

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 10th MARCH 2026

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of Members, I would like to welcome His Excellency to the Chamber this morning.
[Approbation]

PUBLIC BUSINESS

2. Reduction of lodging period

The Bailiff:

Before we commence Public Business, a decision needs to be made about whether to reduce the lodging period in respect of a matter on the Order Paper. Minister for the Environment, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow the Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Amendment Regulations be debated at this sitting.

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

I do, please, Sir. P.18, as you have just said, is about trawling, netting and dredging. I missed the deadline by literally a couple of days and, as indicated at the last sitting, I would hope Members would allow me to bring it further in the sitting.

The Bailiff:

Is the proposition seconded? [Seconded] Does anyone wish to speak on the proposition? Are Members content to adopt the proposition? The proposition is adopted and the lodging period reduced.

3. Suspension of Deputy P.F.C. Ozouf of St. Saviour c(P.47/2026) - Defer until 24th March 2026

The Bailiff:

The first item on the Order Paper is the suspension of Deputy Ozouf of St Saviour, lodged by the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

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

May I be permitted to make a proposition before we proceed to this debate? I should like to propose that Projet 47 be postponed until 24th March. Deputy Ozouf is malade. He was signed off by his doctor on 6th February, and that sick note has been extended until 20th March. It is a fundamental principle of natural justice that *audi alteram partem*, in the Latin; in English, hear the other side. The Deputy wishes to be heard in his defence. He is unable to be here today because he is malade. It seems to me that it would be unconscionable for the Assembly to proceed in his absence to hear this debate, and I therefore formally propose that the debate on Projet 47 be postponed until 24th March.

The Bailiff:

Is the proposition seconded? [Seconded] Does anyone wish to speak on the proposition?

3.1.1 Deputy M. Tadier of St Brelade:

It is a question really for the mover of this proposition. If the Latin principle that he quoted is fundamental, that the person who is in receipt of a sanction should be present to hear it and defend

themselves, what happens if that person is also malade on 24th March? There is no indication to us that Deputy Ozouf is going to necessarily miraculously get better by the time of the next sitting, and indeed I do not know why he would. Do we keep putting it off *ad infinitum*, to use another bit of Latin, or do we actually acknowledge that a very serious offence has taken place, much more serious than the offence for which he was suspended for 28 days in the first place, which was, let us face it, a speeding infraction. Which is not insignificant, but it did not have the threat of a jail sentence with it. I think that if we do pass this today we are simply kicking the can down the road. This does need to be dealt with and, in the same way that a defendant in court could not perpetually put off their day of reckoning by simply not turning up because they are sick, I think we need to also apply those same arguments to ourselves. I think we do have to be aware of the public optics in this. We know that only this week – following on from an inquest of a migrant worker in Jersey who lost his life, in part due to, shall we say, unfit living conditions, I am sure it is very complex ... that there are real vulnerable victims in Jersey and that this was not a victimless offence. Unfortunately, within this Assembly, there seems to be an attempt to portray, and we do have to be mindful of course of our own colleagues well-being, but we have lost sight in that I think. The public are very aware that this was not a victimless offence and that the 2 victims that we should really be thinking about are the ones who were exploited by a Member of this Assembly. I do not think by putting this off for an extra 2 weeks, (a) is the right thing to do, and that should be sufficient for us not to support this proposition, and (b) it is not what the public would expect of an Assembly which has a Code of Conduct to hold itself to the highest standards. **[Approbation]**

3.1.2 Deputy J. Renouf of St. Brelade:

I rise to support what Deputy Tadier has said. As he says, there is no guarantee that Deputy Ozouf will return in the next sitting. He cannot know that. It is not just a question of what he is ill with now, he could be ill with something else. We have to face the decision now. I think the issues at stake are well-known. The criminal case has been heard. The verdict has been reached. The issue is whether there has been a breach of the Code of Conduct and whether that breach is sufficient to justify the sanction. Those are issues which we are capable of determining, in my view, with or without the presence of the Member concerned. I think there is a danger here that we are engaged in a debate that is effectively beginning to normalise a behaviour **[Approbation]** that has been unconscionable. I think it is the case that we should not be in this position. I cannot think of another Member of this Assembly in this position who would not have resigned in this circumstance, and we should be acting in a way that makes it absolutely clear that what has gone on is completely beyond the realms of what is acceptable for a Member of this Assembly. It is not an issue that demands a huge amount of consideration in that respect, and I would also say, although I am very reluctant to talk matters of justice with one of the most distinguished legal figures in the Island's history really, but the public will see this very clearly as a question of justice should be done and should be seen to be done. The question that we face here for the public is a really simple one. The effect of the proposition from Deputy Bailhache has the whiff of the establishment looking after itself. I think that it is hard to imagine, for example, whether the same generosity might have been extended to somebody who was a mortal political foe of the Deputy.

