan, Standing Order 171 places an obligation on the Greffier to maintain a seating plan of the Chamber. As Members will recall, seating is allocated by convention. Members sit together as Senators, Connétables, and Deputies. Within those groups, seating is allocated one by one in order of the roll. Prior to the last election, the Bailiff had ruled that political parties could opt out of the system to allow party members to sit with each other. But they would be granted an allocation of seats by the Greffier rather than having a choice. That would not mean that they could sit outside the groups of Senators, Constables, and Deputies, however. It is long-standing convention that the first group of Members could sit to the immediate left of the Bailiff. I therefore anticipate that Senators will sit where the Constables currently sit, and the Connétables would move to the left of them, and the Deputies would sit to the left of them. These arrangements could all be changed with the decision of the Assembly. Deputy Jeune mentioned about discussions of P.P.C. This topic was discussed at length, and obviously, as some other Members have mentioned, there was a lot of time spent on doing these, what I would regard as, rather trivial matters. There was one quick mention, Deputy Doublet, about the disability and access; that is a recurring feature. It is something that we are always considering and will continue to do so. But as the Chief Minister said, could we please move on swiftly. Although I accede to Deputy Curtis that we will have 2 votes on part (a) and part (b). So, with that, I make the proposition.

### **The Deputy Bailiff:**

The first vote is in relation to part (a) of the proposition. Would those Members who are in favour of adopting the proposition kindly show? The appel is called for. I invite Members to return to their seats. If all Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting in relation to part (a) of the proposition. If Members have now had the chance to cast their votes, I ask the Greffier to close the voting. I can report that part (a) of the proposition has been adopted:

<b>POUR: 28</b>		<b>CONTRE: 12</b>		<b>ABSTAINED: 1</b>
Connétable of St. Lawrence		Deputy G.P. Southern		Deputy R.S. Kovacs
Connétable of St. Brelade		Deputy C.F. Labey		
Connétable of St. Peter		Deputy M. Tadier		
Connétable of St. Martin		Deputy L.M.C. Doublet		
Connétable of St. John		Deputy R.J. Ward		
Connétable of St. Clement		Deputy K.L. Moore		
Connétable of St. Ouen		Deputy T.A. Coles		
Connétable of St. Saviour		Deputy D.J. Warr		
Deputy M.R. Le Hegarat		Deputy C.D. Curtis		
Deputy S.M. Ahier		Deputy L.V. Feltham		
Deputy C.S. Alves		Deputy H.L. Jeune		
Deputy I. Gardiner		Deputy K.M. Wilson		
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				

Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
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 L.K.F. Stephenson				
Deputy M.B. Andrews				

### The Deputy Bailiff:

We move on to part (b) of the proposition. Is the appel called for in relation to part (b)? Yes. Then if Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting in relation to part (b) of the proposition. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (b) of the proposition has been adopted:

<b>POUR: 25</b>		<b>CONTRE: 16</b>		<b>ABSTAINED: 1</b>
Connétable of St. Lawrence		Connétable of St. Peter		Deputy R.S. Kovacs
Connétable of St. Brelade		Connétable of St. Martin		
Connétable of St. Clement		Connétable of St. John		
Connétable of St. Ouen		Deputy G.P. Southern		
Connétable of St. Saviour		Deputy R.J. Ward		
Deputy C.F. Labey		Deputy K.L. Moore		
Deputy M. Tadier		Deputy S.Y. Mézec		
Deputy L.M.C. Doublet		Deputy T.A. Coles		
Deputy M.R. Le Hégarat		Deputy B.B. de S.V.M. Porée		
Deputy S.M. Ahier		Deputy D.J. Warr		
Deputy C.S. Alves		Deputy J. Renouf		
Deputy I. Gardiner		Deputy L.V. Feltham		
Deputy I.J. Gorst		Deputy H.L. Jeune		
Deputy L.J. Farnham		Deputy A.F. Curtis		
Deputy Sir P.M. Bailhache		Deputy K.M. Wilson		
Deputy H.M. Miles		Deputy M.B. Andrews		
Deputy M.R. Scott				
Deputy C.D. Curtis				

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

**6. Capping the Number of High-Net-Worth Individuals Granted Entitled Status via Regulation 2(1)(e) (P.19/2026)**

**The Deputy Bailiff:**

The final item of Public Business is Capping the Number of High-Net-Worth Individuals Granted Entitled Status via Regulation 2(1)(e). This is P.19/2026. It has been lodged by Deputy Renouf, and the main respondent is the Chief Minister. I would ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion – to request the Chief Minister to limit the number of Entitled status approvals granted to High Net Worth Individuals (HNWI) under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 to 15 per year, calculated on a rolling 5 year basis, and to implement these changes by the end of March 2026.

**Deputy R.E. Binet of Grouville and St. Martin:**

I am a part-owner of a property that is rented by 2(1)(e)s, so I ...

**The Deputy Bailiff:**

Yes. Declarations of interest. Very good point. Thank you very much.

**Deputy R.E. Binet:**

Thank you. Should I abstain?

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

As indeed am I.

**The Deputy Bailiff:**

Sorry, was the question should you abstain?

**Deputy R.E. Binet:**

Abstain from voting, yes.

**The Deputy Bailiff:**

Deputy Rose Binet, thank you for the question. I am satisfied that you do not need to abstain in relation to this proposition. Thank you for making your declaration, and that is noted. Does any other Member have a declaration to make? Deputy Tom Binet?

**Deputy T.J.A. Binet:**

It is the same.

**The Deputy Bailiff:**

Same declaration. Thank you.

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

Me too.

**The Deputy Bailiff:**

Deputy Moore, thank you.

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

I am a director of a company that has property that may be rented to 2(1)(e)s.

**The Deputy Bailiff:**

Noted. Thank you, Deputy Gorst. Any other declarations? Very well. Deputy Renouf, I invite you to move the proposition.

**6.1 Deputy J. Renouf of St. Brelade:**

It is a disappointment in a way that our visitors from the U.K. have not stayed for this debate. I have had some fun with this on social media, because when I proposed this proposition there were some people who assailed me with versions of: “Why are you so anti-wealth or anti-enterprise?” I was able to reply very easily because my proposition is, at least in theory, aligned with Government policy. If I am anti-wealth and anti-enterprise, then so must Ministers be. Despite what the Government seems to be implying, I am not asking the Government to change its policy. I am simply asking the Government to stick to its policy. Yes, to give it a little more precision, but not fundamentally changing the numbers. The Government says its policy has not changed since 2005. It is an aspiration to approve approximately 15 high-value residency consents a year. I am going to use H.V.R. (high-value residency) as an abbreviation. However, on a 5-year average basis, it has exceeded that figure every year for the last 10 years. Even if you take arrivals as your metric, as the Government now says it does, we are still way over the aspiration in recent years. I say that I am asking the Government to stick to its policy, but I would also have been happy if the Government had brought forward an amendment to change the policy if it believed that 15 consents a year is no longer the right metric. It has not done so, of course. It says that it is sticking to the existing policy, but confusingly, it also says that there is no problem in not following the policy because the outcomes are positive. I want to address for a moment the suggestion in the comments paper, the allegation really, that the proposition appeared to be confused, which I must say I was not impressed by. In particular, considering that it has taken a Standing Order challenge in order to get a decent set of figures out of the Government. It is said that the proposition confuses the question of approvals given by H.A.W.A.G. (Housing and Work Advisory Group), the Ministerial group that decides applications, with actual arrivals. If there is confusion, it is not me who is responsible. I have done my level best to gain clarity. The Government now states that the long-established policy is 15 arrivals a year. But that is not what the Government has been saying for many years. The policy has been restated many times. For example, in 2023, in a report to the Government proposition: “Government policy for the number of housing consents granted has varied over time, having initially been set at 15 per year in 1974.” The objective to grant 15 consents per year was restated in 2005 and has remained in place since.

[15:45]

The policy, since 2005, was 15 consents a year. Not arrivals; consents. What is a consent? Well, this is where the confusion begins. The concept of housing consents was abolished in 2012, I am told, when the then Housing Law was repealed. However, the Government continued to restate, as recently as 2023, as I have just quoted, that the policy related to the number of housing consents, when no such thing existed. Instead, it seems to have adopted a convention, without telling anyone, that when the policy said “consents”, it meant acquisition of a property under the 2(1)(e) law, which

signified arrival. When I became aware of this, I asked government officers whether approved applications, as in approved by H.A.W.A.G., were the same as approved for housing status under 2(1)(e). The answer came back, and I quote: "They are one and the same." I understood that to mean that they had applied for and been given their housing status. In other words, that approval meant an actual agreement to transact. I want to say very clearly here, I do not wish to imply criticism of the officer who sent that email, who has been exceptionally helpful in attempting to answer my questions. I think we are dealing here with the limitations of language. He understood something different from the question than I intended. But my point is that if the proposition confuses the definitions, it is not for want of me trying to gain clarity. I have done my best. In any case, the question of confusion does not invalidate this proposition. It is clear that approvals can mean what the Government wants it to mean. The proposition requests the Chief Minister to limit the number of entitled status approvals granted to high-net-worth individuals under Regulation 2(1)(e) to 15 per year, calculated on a rolling 5-year basis. Well, fine. There is nothing stopping this proposition being interpreted to mean approvals taken up by H.V.R.s, which happens at the point of arrival. Let me deal briefly with the figures provided by the Government. I am only just getting my head around the new figures that came in this morning. But leaving aside arguments of definition that I have just gone through, it is absolutely clear that in the last 15 years or so, there has been a step change in the high-value residency scheme. According to a report - I think it was from Colin Powell in the early 2000s - in the 1970s, there were 30 arrivals. That is for the whole decade. In the 1980s, it was 34. In the 1990s, it was 38. In comparison, in the last decade, there were 184 arrivals. The Government argues that we should focus on net arrivals, i.e. total arrivals minus departures, even though this has never been the target. In the last 20 years, there were 130 net arrivals, but of those, 80-odd were in the last 10 years. We have gone from 30-odd arrivals a decade ago to 80, even if you account for departures. Another way of looking at the jump in recent years is that in the last 10 years, the resident population of high-value residents has more than doubled. It took more than 40 years to get to 100 high-value residents, but since 2016, we have gone from 101 to 225 today. The reason for my proposition therefore persists. The numbers are rising much more quickly in the past. They are above any target the Government has set, whether that is arrivals or approvals. I want to say some words about the benefits of the high-value residency scheme because I want to be clear, there are benefits to the high-value residency scheme. The tax income is the most obvious; £250,000 a year from the newest arrivals. The Government tells us that 5 per cent of all income tax revenue is derived from the 230-odd H.V.R.s currently residing here, and there is stamp duty, G.S.T. (goods and services tax), obviously, and other taxes and charges, no doubt. I know many H.V.R.s contribute to charities, and the Government is attempting to make the £100,000 a year charitable contribution as close to compulsory as it can. However, it is wrong to say in its report that they must make a £100,000 contribution, as the email from the Community Foundation that was circulated earlier today makes clear it is voluntary. There is nothing in law that can hold that contribution to be compulsory. However, I know that many do make the contribution and indeed exceed it. I also know, as the very helpful letter from the Community Foundation points out, that they are heavily involved in other charitable activities, and in lending their expertise and time to relevant organisations. These are very valuable contributions. This proposition would make a negligible difference, if any, to those contributions. I recall, all the proposition says is that we should stick to 15 new residents a year. The effect of my proposition would be to moderate growth, not to reduce the amount of money given. Beyond charitable contributions, I am also aware that the Government is now placing particular emphasis on applicants who might help to diversify and innovate within the economy, particularly, for example, within financial services, in A.I. (artificial intelligence), or to innovate and invest within the economy more generally, and that their knowledge and capital are significant assets. The dynamism, global outlook, and international connections that H.V.R.s bring to the Island are hugely beneficial. These benefits are real benefits from the H.V.R. programme, and the fact that they have been summarised briefly here is not in any way to diminish their significance. On the other hand, there are clearly costs to running an H.V.R. programme. The Government seems very reluctant to admit this, but it has been

explicitly acknowledged since the earliest days, indeed the very notion of having limits would not apply if there were only upsides. The costs fit into 3 categories: damaging social cohesion, distortions in the economy, and excessive political influence. I do not think there is any question that the existence of a programme that offers tax and other benefits to its beneficiaries that are not available to the rest of the public is divisive. Being able to bypass normal housing controls, bring in staff and family without the need for licences, and avoid standard taxation rates creates an explicit double standard and delivers advantages to people who are already well-advantaged. I think there are subtle signals that reinforce the sense of social division that a large H.V.R. programme creates. Calling very wealthy immigrants “high value” signifies that the value of a citizen is judged by their private wealth or income. The very highest value citizens are those with the greatest wealth. It could equally be argued that doctors, nurses, teachers, care workers, and so on are also high-value residents, and that equal, if not greater, Government efforts should be made to attract immigrants in these categories, particularly where we have known shortages. I recall that when I was a Minister, I made a short-lived argument that the head of high-value residency should be repurposed as the head of essential employment with a brief to fill crucial gaps in the labour market. It did not gain much traction. The general point is that in an Island where there is considerable economic hardship, it is damaging for social cohesion to see very wealthy immigrants given preferential treatment, and the more there are, the greater that effect becomes. It is worth noting that Jersey’s Gini coefficient, which measures the degree of inequality in a society, is 0.43 at the latest measure. It has climbed steadily over the last 15 years. It is well above the O.E.C.D. (Organisation for Economic Co-operation and Development) average, and even marginally higher than the United States. We know that in general, countries with a lower Gini coefficient have higher levels of trust, greater social cohesion, and on many measures, better economic outcomes. I also want to point out that resentment at the special treatment given to high-value residents is not just concentrated in less well-off income groups. I have been contacted by a number of what I think you would generally call well-off Islanders, since I put forward this proposition, who have spoken of their resentment that their lifetime of commitment to the Island has included paying tax at 20 per cent, but someone who has only just arrived gets taxed at 1 per cent, and many of them were in favour of getting rid of the whole scheme. I should point out that not only do high-value residents benefit from a fixed tax bill, currently £250,000, but their bill is frozen at this level in perpetuity. This explains why there are 230-odd H.V.R.s in the Island. The average tax contribution is only around £140,000 a year. Most are grandfathered under one of the previous schemes. Economic distortions. It has long been recognised that high-value residents can have a negative impact in certain economic sectors. P.2/1974, which I am sure Members are familiar with, initiated the first H.V.R. scheme, 1(1)(k), as it was, included the following list of potential costs: the effect of superior purchasing power on the take-up of housing and building resources reflected both directly and indirectly in house prices; the demands placed on labour supplies; the demands placed by ancillary domestic staff on educational and medical services; the effect on the use and price of agricultural land. I think those are all equally valid today, and they would resonate with many Islanders. From my own experience in Government, it was clear that high-value residents, if we move on to political influence, enjoyed high levels of access to Ministers. On one level, that is not surprising. However, it is a matter of understandable concern if high-value residents are able to exercise influence behind the scenes, and the greater the number, the greater this influence will be. Last year provided a very clear example of the outsized influence of a small number of high-value residents in relation to a matter of public policy. A year ago, the Minister for the Environment cancelled supplementary planning guidance relating to the 3,000-square-foot floor space limit. This guidance placed restrictions on the construction of homes above 3,000 square feet in pursuit of the policy aim of encouraging the development of a number of family homes on a site rather than a single very large house. Restrictions, not a ban, by the way. The fundamental issue here is not whether this was a good or bad policy guidance. You can argue it either way. It is the way in which it was changed. The report accompanying the decision stated: “The basis for the review emerged at the request of the head of high-value residency engagement.” The head of high-value residency

engagement had requested the review because of “three clients who have projects that are directly concerned by the changes.” The Minister went ahead and cancelled the supplementary planning guidance without consulting on the change. This was a profoundly damaging decision because it gave credibility to the argument that when it comes to the planning system, there is one rule for the very wealthy and another rule for the rest of us. In effect, 3 high-value residents were able to achieve a rewriting of planning guidance to their own benefit. This is what I mean by undue influence in the political system, which in turn has a damaging effect on social cohesion. So, we face a dilemma. We have benefits and we have costs. How do we resolve a situation like that? Well, in principle, I do not think it is that difficult. I argue that the way to maintain a balance, and therefore to ensure public acceptance of the scheme, is to keep the numbers of new entrants under control with a clearly defined policy that the Government commits to following. That is what this proposition is designed to achieve. I should at this point confess to a failing on my part, not for the first time, I am sure. In 2023, I voted against a proposition brought by Deputy Feltham that would have required a cost-benefit analysis of the H.V.R. scheme, even though something similar was in my manifesto. I cannot now recall my thinking at the time particularly.

[16:00]

I suspect it was because I was trying to be a good boy scout and show loyalty to the Government, but I do not think that is a sufficient excuse. It was an error that I regret. Let me turn to the Government’s case. Reduced to its most basic, the Government says that the current level of high-value residency approvals is nothing to worry about because the actual growth in the size of the H.V.R. community remains modest. There are a number of problems with this argument. First, regardless of the metric used, as I have said, the size of the H.V.R. community has grown rapidly over the last 10 years. This is indisputable. It took 40 years to get to 100. In the last 10 years, that has more than doubled. Second, the idea that it is fine to go over the limit because so many H.V.R.s, leave each year, in a sort of balancing measure, is a highly unreliable method of achieving balance. It is, after all, the intention of Government policy that H.V.R.s will stay for a good long time. So, if large numbers leave, then that is a policy failure. Justifying one policy failure on the basis of another policy failure, is not exactly the basis of a good long-term strategy. I have also heard it said in Government circles that getting more high-value residents in, is the nearest thing to an easy win that we have. An eloquent case has been made for the benefits that come from an expanded high-value residency scheme, which is all fine, it is just not the stated policy. It is pretty clear to me that at present the Government is following a “as many as can get” policy, probably aiming to capitalise on the clampdown on non-dom status in the U.K. and the mansion tax and so on. The underlying assumption is that more is better. I respectfully disagree. I believe a carefully controlled policy will deliver better outcomes. Relying on ever greater numbers of high-value residents is itself contradictory, because we are becoming ever more reliant on a cohort of taxpayers, who we also seem to acknowledge are highly mobile and could leave at any time, and large numbers do indeed leave, it seems. A prudent course of action in this situation would be to limit our dependency on this group, to keep it within manageable bounds. In fact, our dependency is growing and will continue to grow quite significantly if this proposition is not adopted. Finally, at its core, this proposition is about striking the right balance. Clearly-stated policy setting explicit limits within a policy framework that is transparent will maximise public support while ensuring that the potential downsides to going overweight in high-value residents are mitigated. I move the proposition and look forward to the debate.

**The Deputy Bailiff:**

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

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

I was wondering if I might have 2 points of clarification, if possible, please. The first was the Gini coefficient reference. I was just wondering if the Deputy could clarify where he got that statistic

from. The second one was could he also clarify that the £250,000 paid in tax is not a set amount, it is a minimum amount, and high-value residents on the latest scheme can, and I am sure often do, pay more than the £250,000 in taxes. It is a minimum baseline.

**Deputy J. Renouf:**

I do believe I used the services of a well-known search engine to gather the Gini coefficient, but I think I also did rely on more than one thing. So, I am happy for anybody to correct me if I am wrong. As regards to the contribution, yes, indeed, a £250,000 is a minimum contribution and 1 per cent tax applies elsewhere. However, as written questions from Deputy Andrews have revealed, that has generated very, very small amounts of money, and I think the most recent figure was £5 million additional a year, which admittedly is slightly more than in the past, but in the past it has been less than £1 million, and I understand that is because they are very efficient at organising their tax affairs so that no further liability occurs.