[9:45]

I do think that the question before us here is a simple one. It does not require a huge amount of discussion. If Deputy Bailhache's proposition is defeated, I hope that the chair of P.P.C. (Privileges and Procedures Committee) will stand and make a very short speech putting the case, and we can vote and get on with our business. Because I think that is what we should be doing. But I do not think that the case exists here to delay this, which would effectively potentially timeout the Assembly's ability to make a very clear judgment on what it considers to be acceptable and not acceptable behaviour for a States Member.

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

Both of the last 2 speakers have sought to widen the debate on this proposition to discuss P.47 itself, and we can hear from the footstamping how the majority of States Members appear to feel about P.47. I want to go back to the first speaker, Deputy Tadier, who referred to well-being of States Members, and what crocodile tears he was shedding when he said that. I would like to know how many States Members actually have spoken to the Deputy or visited him to familiarise themselves with his state of mind. I have spoken to him and visited him on several occasions. I am not a doctor, but he is not well. He is malade. If he is malade on the 24th, then so be it. Do Members have to have their pound of flesh? I would suggest that they should not. They should rise above it and they should show some statesmanship, really. Because all I can see is a desire to curry favour with the public. I do not know how many Members have visited the Member, but I do not believe many have, and I will therefore be supporting Deputy Bailhache.

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

I just want to talk about conflation and also what the current P.47 refers to, which is the driving offences. It does not actually mention anything to do with breaches of the Election Law. The actual proposition says it is an agreement to suspend Deputy Ozouf as a sanction for breaches of the Code of Conduct, and then it goes on to basically refer to the driving offences, I believe. I do not believe it is saying anything about breaches of the election. I am sorry, am I wrong?

The Bailiff:

I think you are wrong, Deputy. [Laughter]

Deputy M.R. Scott:

Am I reading the wrong thing?

The Bailiff:

The first paragraph of the report speaks about the Deputy being found guilty and sentenced to 120 hours community service, the equivalent of 6 months in prison for assisting unlawful immigration.

Deputy M.R. Scott:

Right, but we also have heard ... so he has been sentenced, but I also believe it was reported that a number of individuals were used to distribute information before the last election. I do not know if that is true or not. But one of these things a court looked at and punished, and another we heard that there was no ability for the Jersey Electoral Authority to do anything. That indeed has troubled me because I have thought, well, that looks like the possibility that the Deputy, were he not to have an actual proposition brought against him in respect of such a thing, he has no sanction. He has had a sanction for the other offence. I just feel that this proposition actually does not perhaps address a very important point about justice could be seen to be evaded anyway or that we are conflating this discussion because it is not actually to do with the Code of Conduct. I will listen to arguments, but I just remain uncomfortable about the basis of this proposition and I await ... I would welcome the chair the P.P.C., to talk a bit more about the extent to which he thinks it is acceptable for the States Assembly to give punishments on top of the court, and the lack of any comeback for what is alleged to be breaches of the Election Law.

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

I presumed that this matter may arise so I ensured that this topic was debated by P.P.C. yesterday morning. We had a long conversation about whether P.47 should progress, and it was determined unanimously by the members present that it should. This matter was obviously raised also on 24th February when we had the discussion about shortening the lodging period. At that stage, I said in response to a question that I have no intention of preventing it from being debated on 10th March, and that is in Hansard. Therefore I maintain that position and I ask Members to reject this proposal.

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

I am pleased to follow the chair of P.P.C., because I believe he did the right thing at the last Assembly by not shortening the lodging period and allowing the debate to take place today. We are not employees, but if we were employees Deputy Gorst suggested that you could not have a hearing in the absence of the employer at the last sitting. I quickly sent him a screenshot from A.C.A.S. (Advisory, Conciliation and Arbitration Service). You can have a hearing in the absence of somebody, and that is both said by J.A.C.S. (Jersey Advisory and Conciliation Service) in Jersey and A.C.A.S. in the U.K. (United Kingdom). The Deputy has had plenty of time to prepare his defence, and he does not have to give his defence. Any Member in this House can stand up and make a case for the Deputy. As long as you give due notice to people that a hearing is going to take place, the hearing can happen. Anybody who wants to look that up on J.A.C.S. or A.C.A.S., feel free to do so. The public elect us to make decisions, however difficult they may be. I have a drop-in every week, and there is not a week goes past when I am not asked about my views on the Deputy, who has pleaded guilty and now being sentenced. I tell them quite clearly I am really disappointed. I would have hoped, like other Members, that the Deputy would have done the right thing and resigned, having pleaded guilty not to a motoring offence but to a serious offence involving other people. I would have hoped, and I still hope, that the Deputy would resign from his position. There is no need for a by-election, but I think we could have all done without this debate and the following debate, if it happens, if the Deputy would have resigned. Well-being is very important. In my experience, which was quite vast in employing people - hundreds of people - sometimes delaying a decision actually has a negative impact on people's well-being. You have to take the individual's health into account, and often delaying a decision only adds to the stress and the strain an individual may be facing. I believe that we have a duty to make a decision today, whichever way that goes, and that would take some pressure off the individual, I believe. I will not be supporting Deputy Bailhache's proposal to delay this debate. I hope Members will support it. I hope it is a very brief debate. I think we all know what we have read in the newspapers. Most of us will have read the court judgment. It is very clear. We can make a decision, and let us do it swiftly.

The Bailiff:

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

3.1.7 Deputy Sir P.M. Bailhache:

I am not going to respond to the prejudicial remarks that have been made by some Members other than to say that they emphasise, in my view, that it would be right that Deputy Ozouf should be here to respond to them. I think this is fundamentally a question of fairness. That is how I leave it to the Assembly. I ask for the appel.

The Bailiff:

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

POUR: 11		CONTRE: 35		ABSTAINED: 2
Connétable of St. Helier		Connétable of St. Lawrence		Connétable of Trinity
Connétable of St. Saviour		Connétable of St. Brelade		Deputy A. Howell
Deputy C.F. Labey		Connétable of St. Peter		
Deputy S.G. Luce		Connétable of St. Martin		
Deputy I.J. Gorst		Connétable of St. John		

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

3.2 Suspension of Deputy P.F.C. Ozouf of St. Saviour. (P.47/2026)

The Bailiff:

I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to agree to suspend Deputy Philip Francis Cyril Ozouf of St. Saviour in accordance with Standing Order 21A with immediate effect for a period of 28 days as a sanction for breaches of the Code of Conduct.

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

The Privileges and Procedures Committee has brought the suspension proposal to sanction Deputy Ozouf for breaching the Code of Conduct. The committee has a responsibility to protect the reputation of the Assembly and uphold Members' standards in relation to the Code of Conduct. Deputy Ozouf has been found guilty and sentenced to 120 hours community service for assisting unlawful immigration. Rules 6 and 7 of the recently updated Code of Conduct provide the following: "Members must not act or behave in a manner in the course of their public and private life that brings the Assembly or its Members generally into disrepute, and should conduct themselves in a manner which strengthens the public trust and confidence in the integrity of the States of Jersey." Rule 7: "Members must uphold the law in accordance with their oath of office." The committee considers that Deputy Ozouf's actions represent a breach of the Code of Conduct and that the proposed suspension is proportionate in this instance, as the Deputy's actions and lack of regard for the Island's laws and judicial process have damaged the integrity and reputation of the Assembly. If adopted, the suspension would, in accordance with Standing Order 164, take immediate effect and would banish the Deputy from the States Chamber and its precincts, restrict him from any parliamentary activity and withhold his remuneration for the duration of the 28-day suspension period. Mindful that Deputy Ozouf was marked as malade at the first meeting, we took the decision not to seek reduction in the lodging period. The committee has a duty of care to Members in relation to health and well-being and wants to treat the Deputy fairly. However, it also has a duty, under its terms of reference set out in Standing Order 128F, to take the necessary steps to enforce the Code of Conduct and promote high standards among Members. In this case, the committee has concluded that a breach of the code has occurred, and is mindful of the strength of feeling from both elected Members and the wider public. The committee does not consider it right that this matter is delayed, because it is important we signal to the public, who will be voting for a new Assembly in June, that we consider breaches of the code to be serious, and we want to protect the reputation of this Assembly and its Members. We must be seen to act when a Member breaches our code and demonstrate to the voting public that they can trust us to do the right thing. Trustworthiness relates not only to the behaviour of individual Members, but also to our ability to show that behaviour is of a high standard and will be dealt with if it falls short. If we wish to rebuild Islanders' trust in this Assembly, we have to take action when our code is breached. I make the proposition.

The Bailiff:

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

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

The chair of P.P.C. has said that the States have a responsibility to protect its reputation. That is true, but for my part I think that this proposition damages rather than protects the reputation of the Assembly.