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

I oppose P.19, not because I believe the cap should be higher or lower, and not because I believe the mechanism needs refining. I oppose the proposition because the high-value residency scheme needs a full cost-benefit review of the scheme as per P.44/2023 mentioned previously. The bringer of the proposition, I will be a bit easier on him now - only a little - did vote against the proposition when he was in Government, but now wants to introduce arbitrary limits with no underlying evidence. This is surprising given the report accompanied in P.19, which demonstrates exactly why we need to look at the evidence for this scheme. The report clearly makes clear that the H.V.R. policy creates an explicit double standard. Wealthy newcomers receive tax advantages, preferential housing access, and freedoms that ordinary Islanders do not. It states plainly that the scheme is inherently divisive and damaging to social cohesion. The report goes further, explaining that even the language of high-value signals, the worth of citizen is measured by their personal wealth, as the Deputy mentioned in his speech. He mentions as well, nurses, teachers, care workers, and other essential contributors are excluded from such status. I will add to that, when the bin is full up outside your house, those people who come and empty your bins each week are really valuable to you. When your roof is leaking, and I know this from recently, that person who has got the courage to get up on the roof and knows what they are doing to repair it is a very high-value resident for you at that time. The value that we put into our working population, working people, is just being ignored with this scheme. I would extend that, if a policy fractures our community, breeds resentment, and entrenches inequality, then tinkering with numbers cannot make it fair. The only rational conclusion is that the scheme itself should have clear evidence of its overall benefit for our society; not anecdotal and political ideology, but hard facts. Even the proposition's own report acknowledges the scheme's damaging economic impact, higher quality construction labour, pulling it away from the domestic work, superior purchasing power, inflates the housing market and drives prices upwards. This is all from the report. They would bring staff whose impacts on housing, education, and health services are not properly measured. These are structural distortions; not minor side effects. Limiting H.V.R. approvals to 15, 10, or any number does not fix the underlying problem. The scheme is designed to favour the ultrawealthy and inevitably reshapes our economy around their demands; not the needs of ordinary - and I do not know what that word means because I do not think anyone is really ordinary - Islanders. A cap does not cure distortion. Perhaps the most troubling section of the report is the section on political influence. We are told that high-value residents enjoy exceptionally high levels of access to Ministers. They do not talk to me very much. This is interesting as the Deputy's manifesto in the last election - and I have double-checked that it was Deputy Jonathan Renouf's manifesto - states: "If elected I will support increasing the tax requirement for high-value residents and increase the thresholds from the current £1.75 million to £5 million. We should also have an independent review of the costs and benefits of higher-value residency." There is a message here: be careful what you write in your manifestos, because when voting against P.44 as a Minister it went entirely against the

promise of a manifesto. We have seen the example of the 3,000-square-foot planning ,and I will not go over it again, but 3 individuals able to trigger change in a planning policy that affects the whole Island, that is not anecdotal. It is recorded in a Ministerial Decision. Again, I do not think that just tinkering the number of individuals will affect that structural issue and the way that policy is made for some but not for others. Tinkering with numbers simply does not work. The Deputy is in an interesting position to be in because I agree with a lot of the Deputy's opening speech, but what I do not agree with is that tinkering with the numbers is going to solve it. The Deputy has emphasised the right problem with entirely the wrong solution. It is like trying to put a ship back on course that has already run aground or hit the rocks. It simply will not work. I finish by saying again I oppose this, not because I prefer a different number but because we have no evidence for the overall positive value of this scheme. Let us begin a serious conversation this Island needs, not tinker with the edges, and I look forward to reading the Deputy's next manifesto.

### **6.1.2 Deputy A.F. Curtis of St. Clement:**

I will reply first to eke out more Members perhaps of Deputy Rob Ward's side to hear their other arguments and see whether they all agree with him or not, if this is a party position. Because it sounds like Deputy Rob Ward is feeling in this case that if the policy is not perfect then it is not worth following. He is right that he has highlighted in the past - and I go back to Deputy Feltham's proposition, which I did support, looking at the votes - that there are challenges that can come with a scheme like this. But what confuses me is we could be in a place 3 years from now, or let us take the rolling average of 5, and the same argument could be raised, and say: "Well, we have had a real pressure on the different pillars Deputy Renouf has highlighted, housing, land control" and I will get to those, "if only we had slowed it down we would not have to course correct so fast." I completely agree with the cost-benefit analysis - I voted with Deputy Feltham when that came through - but the idea of saying that until we have that we should allow unfettered movement I think would be wrong. I see the Deputy shaking his head, saying that what is being debated is not unfettered. But what we are saying is at the moment there is no cap, there is a policy that has not really been followed or aspired to. In the interim, while one does work or signals work needs to be done - and I would say that this proposition signals that work on cost-benefit analysis must be performed - it is worthwhile steadying the rate. I think it is an incredibly pragmatic position to be in. I did not see Ministers jump to the buzzer as quick as others to tun their lights on, and I look forward to hearing their perspectives. Deputy Renouf in his report I dare say shows his history - and we should not mention it really - at a former broadcasting company. He has provided both sides of the argument. He has provided the pros and he has provided the cons. The Council of Ministers' comments paper does not do the same. It suggests that the scheme has no downside, or if it does Ministers do not want to publicly name what those downsides are. As Deputy Renouf has said, he could have seen amendments brought and it would be really interesting to see Members say: "We really need to slow the progress, let us look at the 1970s and 1980s numbers." Or maybe Ministers could say: "No, we think the 15 is not right anymore and a slightly faster adoption for benefits would be right." What I struggle with is the absence of any commentary coming out of the Council of Ministers about how this balance needs to be assessed. Deputy Renouf highlighted that when a scheme is introduced there are reasons to create a limit or reasons to assess the pros and the cons. Right now this Council of Ministers is providing none of the cons. They exist and we should talk about them because we are here to make evidence-based policies that fit the Island right for its taxation, for how to fund services and how to deliver social cohesion at the same time. So what I would like from Ministers when they speak is to give us some of the cons, to say - and Deputy Renouf has broken them down pretty eloquently - at what point do those factors start to rise out of control to the pros. If we saw a situation in which 100 new entrants were interested a year would we see pressures arise from that? If we saw 50 what would be the impact? It is so interesting to see that in 1974, I think Deputy Renouf said, one of the concerns was high-value residents buying agricultural land. It seems almost an unusual one to highlight, but if you

look around at the change in ownership of agricultural land over the last 52 years you will see that many houses have amassed large swathes of agricultural land purchased that are now harder to access.

[16:15]

I remember in a meeting when I was working with the Minister for Sustainable Economic Development we went to a farm and many members of the dairy were there. I remember the stress that dairy farmers were explaining to me that they were struggling to create contiguous blocks of land that they could farm. One of them highlighted, with great relief, that they had just secured the purchase of a next door field because without it they did not know how easy they could farm, how they could move and rotate their cows. That seems to be an issue today, and rather than talk about these, rather than say: "Well, if there are risks is the scheme fit for purpose? Are there ways to tweak it?" One option would be to say unless high-value residents, unless they are owning a trading agricultural business, will not buy agricultural land. That would address the 1974 concern, it would allow Ministers to provide a case for how to lower the cons, as I would describe them, but we are not hearing them. I would really like to hear that honest side about where this balance should be struck. I voted on this quite consistently that I think the scheme is not delivering the benefits. I would probably associate with hearing the same voices Deputy Renouf does from those who pay tax and who have said it means that we have to pay more as an Island or if we have to structure how we do things differently for fairness they would be willing to sign up for that. But this is a very pragmatic proposition that could have been amended or could be accepted and could be used as the impetus to make sure that the dialogue about the high-value residency scheme is not one of just remove it, abolish it, or retain it, but how does one ensure that the very legitimate challenges of a scheme that is growing in size are addressed. It may not be by capping; it may be by modifying how the scheme looks, but the current dialogue is: "We do not want to have this conversation, we do not want to see any change", and I would like to see Members show that they are quite interested in having a reasonable, responsible conversation about that cost benefit.

#### **The Deputy Bailiff:**

The next Member I have to speak is Deputy Scott, followed by Deputy Ferey, followed by the Chief Minister, followed by Deputy Millar, and then Deputy Jeune online.

#### **6.1.3 Deputy M.R. Scott of St. Brelade:**

I think my fellow Deputy should not have been surprised about the way that his proposition was interpreted by some Members within our Parish because of that type of messaging, because of the context, because of some of the things that the Deputy said with that. So on top of what seemed perhaps a relatively rounded figure that was put in his manifesto about how you would have a policy for wealthy immigrants coming into the Island and putting a number there, £5 million. Where did that come from, which of course is quite anti the way in which policies generally are created in Government. There needs to be a lot more research. There was this mention - and I do not know where this information came from - that a policy that he had brought in had been changed by lobbyists who were wealthy residents. That may have contributed to a certain interpretation that it has created some hostility on his part towards wealthy residents. I come back to this idea of talking about fixed numbers because the proposition talks about a fixed number, it does not say the more general point of why do you not just stick to your rules. There is a problem in terms of just using any fixed number and hanging on to it for a long time, partly because, as we all know, whether you like it or not, part of the rationale - and it is not uncommon among countries globally - for having wealthy residents is to keep the taxes down for other people. Maybe if Government spent less money you would not have to do that. There have been arguments that if you just increase them all for the wealthy residents then nobody would have to pay more taxes other than them, but again there have been constant discussions about competitiveness, all these things. It is a complex issue and in a sense ... we do not have a Bank of England or an equivalent that sets interest rates. We are very much subject to external

decisions over which we have no control. In a sense, that policy about bringing wealthy residents in is something that has to be relatively flexible because as we decide as an Assembly - which we have done, again rightly or wrongly - to spend more and more, we have to think more and more about how do we cover it. I do think that there has to be a certain flexibility in this policy, not to say that it may not be reconsidered and refined and these things, but what is being presented here seems a lot more rigid and perhaps not as flexible as it should be. I am sure there is much more that the Chief Minister perhaps will be saying. Again, there is just language in this proposition which I struggle with: "The current policy aspiration is perilously close to a sham." An aspiration as a sham? Is anybody saying that Government is not aspiring to this? Is he saying that Government is deceiving people? I think perhaps there could be more of an explanation of what he means about that. The Deputy mentioned some of the negative consequences he has perceived about having wealthy residents come in - it is not necessarily just 2(1)(e)s, it could be a type of wealthy resident - and the impact that can have on housing and communities and that sort of thing. That can be quite valid, bearing in mind when you take into account population and housing stock generally. But I think that again is somewhat selective and not looking at the way in which our construction industry has been supported by those who can invest in renovating new houses. In fact, one of the things that I have been really conscious of in areas in our own constituency has been the need for so much housing to be renovated. Unless you have a wealthier community, unless you have more money coming in here, who is going to do it if Government has not got the money, whether it is because of its spending, because of the lack of wealthy residents, all those things. I will come back to this point though about the wealthy residents who complained about a particular policy that he brought in, and I just would say that this has been considered in the context of lobbying by the Privileges and Procedures Committee. I totally agree that the more we can try and be transparent about lobbying the better, but there also are difficulties in terms of how you define them. I believe that this proposition, wherever it is coming from, is misplaced, so I do not intend to support it.