[10:00]

Deputy Ozouf has certainly done wrong, and he has been punished by the Royal Court for that wrong. The proposition damages the Assembly because it takes no account of the fact that Deputy Ozouf has already been punished by the Assembly for these very acts. On 11th November 2025 he was suspended for a period which turned out to be 12 weeks, 3 times what is now asked for. I hope that no Member will say: "Oh, well, that was just a neutral act." Neutral it might have been in the words of the Standing Order, but it was also a humiliating punishment which has had a devastating impact on the Deputy. There is an air of vindictiveness about this proposition, which is unworthy of the

Assembly. It is almost as if some Members cannot abide the fact that he was not sentenced to more than 3 months' imprisonment. In fact, he was given a punishment which, in my view, was fair and appropriate. Unfortunately, the reporting of his case has not all been fair and appropriate. The impression has been given in some quarters that Deputy Ozouf was guilty of conduct tantamount to modern-day slavery or to exploitation of vulnerable employees. I have read the judge's sentencing remarks very carefully, and they make absolutely no reference to modern-day slavery or to the exploitation of employees. Indeed, one employee stated that she found working for the Deputy enjoyable and fun. They were paid more by Deputy Ozouf than by the hotel, and they were grateful for the extra income. That is what the Court said. The Court heard all the evidence, and I prefer to rely upon the Court's conclusions rather than social media gossip. If the Court had thought that there had been exploitation of employees by a States Member, it would have been a very serious aggravating feature, and the Court would have said so. Ironically, the accusation of modern-day slavery is misdirected. If you are a low paid Jersey person and you want to earn extra money outside your normal employment, you can do so. If you are an immigrant from the United Kingdom, you can also do so. But if you are a low-paid immigrant from Rwanda, you can commit a criminal offence by working for another employer. That is what the immigration rules say. That discrimination, whatever the policy justification might be, is arguably tantamount to modern-day slavery. You are tied to a particular type of employment when a local person is not. We - not Deputy Ozouf - are responsible for that. People in glass houses should not throw stones. How many times are we going to punish Deputy Ozouf for his offences? He did let down the States and he did break the Code of Conduct. But punishment should be proportionate. Suspension is a serious penalty. Deputy Ozouf's offences were not of violence or fraud or dishonesty or of a sexual nature. They were administrative offences exacerbated by the fact that he was a States Member. He did let down the States and break the Code of Conduct but he has already been severely punished for what he did, both by the Royal Court and by the States. Let us not demean the Assembly by adopting this proposition. Enough is enough.

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

This is a little bit difficult for me because I do not like speaking without a prepared speech, and I have not prepared anything for today. But I have listened with interest. I listened with great interest to Constable Crowcroft, and I thought he had some interesting things to say. I think Deputy Bailhache has been even more elaborate. I think he has informed people of things that they may not have been aware of. Constable Crowcroft mentioned that not many people have been in touch with Deputy Ozouf, and I have to make it clear I am not here to defend Deputy Ozouf in any way at all, and I am not here to pass comments on processes in any way. I am just speaking as a human being. I have been in touch with Deputy Ozouf, and when we talk about malade, I really do mean he is malade. I have been involved with serious mental illness for many years and seldom have I seen anybody in such a dreadful mess, and it is difficult to talk too extensively about somebody's ailments publicly, so I will probably leave it at that. With that in mind, and bearing in mind that all of this would have come to a natural conclusion at the end of March, I cannot help but agree with what Deputy Bailhache has suggested that we do. I cannot help feeling a little bit like I am watching an episode of "Lord of the Flies" at the moment. I just think we could have ignored this. I do not think Deputy Ozouf would have come in. He is malade, he would have been malade, and this could have been left to die a natural death. As Deputy Bailhache said, Deputy Ozouf has been punished by the courts and I hope that some people will not pursue this.

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

I have come from this from 2 angles. One has been in terms of what exactly is this sanction for, and I believe that Deputy Bailhache has spoken quite eloquently on the matter of already punishing somebody for something that has already attracted punishment. But I know that there is a lot of emotion in this because there also have been other allegations in terms of the Deputy's treatment of

people. Again I believe that Deputy Bailhache has responded to that because basically using people or employees for a purpose that they are not really in itself is not actually modern slavery. Let us be clear about that. Modern slavery is something else, and that does need to be dealt with, but that is not what this proposition is about. This proposition is referring to the fact that the Deputy has been found guilty of offence and has been sentenced to community service for that. I am also very much aware of the emotions that can run among my own constituents. They may well bay for blood, so the point is to what extent should I be representing to them and to what extent should I be thinking there perhaps is a middle way. One point that I thought was relatively well made, was the public should not be paying for Deputy Ozouf to be doing community service. I actually think OK, I kind of understand that. But I want to point out something, he already has been suspended once without pay. So what was this community service? We are talking about 120 hours, so that equates roughly to about 3 weeks. Am I right in thinking he was suspended for a period of about 4 weeks without pay?