#### **6.1.4 Deputy M.R. Ferey of St. Saviour:**

Let me start by agreeing with something that the mover of this proposition said in his opening speech. I do agree that "high-value residents" is not the best term. When I was a financial consultant in the finance industry we used the term "high-net-worth residents" which I think more accurately describes these residents. But Members will have seen the email this morning from the C.E.O. (chief executive officer) of Jersey Community Foundation, which the Deputy alluded to in his opening speech. To expand on that further, because I have been working with them, they are looking to produce a philanthropy policy for the Island, which they will be leading on with support from Government, local charities and community partners. The Jersey Community Foundation came to me last autumn, and I was pleased to confirm Government support in principle for this initiative. The Government is not funding this effort; the Jersey Community Foundation will be using other funding sources in furtherance of this great work. During that meeting I also noted the upcoming election timetable and the fact that this Government could not bind its successors to the ongoing support. However, I trust that the new administration will see the benefits of this approach and this joint working. The aim of the policy is to build on Jersey's tradition of giving and ensure greatest possible impact, with collaborative working and enhanced co-ordination across the sector, Government, businesses, and the community as a whole. Of course 2(1)(e)s are very much part of that thinking. The Jersey Community Foundation suggest that a clear philanthropy policy could help unlock high impact private giving to complement public investment in areas such as health, education, the environment, the arts, and community well-being. When aligned with public goals, philanthropy can drive long-term systemic change and support a more inclusive and sustainable future for our Island. Countries such as Ireland, which produced its national policy on philanthropy for 2023 to 2028, and the U.K., which is developing a similar approach, have demonstrated how Governments can play a constructive role in encouraging giving, building trust, and strengthening civil society. I ask Members to reject this proposition. I believe it sends out the wrong signal.

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

Deputy Rob Ward is not in the room and I think we will probably oppose the proposition for slightly different reasons, but I think there is some middle ground. I am completely aligned with the view that no Members of this community are perhaps more valuable than others in many ways, and it is important to note, and I hope Members agree, that Jersey has an inclusive, diverse community, all of whom play their part in the rich fabric of our society. I think we can take that as read. At its core, the proposition attempts to convert what has always been a policy objective into a statutory operational constraint. This represents a significant shift in governance without adequately justifying why such rigidity is required. The existing framework deliberately provides Ministerial discretion because high-net-worth residency is an economic policy tool, not a population control mechanism. Economic tools must remain responsive to changing fiscal conditions, global competition, and strategic opportunity; particularly important among the geopolitical challenges we are seeing right now. By imposing a fixed numerical limit calculated on a rolling 5-year basis the proposition substitutes judgment with arithmetic. No evidence is presented demonstrating that the current discretionary system has failed or produced measurable harm requiring legislative intervention. A central premise of the report is that the Government has ignored its own policy aspiration. This argument rests on a misunderstanding of what the figure represents, and we could probably argue about this all day long. The longstanding objective relates to arrivals, not approvals. Approvals are administrative permissions that may or may not result in relocation. The report repeatedly treats approvals as equivalent to population growth, which is also factually incorrect. In practice, not all approved applications relocate. If they do, some leave the Island and some exit the scheme.

[16:30]

I would remind Members of recent population forecasts. The challenges we face with working age population, longevity, and a falling birth rate have presented this Island with a new set of challenges in the medium to long term. Over the past decade the net increase has averaged approximately 8 households annually, not 15. The last 5 years, if we did a rolling average, would have seen an increase in the population of 6 households per annum. The last 5 years there were 116 approvals that have resulted in a population increase of 6 households per annum. Public policy should be assessed by net demographic impact, not by the gross approvals. The proposition, therefore, attempts to correct a perceived policy breach that does not exist. The proposed limit of 75 approvals over 5 years is not supported by economic modelling, housing analysis, infrastructure capacity assessment, or fiscal forecasting. It is just derived solely from a historic aspiration. There is no evidence demonstrating that 15 arrivals annually creates unacceptable pressure - recent approval levels, as I have just explained, have not caused measurable harm - or that a numerical cap would improve outcomes. Policy limits imposed without analytical justification risk being arbitrary rather than evidence based. I agree with Members who have spoken about the need for evidence-based forecasting, and that is something I think we need to do moving forward. The last time we did that on this scheme was reported in 2016. I have the details there which picked up the benefits of the scheme from 2011, when the modern scheme was introduced and the new legislation came in I believe at that time. I think Deputy Gorst was Chief Minister. The report acknowledges that the rolling average would begin immediately and exclude recent higher approval years. This effectively resets the policy baseline while simultaneously criticising past approvals as excessive. This creates an inherent contradiction. If past approvals represent harmful drift, excluding them from calculation undermines a stated rationale for reform. The proposition assumes increased approvals reflect loss of control. I would disagree. An alternative and more plausible explanation is ignored, for example, approvals increased in response perhaps to changing economic circumstances, geopolitical challenges, fiscal forecasting, global mobility shifts, and post-pandemic recovery as an example. Economic policy adaption is presented as administrative failure without any supporting evidence. The report itself acknowledges substantial benefits, however, and I welcome that. Significant tax revenue, innovation and investment, diversification of industry including financial services and other sectors, business

creation and support, charitable contribution, economic spending in the local economy; these benefits are described as hugely beneficial, we agree. However, no attempt is made to quantify how the proposed cap would affect these benefits. A policy restricting an acknowledged economic advantage requires demonstration that costs outweigh the benefits. That analysis is absent. I would remind Members that the high-net-worth community currently contribute approximately 5 per cent of income tax take. Claims regarding damage to social cohesion are also largely speculative. There is no empirical data present demonstrating any measurable social division or declining public trust linked to the high-net-worth numbers, or societal harm correlated with the programme's growth. Arguments rely heavily on perception rather than demonstrable outcomes. Terminology such as resentment or division is asserted rather than evidenced, and I am disappointed at that. The economic distortion argument relies primarily on concerns first expressed back in 1974. The Island's economy, housing market, labour structures, regulatory environment, have changed fundamentally since that period. No contemporary economic analysis is provided demonstrating measurable inflation attributable specifically to the high-net-worth arrivals. Labour shortages caused by the scheme; there is no evidence. Or systemic housing displacement. I would remind Members that modern controls already restrict market overlap between high-net-worth properties and local housing demand, and that has to remain the case moving forward to underpin the work that the Government is doing on housing for Islanders. The report highlights lack of data regarding staff accompanying participants. While improved data collection is reasonable, absence of data cannot logically be used as the evidence of harm. I agree we must start collecting more detailed data on the scheme as we move forward because the exercise in going back ... and I think we have now gone back some 20 years, if we go back further than that we cannot confirm that the data would be accurate. So I think in the work the Government decides to do following this in terms of cost-benefit analysis, we need to ensure that the relevant departments have flagged and ticked the right boxes that would allow for better monitoring of data in the years ahead. I think the section alleging undue political influence represents one of the most disappointing aspects of the report. A single planning policy example is presented as evidence, however, stakeholders across businesses, charities, unions and community groups regularly seek policy review. I do not think there has ever been any evidence of improper conduct, and of course we have stringent rules and regulations about declarations of interest. The report frames differentiated treatment as inherently unfair, however, differentiated immigration or residency pathways exist globally and serve explicit economic purposes. However, I go back to the opening comments about the importance and the value of every member of our society. Economic migration schemes are not designed always to achieve identical outcomes but to achieve defined public benefit outcomes that provide benefit across the whole of society. That is the aim of schemes such as our high-net-worth programme. The critique, therefore, challenges the philosophical basis of the scheme rather than demonstrating operational failure. We know we all want to reduce the divisions and all divisional aspects of our society, and I believe the high-net-worth community are making possible steps in doing that. The dismissal of net arrivals represents a significant analytical flaw. Infrastructure demand, housing pressure, and population growth depend on net residents, not approvals issued. Government-controlled admissions policy must evaluate outcomes based upon the population effects. Perhaps, looking back, we could have been clearer on that. I think looking forward we have to be much more mindful of that, and that is how we should manage the impact on our population, by the net increase, not approvals on paper because they do not relate to how the population manoeuvres itself. The report dismisses concerns about reputational impact, without analysis. In reality, unpredictability in residency or investment policy can affect investor confidence. Introducing politically-driven caps signals reduced policy stability in a globally competitive market for mobile capital, and that risk is not addressed. I underline, globally competitive market for mobile capital. The world is becoming much more mobile, much more competitive, and at some stage Jersey will have to decide whether we want to stay in the competition or start to cap our involvement. Of course I refer to the work led by Deputy Gorst looking at competition in the financial services sector and making sure it is absolutely fit, nimble, agile and competitive for the future. The proposition

effectively transfers operational decision-making from Ministers to numerical limits set by the Assembly. This reduces flexibility in an area requiring ongoing economic judgment, and I would argue that such micromanagement risks politicising individual approvals and undermining established administrative processes. The assertion that there are no financial implications overlooks the potential of indirect impacts, for example reduced tax receipts, reduced investment, reduced employment, lower charitable contributions, diminished economic activity. Opportunity cost is not considered. The proposition demonstrates several recurring weaknesses, reliance on approvals rather than outcomes, speculative social claims, absence of quantitative harm analysis, historical rather than contemporary evidence, illogical inconsistencies, and insufficient economic modelling. In conclusion, the proposition identifies a legitimate topic for debate and I accept that and last time we did it was in 2016. We are due to do that again. It seeks to impose a rigid numerical limit without demonstrating that current policy outcomes are harmful or uncontrolled. We have seen no evidence they were, and if there was any evidence or we had noticed any evidence of that in any recent years we would have acted appropriately. The high-net-worth residency scheme already operates within discretionary oversight and delivers substantial fiscal and economic benefit, while producing only a very small net population growth; I think 234 households currently. A comprehensive evidence-based review or cost-benefit analysis can be justified - and that has been discussed and I very much hope, I am not sure, we might even have time to implement that before the end of this term so the new Assembly and new Government are advanced with that view - a fixed cap cannot. This proposition, therefore, risks constraining Jersey's economic flexibility while addressing perception rather than measurable impact. Going back to the start, I agree that many Members will either support or reject the proposition for different reasons, and I understand those reasons. I would remind Members though that we are competing in a global marketplace. Most countries around the world have similar schemes and we have to decide whether we want to be part of that for the benefit of our community, our economy, our treasury, our society in general, or we want to paddle our own canoe. Given the world we live in right now, the forecast we have on population longevity, working age population, falling base rate, I very much suggest we proceed in the current direction, albeit with an eye on a more detailed cost-benefit analysis so Deputy Renouf, other Members, and the Government can be reassured that we are moving in the right direction. I make no criticism of Deputy Renouf for bringing this, and I apologise for not having the time to get all of the information we can in the first place. I hope the additional information we have provided has helped. For those reasons I ask Members to reject the proposition.

[16:45]

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

As Minister for Treasury and Resources it is my responsibility to safeguard Jersey's public finances and to ensure that our tax system continues to support the essential services on which Islanders depend. The high-net-worth residency scheme has been part of Jersey's fiscal framework for decades and delivers clear and measurable benefits to the Island. Each 2(1)(e) resident pays at least £250,000 per year in tax. In total the scheme delivers around £33 million in tax revenue every year, which is around 5 per cent of our total income tax revenue. While that is a significant number it is far from a dependency, I would suggest, and we would have to think if we did not have that money, if we drove all of those people away, to replace £33 million would involve 1 per cent on tax for everyone else. The revenue makes a tangible difference. It supports our healthcare system, our schools, and all of our public services without increasing the burden on the broader population. As the Chief Minister has rightly said, the evidence shows that the scheme is carefully managed, it is modest in scale and aligns with Jersey's long term interests. I have to note that we talked this morning about heritage, and Deputy Renouf was a great supporter of our heritage. Some of our most valuable buildings are preserved and maintained by those incoming residents and if we did not have those people looking at some of those properties what would happen to them? Would we have to raise yet more tax for Government to fund them, or just split them up, divide our manor houses into flats and apartments

and sell them off? These individuals do not just pay tax, they invest in and build local businesses, they support our charitable sector; as Jersey Community Foundation has explained and as Deputy Ferey has discussed. Many charities depend on the philanthropy from 2(1)(e) residents. They also contribute to our economic strength. I find that notion that 2(1)(e) residents have more and more privileged access to Ministers is quite absurd, especially in a small Island where we all hold surgeries regularly. 2(1)(e)s do not often stop me in the street but members of the public do. We are very accessible and I really do not think 2(1)(e)s have any greater access than others. Members are well aware that Jersey operates in an increasingly competitive global environment. High-net-worth individuals are internationally mobile and jurisdictions across the world compete for their investment. It is essential that Jersey remains a credible and attractive place to live and contribute. Introducing rigid caps sends the wrong signal, that Jersey is less welcoming to those who bring significant investment, economic activity, and substantial tax contributions. Essentially, that Jersey is closed for business. This is not a message that we should be sending to the international community now or at any time. The current policy provides appropriate guidance to manage the scheme responsibly while preserving the flexibility needed to act in Jersey's best interests. At a time when we face real fiscal pressures and increasing demands on public services, it would not be prudent to restrict one of the most efficient and reliable sources of tax revenue that we have. The current approach works and it continues to deliver meaningful value for Islanders. For these reasons, and in support of the Chief Minister's position, I do not support this proposition and I encourage Members to reject it.

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

I want to begin with a simple policy question. Why was the limit of 15 high-net-worth residents per year set in the first place? I do not think it was arbitrary. I do not think it was an accident. It was a deliberate recognition of scale and proportionality in a small Island jurisdiction. That is what I am assuming, as we have not been presented with why this number was chosen in the first place. The Chief Minister mainly quoted us the amounts of actuals that have come to Jersey and have left Jersey, but not the underlying why there was this number of 15 set in the first place. I have yet to hear from other Ministers as well. If we depart from that position of 15 then policy integrity demands that we explain why. What has changed structurally? What new evidence has emerged? What analysis has been undertaken weighing the fiscal benefit against the social, economic and democratic risk? This is something that many speakers so far have ignored and why Deputy Renouf says he is bringing this proposition in this first place. Evidence-based policy requires that we assess both the upside and the downside; not simply the revenue line. The Chief Minister has stated there was no evidence, but has the Government made any effort to assess any of the issues Members are raising, or the concerns that Islanders have raised or that he even mentioned himself? I would say they have not even done that assessment. We are told that high-net-worth residents contribute about 5 per cent of our tax base. That is substantial but it should not only reassure us, it should give us pause. When such a significant proportion of public revenue derives from a highly mobile cohort our fiscal position becomes exposed. Ultra wealth is, by definition, mobile and we have heard that from a number of speakers. It moves where conditions are most favourable. If a small jurisdiction becomes dependent on that, mobility policy priorities can begin to skewer; not through misconduct but through structural incentives. That is how inequality becomes embedded; not simply through income gaps but through caution, hesitation to reform taxation, reluctance to pursue redistributive measures, sensitivity around housing or development policy if capital might be unsettled. In a small community this risk is amplified. Influence does not require formal lobbying; it operates through proximity, access, networks, philanthropy, advisory capacity. When wealth concentrates so too can access, and when access concentrates the agenda can narrow. This is not an accusation; it is an institutional reality that small jurisdictions must guard against; political capture, even in subtle form. The original cap of 15 per year was designed precisely to prevent over-concentration, to ensure that no single demographic route exerts disproportional gravitational pull over our fiscal and political direction. We must also consider resilience. Jersey is already heavily finance dependent. Increasing reliance on a small,

highly mobile group for a large share of revenue heightens vulnerability to global tax reform, to reputational shifts, to international policy changes or simply to relocation decisions beyond our control. We have heard in the past from the Minister for External Relations who has referenced Dubai as an example of a model, and its incentives that we are in competition with in regards to this scheme. But we should be clear about our values. Dubai's rapid growth model has attracted sustained criticism about labour rights, migrant protection, freedom of expression and environmental sustainability. That is not our constitutional identity. We are a rights-respecting democracy committed to rule of law, transparency, and high social and environmental standards. Our strength lies in stability, good governance, and balanced growth, not - I believe - should it be in competing in an uncontrolled global race to offer ever greater incentives to ultra mobile capital. Jersey has limited land and deep community routes. We should be confident in our own model, rather than reshaping it to mirror jurisdictions with entirely different structural realities. Diversification is resilience, concentration is fragility. Beyond economics there is the social cohesion. Jersey is not merely a tax base; it is a community written in Parish life, civic partnership, and shared identity. Rapid expansion of ultra-wealthy residents in a population of our scale is not neutral; it influences housing markets, land ownership, development patterns, and lived experience. If we open our doors fully in a globally competitive market, as the Chief Minister references, I would like to ask some questions to what he has mentioned about the need for a cost-benefit analysis. What structural change justifies this? What modelling has been undertaken on inequality, housing impact, and land ownership? What safeguards are proposed against fiscal over-dependency? What is the long-term strategy? Policy shifts of this magnitude require transparent reasoning and balance analysis. They require us to weigh short-term revenue against long-term democratic integrity, because democracy depends on political equality. One person; one vote. Not one pound; one voice. The existence of the original limit tells us that previous Assemblies understood the risks of over-concentration. If we now change course let us do so on the basis of rigorous evidence; not fiscal temptation. That is the standard of policy integrity this Assembly should uphold. Before I finish I want to bring this debate back to something very simple. My son is in year 7 and this week his class's geography homework is to write a short essay and also discuss with his parents the question: "Does having wealthy people in Jersey help or harm the Island?" That is what 11 and 12 year-olds are debating this week. They have been given a set of pros and cons by the teacher, but have been encouraged to expand them as well. The pros we have heard today, a small number of high-net-worth individuals contribute a significant share of income tax, they create jobs, they support parts of our economy. Jersey has not experienced some of the economic instability seen elsewhere in Europe. There is charitable giving and demand for services. But those children have also been asked to consider the cons; something that Deputy Curtis has also mentioned about hearing in the round, and the impact of the scheme and what it really means for Jersey. They are being asked to look at the cost of living and the fact that Jersey is one of the most expensive places in the world to buy a home. I would like to add here, we must remember that many are not just buying albeit large homes but also buying up a lot of land. Again, Deputy Alex Curtis has already talked about this and the concerns raised by farmers. They are also looking inequality. Our Gini coefficient sits at 0.42; a level comparable to countries such as Mexico, Cameroon, and Uganda. To respond to Deputy Morel, this figure is taken from the Government of Jersey's open data website which shows the coefficients for 2010, 2015 and the latest stat of 2022. Hopefully this year we should get the next calculation that is taken from the Living Costs and Household Income Surveys, and Statistics Jersey does that for us. They are discussing the visible gap of lifestyles between the very wealthy and ordinary local families. They are talking about pressure on public services, about whether too much focus goes on attracting wealth rather than supporting those already here, about young people leaving because they cannot afford to stay; thousands over recent years, many aged between 16 and 26. They are talking about the hidden poverty, the reality that more than a quarter of Islanders are on low income once housing costs are taken into account, families who struggle with heating, food, and school uniforms in an Island that is described as wealthy. This raises a further question: is it right that in a jurisdiction with such concentrated wealth we rely on