Deputy M. Tadier of St. Brelade:

Would the Member give way?

The Bailiff:

Yes, if you want to clarify something.

Deputy M. Tadier:

The Member was looking at me. The Member was suspended for the speeding offence and then, as a result of that, in here for 28 days without pay, and I was going to actually ask the Member how she voted on that.

Deputy M.R. Scott:

Just to answer, I did not support that because the Deputy had already been punished by a court, and I do not believe that the States Assembly should be doubling up on punishment when that has already been considered by the authority that under our constitution we think is appropriate to dispense justice. However, I do accept that that was the punishment given by the States Assembly. I believe that the Deputy has already been suspended in a way that compensates for the fact that he is on community service. Anyway, I will continue to wait to hear any more arguments in this way, but I am not 100 per cent persuaded that I should join a crowd. I accept that, and I would like to have seen the Deputy resign for a number of reasons. He has not been well enough to perform his duties. I believe that he has probably the resources - I may be wrong - to be able to survive without that. On the other hand, he has been ill. So I will await for other people's contributions. But I just wanted to make that particular point.

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

I have not spoken in these debates before because I do not really want to have them. I believe that the Deputy should have resigned. This was a court case and I just read a couple of things from the court case itself, paragraph 1, in relation to the Deputy: "We agree with the Court that your position as a senior politician is an aggravating factor. As a lawmaker, you are well aware of the need for controls for the nature of the work carried out by those entering the Island and the need for those controls to be obeyed and enforced. When those controls did not suit your purpose you chose to evade them." That is a very significant ruling. We are States Members, we are elected to represent people and we have a huge high expectation of our behaviour. When that behaviour is of a situation whereby you are sentenced in court and the court sentence says 120 hours or equivalent to a 6-month sentence of imprisonment, if that imprisonment had happened, regardless of who the person is, let us look factually about the ruling and what that means for us as a States Assembly. We are saying, "Well you know what, it is OK if you get imprisoned, carry on, come back when you are out of prison, we can just carry on with this." I am afraid we cannot work by those rules. A prison sentence

would have meant automatic removal from this Assembly. Those are the facts behind this. This notion of ... it is not about a pound of flesh, it is about the integrity of this Assembly. Are we going to say that if somebody commits an offence, a senior politician who was Minister for External Relations, our front-facing Minister to the rest of the world, and I am afraid we have to say that regardless of who the person is. A.N. Other had this position in our Assembly, A.N. Other committed this offence. A.N. Other was found guilty of this offence or pleaded guilty to this offence. These are the Standing Orders, should we suspend? Unfortunately the answer is yes, we should. I understand people have a difficult time in life. Many people go through difficult times in life. The advice would have been to resign and get the help that is needed. It has been offered a great deal by the Greffe, and I think that a lot of support has been put in place. But today we are talking about the integrity of us as Members of this Assembly. I put myself in this position. What would I have expected? I would have expected to have resigned.

[10:15]

Yes, I would have found that extraordinarily difficult because this is my income, I do not have additional income, I do not have other things I do. But I would have been expected to do that. This is not a personal vendetta. We should not be debating it in that manner. We should be talking about the integrity as us as States Members. As a States Member, I go to other jurisdictions and talk as a States Member, a representative of Jersey. I am afraid that when we cross the lines in terms of our behaviour, we have to step up to the plate and take that responsibility with or without whatever is going on in the background. I think not suspending is not just about, and I find it odd that we are talking about popular decision ... it is not a popular decision, because we have all suffered from the fallout of this and the integrity of us as politicians. That phrase: "You politicians, you are all the same", and I find that so unfortunate. So I will support this and I will support it not because of the personal but because of the factual process that we have to go through as States Members. What do we expect of any States Member? The person sat next to you, what do you expect? If it is not those expectations, I am afraid this is the outcome that we have to do, and I support P.P.C. in this and I think it is good that we have taken it today.

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

I simply rise to provide a little fact on a point that seems to be concerning Members of this Assembly, and I would imagine also members of the public. I have permission to share this information but if it provides any assistance or comfort to Members, I can inform you that the Deputy has not received a salary since his sentencing. That was at his request, and I think that it is helpful that Members are aware of that. There are many other things that can be said, and I do not wish to prolong this at all at this point, but I, somewhat like Deputy Bailhache, agree that ... I think that the simplest way of putting my perspective on this is that Deputy Ozouf and I, as Members will know, have been friends for a good long time. We obviously do not agree on all matters, and there will be elements of this situation upon which I find differences of opinion. However, one area where we certainly do not agree is the separation of powers. The job of justice is in the building next door to us, and the job of setting the rules is ours as a legislature, and I am very aware of that in this debate. I absolutely agree with Members about the optics and about the standards that we expect of each other as representatives of the public. I feel that very keenly indeed. I just counsel Members to consider that the Commissioner for Standards, as far as I am aware, has not yet opined on this matter. I do not know whether it is under her consideration, but her view has not been heard, and that is the proper process upon which we consider our Code of Conduct, as far as I am aware. With that, I thank Members for their time.

Deputy B. Ward of St. Clement:

Just a point of clarification. I was under the impression - I may be wrong - that States Members were not allowed not to take our salary. I would like some clarification on that. Am I correct in my understanding or am I totally wrong?

The Bailiff:

I hesitate to correct a factual matter that has been raised by a Member. Although it may have been the wish of Deputy Ozouf not to receive a salary for the recent period, my understanding from the Greffier is that he has continued to be paid, notwithstanding that may have been his wish. The only, so far as the Greffe is concerned, guaranteed way of preventing payment is suspension. I am just relaying what I have been told by the Greffier. If that answers your question, Deputy Ward. That is what I have been told.

3.2.7 Deputy M. Tadier:

I think we need to bring this back to basics. The first spurious example that has been given here is that because it has been dealt with in the court we do not need to deal with it. This argument was made during the debate of P.64, which was the debate to suspend Deputy Ozouf for 28 days following his speeding offence, which resulted I think in a fine, and there was a breach of the code with that; 29 Members supported it, 17 voted against and 3 abstained. The States Assembly is separate to the courts. This is the separation of powers. We are our own separate body. We have our own rules. We have our own Code of Conduct. While this may not have been referred to the Commissioner for Standards, and that is largely I think due to time constraints and also the fact that there were not any complaints. This is a *de facto* breach of the code, and we did raise this. I made sure that when it was discussed certainly last month at P.P.C., I said: "Look, before we proceed with this are we all in agreement that this does represent a breach of the code? We are not just bringing this because the courts dealt with it. We are saying that this is also a breach of the code and that we are all satisfied." It was unanimous around the P.P.C. Committee, from those who were there, that the behaviour and the resultant sentence in the court had very much brought Deputy Ozouf's behaviour to be scrutinised under the Code of Conduct, which we have done and that he had breached the Code on various counts. Clearly, if he has breached the code for speeding down a green lane by doing 15 miles an hour and got fined for it then he has also breached the Code of Conduct for illegally employing 2 Rwandans in Jersey who did not have the right to work for him. We know about that, and it was in court and on the front pages, and it took months to deal with that. I do not think there should be any doubt in anyone's mind that this should not be dealt with by this Assembly and that it was a breach of the code. The question therefore, given the fact that we have an absolute not just right but a duty to deal with this under our own code because we are not the Royal Court, and the fact that it is a clear breach of the code, I would say then, those 2 items, those 2 facts, should be sufficient for any Member in this Assembly to put aside their personal feelings for Deputy Ozouf, irrespective of they are longstanding Ministerial colleagues of Deputy Ozouf, who might feel a bit bad having to vote for this today because they might have to justify that decision to him. I think there is also a part of the code which says where there is a conflict of interest, and I think this is a conflict; not a financial one, it is an emotional conflict, is it not? So I think we are thinking about this, thinking: "I would feel really bad if I had to justify voting to suspend Deputy Ozouf when he is a longstanding friend, he is a longstanding colleague, he is a longstanding political ally of mine." But the code says that we should resolve the conflict in the public interest. Where is the public interest best served in this irrespective ... take out the fact that this is about Deputy Ozouf. As Deputy Ward, said this is about Deputy A.N. Other, Constable A.N. Other, and I think we just have to go through the process, and this is very much what P.P.C. has done. I think that is really all that needs to be said on this issue. We can get into the emotions of this. We can say that, as I said before, this was not a victimless crime. We can get into the fact and say that actually Deputy Ozouf was in a very fit and healthy state when these offences were taking place. I believe some of these offences took place while Deputy Ozouf was actually a Minister. There may be questions in the future about which Ministerial

colleagues of his at the time knew about what was going on. There are questions, of course, that could be raised about whether or not these workers were used to put up election posters and whether those expenses were declared, which it should have been. But that is not the focus of today's debate. I am happy to give way, I see a light on.