philanthropy and charities to meet the basic needs of our most vulnerable? Charitable giving has its place and many are generous, but essential support for Islanders should not depend on goodwill alone. In a fair system, dignity and basic security are matters for public policy, not for charity. That is the conversation happening in a year 7 classroom. I will send his teacher the transcript of this debate so the class can see how we have approached it, because ultimately this is not an abstract economic exercise; it is about what kind of Island we are shaping for them. The question those students are answering is the same one before us today: does attracting wealth help or harm Jersey? Our responsibility is to ensure the answer is honest, balanced, and rooted in fairness; not just growth for its own sake but prosperity that is shared and sustainable for the next generation. On this note I will be supporting Deputy Renouf's proposition.

#### **6.1.8 Deputy H.M. Miles of St. Brelade:**

I am pleased to follow the last speaker. At the beginning of her speech she talked about policy and integrity. For me this proposition speaks to something fundamental, and it is not just numbers, not just economic modelling, and not just individual high-value resident approvals, but it is to the consistency, the integrity, and the credibility of Government policy. For several years, Ministers have advised this Assembly that the policy aspiration of high-value resident approvals is 15 per year. That figure has been presented as the benchmark intended to guide decision making.

[17:00]

However, the evidence set out in this proposition shows that this aspiration has been exceeded in 9 of the past 12 years, and on a rolling 5-year basis - every year since 2016 - last year 37 applications were approved, the highest number since restrictions were introduced in the 1970s. I think this raises an important and very reasonable question. If the stated aspiration is 15 per year but approvals consistently exceed that level, then the relationship between policy and practice deserves clarification. The Chief Minister has presented some of that in his speech. This is not necessarily about inflexibility or removing discretion; Ministers must of course retain the ability to respond to circumstances, particularly in the times that we live in now. But where outcomes diverge significantly and repeatedly from stated policy it is entirely appropriate for this Assembly to seek greater alignment between what is said and what is done. Policy and practice should be aligned. It seems to me that the Minister has 2 entirely legitimate options: he either continues with the existing policy aspiration and ensure decisions reflect it more closely, or he reviews and updates the policy aspiration so that it accurately reflects current practice and priorities. Both of those approaches are very reasonable. What matters most is that the policy remains clear, credible, and transparent. I do not think this proposition is trying to impose a new framework, it simply seeks to ensure that the policy aspiration already presented to this Assembly operates as a meaningful guide, or that it is formally reconsidered if it no longer reflects the Government's intended approach. Clarity of this kind strengthens public confidence because when policy and practice align it reinforces trust in decision-making, and demonstrates that Government operates within a coherent and transparent framework. Credibility and public confidence really matter. The report notes that the current aspiration risks losing its practical meaning if it is regularly exceeded. That is not a matter of criticism for its own sake but an observation about the importance of ensuring that all policy aspirations remain credible. Members of the public rightly expect clarity and consistency from Government. They expect policies to serve as meaningful guides, not simply statements of intent without any practical effect. We see that the Comptroller and Auditor General regularly publishes reports where policy has not been followed, usually around the public finances manual where Government did not consistently follow its own financial control framework. I see this proposition as simply an opportunity to reaffirm that commitment to clarity, transparency, and consistency. The proposition supports transparency, not restriction, and I think it is important to re-emphasise what the proposition does not do. It does not end the high-value residency programme, it does not alter the eligibility criteria, and it does not dismiss the economic contribution that high-value residents can make. As

Deputy Ferey said, that contribution has been very clearly articulated to all States Members this morning by the email from the Jersey Community Foundation. What it does is to ensure that the programme operates within a framework that is clear, credible, and openly understood; one that reflects either the existing aspiration or a revised policy endorsed by this Assembly. If the policy states 15 it should mean 15. If the current aspiration remains appropriate this proposition re-enforces it. If circumstances have evolved it provides the opportunity to update it transparently. Both outcomes strengthen Governments, and that is a good thing. Consistency strengthens trust and for me I think that this proposition is ultimately about maintaining confidence in the integrity and clarity of Government policy. When policy aspirations are clearly defined and consistently applied, or transparently revised when necessary, it strengthens public trust and re-enforces the credibility for this Assembly. Supporting this proposition affirms the principle that Government policy should remain clear, meaningful and aligned with practice. It is for that reason alone that I will be supporting it today.

**Deputy M.R. Scott:**

Could I ask a point of clarification? The Deputy was saying that at one point that she felt that the policy should either be saying 15 a year or what is appropriate. That is not what this is. I think she was saying that if it is not appropriate we should support it, even though it says 15 a year, on the basis that it could be amended to be appropriate. Is that what she is saying?

**Deputy H.M. Miles:**

No, I do not think so, Sir. I said if the stated aspiration is 15 per year but approvals consistently exceed that level, then the relationship between policy and practice deserves clarification.

**6.1.9 Deputy A. Howell St. John, St. Lawrence and Trinity:**

I just rise to say I agree with what Deputy Ferey said. I do not think we should call 2(1)(e) high-value residents above anybody else. I think everybody on this Island is a very valuable high-value person. I would rather that we go back to calling these individuals who are coming 1(1)(k)s because I think that was an easier thing to understand. I just want to say that they are welcome and we are very grateful for the philanthropy that they provide.

**6.1.10 Deputy S.Y. Mézec of St. Helier South:**

In Deputy Alex Curtis's speech he mentioned that he was going to take a consistent position on this as he had taken previously, and I am pleased to say that Reform Jersey will also be taking a consistent position. It will be a consistent position with our election manifesto in which we were very clear about what our policy would be. We said on page 11 of that document we will suspend the high-value resident scheme until a full and comprehensive cost-benefit review has been undertaken. That is why of course we could all vote for P.44/2023 when Deputy Feltham brought that proposition, and it is why we can vote against this proposition because it neither suspends the scheme nor does it provoke a full, comprehensive cost-benefit review. Our position is, therefore, entirely consistent. In a sense, it is a little bit of a shame because listening to many of the things that Deputy Renouf said in his opening speech I think, on much of what he said, he was speaking a great deal of sense. It is the case that, as it currently stands, we do not have a strong evidence base as to the benefits or disbenefits of the scheme. We have theory, we have what might sound plausible or logical, but we do not have, underpinning it, a strong evidence base that any of that is the case. We do not know what the macroeconomic effect of it is entirely. I will say that I think Deputy Renouf was absolutely correct when he talked about the influence that 2(1)(e)s have in our political system, and I think he was absolutely correct to point to the changes in planning policy to do with maximum spaces for homes. That came about because of 4 2(1)(e)s raising it as an issue and then seeing the policy changed, and that happened within the same framework where another change was introduced, which was to go back on the proposition that Deputy Coles had successfully had to increase minimum space

standards for one-bedroom flats, something that we know that thousands of Islanders are crying out for changing. Because they think that having too small homes as their only options to live in Jersey is something that reduces their quality of life and makes them think that maybe this is not a place that they want to live in. Despite that maths-held view out there, we went in the opposite direction before 2(1)(e)s, complaining about maximum space standards, and we listened to them. So I am afraid he absolutely is right to talk about the influence there, and it is a shame because I do not think his proposition therefore fixes it. It does not compel us to do that full cost-benefit review, which would give us the evidence base to settle it one way or another. Should the scheme continue exactly as it is, should it be 15, should it be 30, should it be this or that or should any of the parameters change? The proposition does not take us a step towards that, whatever your position may be. I, for one, would very much welcome a cost-benefit analysis on it because even in the run-up to this debate, I think we are given contradictory information. We have in the comments from the Government a suggestion that last year, from newly arrived 2(1)(e)s, there was £2.15 million in charitable donations through the Jersey Community Foundation, but the email that we had from the Community Foundation was that, last year, it was £700,000. So, straightaway, we have an inconsistent position put to us there. Which one is it? That matters because, apparently, the target is meant to be for £100,000 a year from each of these people. Yet, if we corroborate that against the information given from the Chief Minister in response to the written question, on average last year, that would have been just 25 per cent of that target amount given based on the information from the head of the community foundation. But if we take it as the information in the Government comments, then it would be 75 per cent, either way falling well short. Why is that and why do we not have consistent information on it? I, for one, would welcome some kind of exercise that helped to provide clarity on that. So we had, in the Minister for Treasury and Resources' speech, her assertion that all 2(1)(e)s do pay the minimum £250,000, and that that contributes to £33 million in income tax. So I quickly did the numbers there, and if it is the case that every one of them paid that minimum £250,000 and that led to £33 million, that would mean that there are 132 2(1)(e)s in Jersey. But when I look at the information given from the Chief Minister in response to the written question, the number we have is 226, which means that some will be paying significantly less than what is apparently the minimum rate. So there is something up here and we ought to know about it and we ought to get the facts on that to decide what the most appropriate way forward is. So we can confidently vote against this proposition for the fact that it is not in line with our election manifesto and does not lead to getting what we want to see, and it will be the last opportunity we have in this term of office with this mandate in order to take that position. But I can say that we will be writing a new manifesto which may well have a slightly different position to that which we have had in previous manifestos. It may be one in which we might be able to find some common ground on what the way forward is in some context. Because as a party, we accept that in order to build a socially just society you must have the prosperity with which you need to fund that socially just society. We recognise that and we want to see that, which is why we want to support inward investment, philanthropy and tax and any kind of programme that helps us deliver that, but that must be evidence-based. That is what we want to see.