Deputy M.R. Scott:

I just wanted to ask the Deputy what makes him suggest that States Members are being guided by emotions of protectiveness towards Deputy Ozouf rather than trying to have an objective view of this matter, bearing in mind that I do believe that modern slavery is an emotive subject, but the actual emotions the Deputy was referring to was some sort of emotion of protecting a colleague?

Deputy M. Tadier:

The reason I believe some Members are being led by emotions is that because we have heard speeches earlier, let us consider the well-being, and let us think about the feelings of Deputy Ozouf. This is not very nice for him. The point is this has not been very nice, as I said earlier, for those individuals who were subject to this, those workers who were in a vulnerable position and who ultimately were the victims in this court case. I do not think this is a victimless crime. The point here, I go back to the 2 simple points. Has the Code of Conduct been breached? Yes. If there are Members in the Assembly who have not yet spoken who do not think that his behaviour represented a breach of the code, they need to stand up and say that now, because let us have the alternative side of the argument that Deputy Bailhache said. If we are all in agreement that the code has been breached, the next question on the flowchart is do we then deal with that breach by voting for a suspension, which is proportionate? I think the answer again has to be yes. We do not start the question by asking who is this relating to and are they signed off malade today? Because I think we will be in a situation where that just continues, as I have said previously, on and on. So this is a tough decision that we have to make, but it is about upholding our Code of Conduct and holding ourselves to the highest standards. It does not matter whether that is Deputy Ozouf or whether it is Deputy Mézec or Deputy Feltham; I look at the front row. If they were my party colleagues we would have had that conversation a long time ago. First of all, saying that as soon as the matter was in court there would have been a neutral act to suspend them from the party, as soon as they are found guilty of that if they had not stood down, before we say: "I am afraid you have lost the party whip now." Then the advice, of course, behind the scenes would be: "Look, you are my friend. I think because you are my friend, I am going to tell you some home truths. It is time to go. You need to take some time out. On a personal level, I will be here for you. But politically, I am afraid that you have to do the right thing and stand by your integrity." That should apply to any Member of this Assembly, irrespective of who they are.

The Bailiff:

Does anyone else wish to speak on this proposition?

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

I want to move further up the flowchart that Deputy Tadier just referred to. Of course, he is absolutely right. The flowchart does not start with who is involved and it should not. I have not heard any case this morning on either side of the argument that suggests that that is where the flowchart does start. I voted in favour of Deputy Bailhache's proposition to defer this until the 24th. I did so quite simply because I believe it is a matter of fairness. While of course the Connétable of St. John is absolutely right that J.A.C.S. would say that you could remove someone from employment in their absence or while they were ill - and the U.K. legislation allows for the same - one would not, in my experience, do that only after the second point where you could have done it. There would be engagement with the individual. There would be medical support for the individual. Only after you had exhausted all of those avenues, would you then actually take the decision in absence of the individual. It is difficult

for this Assembly to follow those processes. To some extent, we have to outsource that to the good officers of the Greffe, but the Greffe is not the employer either. We find ourselves in a difficult situation. For me, I refer back to what the Connétable of St. Helier said. It is not fair for us to deal with this matter today.

[10:30]

We are now dealing with this matter today and I understand why P.P.C. have done so. For my part, that is the first question in the flowchart because the person is absent. Therefore, there has been and will be no right to reply.

Connétable A.N. Jehan of St. John:

Could I ask for a point of clarification?

The Bailiff:

Are you prepared to give way to a point of clarification?

Deputy I.J. Gorst:

I certainly will try.

The Connétable of St. John:

The Deputy spoke about dismissal. This debate is about suspension. Would the Deputy agree?

Deputy I.J. Gorst:

Technically, the Constable is absolutely right. In practice, it will mean the same.