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

Sir, I wonder if the Usher could get me a glass of water. I am feeling faint. [Laughter]

**Deputy S.Y. Mézec:**

Sir, I think he may need something stronger in fact, but that is the position that we wish to see, and we will be pragmatic about that because we want what is best for Jersey. But what I resent is this apparent perceived wisdom from above, which is that this scheme is the bees knees and if you dare criticise it or suggest that it is imperfect or to be tweaked in any way, then that is because you are ignorant or just plain thick and do not understand what your betters understand about it. That position must be changed and it must be evidence-based, and that will be a matter for the future and not for this debate itself, because what we have in front of us does not help us move forward from that.

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

I stand principally because I am slightly concerned about some of the things that Deputy Mézec said as much as anything, because I know he sits with me on the Housing and Work Advisory Group which looks at many applications for high-value or high-net-worth residents' applications. So in the figures that Deputy Mézec was just quoting, I know the reason why £33 million divided by £250,000 does not equal 130, whatever it equals, or 220 or whatever is, because those people who arrived before 2022 or 2023 will be on other schemes where the minimum income is £175,000 and, before that £120,000, and before that £100,000 and however it went. I know that Deputy Mézec ... or I cannot know because I cannot know somebody else's mind. I am fairly sure that Deputy Mézec knows that and so I do find it disconcerting when he stands in the Assembly and says: "Why is there a disparity?" and suggests there is some nefarious thing behind it. There is not. It is just the history of the scheme.

[17:15]

The schemes are called regimes. Regime 1, regime 2, regime 3, *et cetera*. In each regime, the person stays on that scheme after they arrive so when, in 2022/23, regime 5 put the minimum contribution up to £250,000 on income tax, people who arrived 2 years earlier on the previous scheme stayed on the previous scheme. That is to provide the certainty that applicants wish for when deciding their tax affairs and so we do not ... just because Jersey puts up the minimum tax take, it does not ever look retrospectively. That is just the way it is. The rights and wrongs of that do not matter, but that is why there is a disparity in the figures. It is really simple and I believe Deputy Mézec knows that. Similarly, when it comes to charitable giving, I did not hear exactly but, ultimately, it is very difficult for anyone to know anyone else's charitable giving. We can know what was given to the Jersey Community Foundation but the Jersey Community Foundation, in their own message to us today, state that they cannot know what is given elsewhere. So there can be disparities because the figure of £700,000 to the Jersey Community Foundation is just that. The Jersey Community Foundation has received £700,000. That does not mean there are not donations going elsewhere, and those donations going elsewhere obviously add up to a greater number than £700,000. So I am just a bit concerned about some of those figures and the way they were suggested by Deputy Mézec who knows these things by sitting on the Housing and Work Advisory Group. When I think about this proposition, I think about particularly Deputy Miles's concern, as I understand, about stated policy versus what is happening and what you say and what you do being 2 different things. I think I would have a lot more time for the proposition before us if it was open about that, and I requested the Government purely to put in an updated policy. That makes sense to me, but Deputy Renouf has gone further. He has not asked the Government just to come up with his own policy. I appreciate the number 15 has come from the policy from 2025. I understand that, but he has not kept it open. He has tried to close it down and said: "It should be 15, it should stay at 15 and that is where we are, at 15." That is very difficult. Approvals and arrivals are 2 very different things, and I know in the time that I have been around Government, the next number of arrivals is where we have looked. In essence, how much has the population of high-net-worth residents grown in the past year? In the 4 or 5 years that I have been in and around Government, it has been between 15 and 20, the next amount, because maybe 25 arrive but 10 high-net-worth residents also leave, and so your number has grown by 15. I believe last year the net was about 18, and so if I was to change the policy myself, I would be looking for that measure, the next growth, and so you would be seeking to grow the number by a net amount. I think that is a much better way to do it. The problem with saying we will only do 15 approvals is if, halfway through the year, you have got through your 15 approvals, what happens to the next applicant who arrives who may, on paper at least, financially, let us say, through their accounts look like they have a lot more money than the previous 15 put together but you did not know that was arriving? We have no way of knowing in advance who will apply and who will not. So I think there is a genuine practical difficulty in limiting it to 15. Again, that makes sense then to have a policy around the net number of growth, and that is something that I could absolutely support.

To be honest, I think that is really where the Government has been both now under this Chief Minister and previously under the previous Chief Minister. I believe that is where the eyes were, on the net amount, and so that enables you to buffer it and, equally, I think Deputy Renouf may well say: “Well, he is saying ‘over a 5-year rolling basis’.” Well, that causes problems 3 years into your 5 years and so on. So I do think there are practical problems with Deputy Renouf’s proposition. I do not think Deputy Renouf’s proposition really gets to the heart of the matter. I understood Deputy Miles when she spoke, I heard what she said and I understood why she said it. So I would say, let us have a proposition that talks about the Government reiterating or confirming its policy, whatever that policy may be, and leaving it open to the Government to decide that policy themselves. It could be brought to the States to be agreed or not. It depends on the Government. I would also like to state my view on high-value residency as a concept or high-net-worth residency, as we seem to be trying to call it today. I view it in the same way as I view innovative investment from businesses. It is bringing money in from the outside. It is bringing investment into the Island that would not otherwise be there and right now, from an economic perspective, we need as much external money coming into the Island as we possibly can. That is how we will afford the health services of the future. I am not saying the high-value residency scheme is the only way to do it. Of course it is not. We need to attract larger businesses that are bringing in larger amounts of investment but I believe during the post COVID period, particularly 2021, 2022 and 2023, in the construction sector, some of the only work they would do was on high-value residency properties. There was a massive downturn in construction, and when I spoke to people in the construction sector, they consistently told me that it was only those properties that were being bought and renovated by new residents that was keeping them in business. We saw a number of business failures during that period in the construction sector, and I think there would have been more had we not had properties being worked on by these new arrivals to the Island. It is difficult. So I do not think Jersey should give the impression that it wants to disincentivise investment. I think we underestimate the sensitivity of people outside the Island and to hearing the tone of debate in the Island as well. I think sometimes we can be unaware that we do have an impact on the way people see the Island and whether they see the Island as a place they would wish to invest or not. So while I think the debate today has been in a decent tone, I think we should always remember that every time we debate this or anything else about money coming in from the outside in negative ways, we are sending a signal and it is a signal that is heard outside the Island that Jersey may not be so interested in doing business with people outside, and we cannot afford that. We have to engage with people outside the Island and we have to attract investment from outside the Island. To not do so will mean we will have significant problems in a very short period of time of 5 to 10 years. The work I have been doing for the last 4 years, if I am re-elected, any role I have in the States, I will continue to focus on trying to ensure we have an economy that is able to pay for the healthcare needs that we have in the future because those healthcare needs cannot be underestimated. We absolutely do need to face up to that, and I do fear that this proposition just chips away again at the confidence people outside the Island have in Jersey as a place that they feel they can invest in a stable way and see a return on their investment, not just financially, but by them giving back to the community they have moved to and therefore socially benefiting from their role in Jersey and Jersey socially benefiting from their move to this Island.

#### **6.1.12 Deputy L.V. Feltham of St. Helier Central:**

I do not intend to repeat the reasoning that my party leader gave for our party’s position on this particular proposition because I am mindful of the time. But I did feel that as the mover of the most recent proposition in relation to the 2(1)(e) regime, and that that proposition has been cited in this debate, I should give some views related to that in this debate. Deputy Renouf knows that he and I do share a number of common views when it comes to the 2(1)(e) regime, and I want to give the Deputy credit for acknowledging that perhaps he should have voted differently when it came to my proposition in 2023 which was asking, in part (c), for a cost-benefit analyses to be undertaken. During that debate - I have revisited my own speech from that time - the questions that I asked

Ministers at that time, and it is interesting because people who were Ministers at that time now seem to have shifted somewhat their position and be asking very similar questions to what I was asking then. Then I thought: “Well, how do I stand up here as a Minister now?” If I was me in 2023 asking the then Minister for Social Security, I would be asking: “How do you know it affects the people and the work that you do?” We did receive the email from the Jersey Community Foundation earlier today. I am pleased that the Jersey Community Foundation is undertaking the work that it is doing in relation to philanthropy. I speak to the Community Foundation and the Association of Jersey Charities regularly in my course of work as Minister and also a number of local charities, and it is apparent that, while a number of charities do receive support from people under the 2(1)(e) regime, a number of charities do not feel that support getting to them. I do think that the work that is being undertaken currently in relation to that ... and I have had those conversations with officers as well that work with the high-net-worth, high-value 2(1)(e) residents, whatever we want to call them, about how we can ensure that our community sees the benefits from that regime. But I do want to go back to the cost-benefit analysis. I looked back at the vote then and it was very close. Deputy Renouf talks about himself making a mistake then. I think I probably made a mistake then in the timing of the vote because I had not realised it was during an A.P.F. (Assemblée Parlementaire de la Francophonie) Conference and 2 of my party colleagues would be away. Maybe I should have pulled the current Chief Minister in from the coffee room for the vote because I was pleased to hear him today commit to undertaking a full cost-benefit analysis on this. I was just listening to Deputy Morel who was talking about negative talk. I do not think that this is negative talk. I think cost-benefit analysis is something that has been done ever since Jersey brought in this type of regime. It was the very basis in 1974 by which decisions were made and I think it should be the basis upon which decisions are made into the future. It is really important that we, as elected representatives of our communities, can say to our communities that we know what the benefits are of this policy, we know what the potential risks and costs are and that we make our policies on that basis. So I still stand with the manifesto position that I have stood on, and I hope that the Deputy understands why I will be voting against his proposition today.

**The Deputy Bailiff:**

A point of clarification, is it, Deputy Morel?

**Deputy K.F. Morel:**

Yes, please, Sir.

**The Deputy Bailiff:**

Do you want to ask your ...

**Deputy K.F. Morel:**

Yes, sorry, it was just to clarify that the cost-benefit analysis has a very limited meaning in economics and so a social benefit analysis may be a better way of looking at this. Because a cost-benefit analysis - I wonder if the Deputy may agree - might only give a response of what the cost to Government is versus what the benefit to the Island is, which I think is very different to what is being looked for. But I was wondering if the Deputy could clarify, is she agrees that that may be the case.

**The Deputy Bailiff:**

Yes, do you agree to clarify?

**Deputy L.V. Feltham:**

I can say to the Deputy that when I was referring to cost-benefit analysis, I was looking at my proposition from 2023 where I referred to the details in the economic survey of that time which referred specifically to benefits and costs, which also included social benefits as well.

**The Deputy Bailiff:**

Thank you. I am conscious of the time and I only have one speaker left who has indicated they wish to speak and that is the Constable of St. Saviour.

**6.1.13 Connétable K.C. Lewis of St. Saviour:**

I am conscious of the time so I will be brief. I do not know why I said that. I am always brief. I have never spoken for longer than 5 minutes, but I will keep it short so that it can be summed up. So, many years ago, I started the Jersey Film Festival in Howard Davis Park. Very successful. The last time we had a show, which I think was a few years ago, we ended up with 7,500 people. Free to get in, they came in, enjoyed the film, it was a collection for charity on the way out and we raised many tens of thousands for local charities. But it was expensive to put on and I was indeed rescued by 2(1)(e)s. They did not want their names mentioned, but they thought it was such a good cause and they did bail me out, which I was very grateful for. So I did not make a penny out of it, but it was expensive to put on and many years were had, 24 years exactly, for that one.

[17:30]

So I think we have the right amount at the moment. I would not want to see an endless stream of 2(1)(e)s coming in, but I think we have the balance about right now. Behind the St. Saviour Parish Hall, I am building a new car park for the people of St. Saviour and a children's play area and I will be contacting 2(1)(e)s and appeal to their generosity because they have helped out many good causes on the Island and long may it continue.

**The Deputy Bailiff:**

Thank you, Connétable. Does any other Member ...

**Deputy K.F. Morel:**

Sir, as a bit of a point of order, I am struggling to hear speakers. I, in fact, found it difficult to speak myself because there is a lot of chat in the Chambers.

**The Deputy Bailiff:**

I am also noticing that there is a lot of backchat going on so I would be grateful if Members keep it quiet while Members are speaking. Thank you. So does any other Member wish to speak on the proposition?

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

I am loathe to speak because I know that Members know what my view is and the Chief Minister has given a commitment to say that he will pull work together to look at some of the questions that Members have asked. For my part, we could, after this States sitting, wander down to the Esplanade, we could go from door to door and visit hedge fund managers, people who are managing billions of pounds and we could visit some headquartered firms who are employing Islanders who are spending millions of pounds in the local economy. We could go to other offices and find innovators and people who are extremely creative. We could also go further along and find those who came in the 2(1)(e) or its predecessor regimes who were at the forefront of digital currency and cryptocurrency work. We could go further and find those who are running family offices who are employing Islanders and, again, spending millions of pounds and bringing billions to Jersey. So I do not think it is going to be too difficult to be able to prove the value dependent - back to the point the Minister for Sustainable Economic Development delivered - if we focus in the right areas. I am happy to do that because I see their value not just in regard to philanthropy, although is again millions of pounds distributed there - but their increasing value to the financial services industry and to the innovation and digital parts of our economy. Of course, as the Minister for Treasury and Resources said to us, without that £30 million, we can quite simply calculate that all Islanders would have an increase in their tax

themselves, so that is the counterbalancing point. A cap would be detrimental to allow Ministers to, when they get good applications in - because as soon as we have gone over that capacity, we would have to say no to them - that would be counterproductive to the value that this regime brings to Jersey. I urge Members not to act in a counterproductive way but, rather, wait for the Chief Minister to do his work, which I have no doubt will show the value of this regime to Jersey. I might just continue and say the importance, as the leader of Reform Jersey said, of financial services is: "Inward investment and growing our economy cannot be overstated." A Member said that we should not want to compete with Dubai. It is not that we, as a Government, want to compete with Dubai. It is that Dubai is competing with us. We have to live in the real world. I think the Americans say we "have to wake up and smell the coffee" and I absolutely agree with that saying, but I think the proof of showing the value of this regime to Jersey is quite straightforward, and I look forward to being part of producing that work.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, I call upon Deputy Renouf to reply.

**6.1.15 Deputy J. Renouf:**

I will keep it brief and if Members will forgive me, because I will keep it brief, I will not refer to every Member who spoke, although I did make notes to do so. I would say that we have had 2 wins from this proposition. We have had a good debate about an important issue of public policy, and the Government seems minded to correct my mistake in voting against the cost-benefit analysis and we may get some good figures out of it; so that is excellent. I note that it is always possible to find reasons to vote for a proposition and to find reasons to vote against a proposition. I suspect I have fallen into the situation where most people are in the mood to find a reason to vote against it, which is a shame. I note that Reform Jersey are voting against it because they want to stop the scheme entirely, or at least pause it, until the cost-benefit analysis is done. But I would point out that the effect of voting against the proposition will be to allow the current "as many as we can get" policy to continue. I note that Reform Jersey are for - I think it was in their manifesto - getting rid of G.P. (general practitioner) fees, but if someone was to propose putting up G.P. fees, then I suspect they would vote against even though it is not in the manifesto because putting the brakes on fits the spirit, but we are where we are. I want to be absolutely clear - and I do find it regrettable - that Ministers have made suggestions that I have absolutely clearly not made and in fact have gone out of my way to avoid making. I am not hostile to high-value residents, or indeed wealthy residents in general, and I made that absolutely clear. I do not want, as the Minister for Treasury and Resources said, to drive them away, and nothing in this proposition would drive anyone away. The cap I propose is flexible and in no way under no interpretation would reduce the numbers or even stop them growing. It would simply stop them growing as rapidly as they currently do. I do want to say to the Chief Minister in terms of political lobbying, there is the world of difference between the normal business of lobbying and the situation with high-value residents where there is an officer in Government who is able to represent their views with a direct line to the Minister, as happened with the planning guidance change. So this is a stabilisation measure. It is very simple. It says: "Let us stop consistently overshooting" which is what has begun to happen over the last few years. Another policy can of course be brought forward in the future. This is just about putting the brake on. It is, as Deputy Curtis said, a very restrained proposition, and I will leave it there and call for the appel.

**The Deputy Bailiff:**

The appel is called for, so I will ask all Members to return to their seats. If all Members have now had the opportunity of returning to their seats, I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and I can announce that the proposition has been rejected:

<b>POUR:</b>	<b>CONTRE:</b>	<b>ABSTAINED:</b>
Connétable of St. Lawrence	Connétable of St. Brelade	Connétable of St. Clement
Connétable of St. Mary	Connétable of Trinity	
Deputy L.M.C. Doublet	Connétable of St. Martin	
Deputy H.M. Miles	Connétable of St. John	
Deputy J. Renouf	Connétable of Grouville	
Deputy H.L. Jeune	Connétable of St. Saviour	
Deputy A.F. Curtis	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 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 M.R. Scott	
	Deputy C.D. Curtis	
	Deputy L.V. Feltham	
	Deputy R.E. Binet	
	Deputy M.E. Millar	
	Deputy A. Howell	
	Deputy T.J.A. Binet	
	Deputy M.R. Ferey	

	Deputy R.S. Kovacs	
	Deputy K.M. Wilson	
	Deputy L.K.F. Stephenson	

## ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

### The Deputy Bailiff:

That concludes Public Business, so I would ask the chair of P.P.C. to outline arrangements for the next States sitting on 10th March. Chair of P.P.C.

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

Over the previous 3 or 4 States Assemblies, I have advised Members to leave the continuation days free, and I have regularly been proved wrong and we have not used them. **[Laughter]** But on this occasion, I can very confidently advise Members that we will be here for all the continuation days and, with that in mind, with the addition of P.112, Alcohol Licensing, and P.47, Suspension of Deputy Ozouf being added on, I would like to ask Members if we could meet on Monday, 9th March starting at 2.30 p.m. to take questions.

### The Deputy Bailiff:

Are Members minded to start at 2.30 p.m. on Monday, 9th March?

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

It is not in relation to 9th March, Sir. It is just something to do with the next sitting when I get a chance.

### The Deputy Bailiff:

Well, I will ask the chair to outline arrangements for the sitting after that and then you will get your chance.

### Deputy S.M. Ahier:

Yes, Sir, and obviously the sitting after that, which will also be very busy, but will run over until the week after. But there is no intention of starting on the Monday for that meeting because of the intention to go on until Good Friday the week after. So with that, I propose the order of business.

### The Deputy Bailiff:

Thank you, Chair. Did you have a question?

### 7.1 Deputy S.G. Luce:

Members will note that I have P.18, Trawling, Netting and Dredging, down for the next sitting. I will have to, at the start of that sitting, ask for a shortening of the lodging period. I have spoken to the panel about this. They were in agreement in order to try to relieve the last sitting but I will, at the start of the next sitting, ask for a shortening of the lodging period and hope that Members will go along with that.

### The Deputy Bailiff:

Is there anything further in relation to Public Business? In that case, are Members minded to adjourn? The States stand adjourned until Monday, 9th March at 2.30 p.m.

## ADJOURNMENT

[17:42]