3.2.9 Deputy J. Renouf of St. Brelade:

It is a very difficult situation we find ourselves in. The question of the personal situation in which Deputy Ozouf finds himself is a significant factor. I take very seriously the words of Deputy Tom Binet and Deputy Moore, among others, in relation to that. The Deputy has been dealt a terrible hand in his personal life and, for that, I do have enormous sympathy. That is not crocodile tears. But in terms of the situation regarding his legal issues, the question has been asked: why are we in this position? Why are we dealing with this situation today? I think the thing we have to face here is that the Deputy has made choices. This situation need not be debated at all if the Deputy had removed himself from this Assembly, as any other Member would have done. That is a conscious choice by the Deputy. He has been urged by multiple people to take that course of action. He has chosen not to do so. That is a significant fact, which is the reason why we are debating this when we would rather all not be debating it. There is a considerable sense in which the Deputy has made choices here. First of all, to commit criminal offences. Secondly, to not take the action that would normally be expected of you in a situation like this. As I said in my earlier speech, the risk is that by not taking action today, we would be normalising the kind of behaviour that in normal circumstances we would regard as completely obvious what should happen. I think the question of modern-day slavery which Deputy Bailhache raised is a bit of a red herring. The issue here is not about the details of the court case. As others have said, the question here is about the Code of Conduct, the entirely separate matter of whether or not the Code of Conduct has been breached. I note that Deputy Bailhache said very clearly it has been breached. I do not think anybody has advanced the case that it has not. Therefore, the only question is about the appropriate sanction. I think that a 28-day suspension in the case of a criminal prosecution of this kind of magnitude, where the courts heard that the Deputy had deliberately set out to ... the quote from the court proceedings read by Deputy Rob Ward said there was an intent in this. In those circumstances, a 28-day suspension feels like the minimum, frankly, that the public would expect in those kinds of circumstances. We have the responsibility to uphold ... it is written into the Code of Conduct. We have the responsibility to uphold those standards and to ensure that they are upheld by others. That is in the code. I think that the case here is pretty

clearcut, and the only reason why it is being debated at all is because the Deputy has chosen to stay in the firing line. In those circumstances, there is no hesitation really in supporting a suspension.

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

In Deputy Bailhache's speech, he mentioned that the victim's personal statement from one of the individuals working for Deputy Ozouf said that she was still owed money for the work she carried out. So I would say that she probably was still suffering. It has been mentioned several times in this debate that this has not been very nice. It is not nice to be discussing this. No, this is not very nice for anyone in this whole Assembly. I do feel for Deputy Ozouf that he is suffering with his mental health, and I believe that the whole Assembly feels this way. We do have compassion and I did take real exception that it has been mentioned that this Assembly, if we vote to uphold standards, are vindictive or baying for blood. I am certainly not vindictive in this and I am not baying for his blood. This is not crocodile tears. I do have complete sympathy for the Deputy. I spoke to him several times when he was in the Assembly and he was suffering with his mental health. But this is something that he actually brought on himself. He was a Minister, I believe, part of the time or the whole time when he did this. He is a very intelligent man so he would know what he was doing. As I said, I do have compassion and I find this debate extremely uncomfortable. It is something that I wish we did not have to discuss. It is not fair on all the Members in this Assembly. Deputy Moore said that we set the rules in this Assembly, and this is true. We have a Code of Conduct and we should follow it, however difficult. We need to set a standard as we are public figures and the person we are sanctioning was a Minister. As I said, he is an intelligent man. I do feel desperately sorry for him that he is suffering with his mental health, but when do we stop? When do we decide that we do not need to set standards? We really do need to set a standard. I find this really difficult. I wish we were not all debating this. It is not something that I can ... it is not easy for anyone in this Assembly. It is not just the victim here, or it is not just the Member that we are discussing here who is suffering. I think a lot of us in this Assembly have found this so difficult. He should have resigned. He did this as an intelligent man when he was a Minister, so I think we need to be bear that in mind.

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

This debate and the wording of the motion has Deputy Ozouf's name in it but it is actually about a lot more than just Deputy Ozouf. It is about the whole public of Jersey. It is about our political system being fit to serve its purpose of facilitating the betterment of our whole society and making the people we represent happier and more prosperous. Whatever your position on the rights and wrongs of any particular element in the argument about whether Deputy Ozouf should be suspended or not, we need to remember this fact, which is that not a single one of us in this Chamber has the right to be here. We are only here because of a temporary privilege bestowed upon us by our constituents insofar and for so long as their judgment is that we are capable of carrying out the functions of a States Member to the standard that they wish to see from us. When they no longer have that confidence in us, it is time to go. When that happens, we have no right to complain about it because it is only a privilege to be here. Whatever your positions on the rights and wrongs of any element of this argument, is there a single Member of the Assembly right now who is prepared to stand up and say that Deputy Ozouf is currently capable of carrying out the functions of a States Member? He is not. So he should not be a States Member. He is not able to represent his constituents, he is not able to contribute to the proceedings of the Assembly. There are lots of reasons for that. Some of those reasons, we can have a great deal of sympathy with him. For others, we cannot. That is why he should have resigned from office, because it is not about him. It is about the public. It is about the system and the system's ability to serve its purpose of making Islanders happier and more prosperous. In the absence of him having done that, we are now spending hours on a Tuesday morning when there are lots of other issues that we ought to be focusing on that do focus on the betterment of our society and making people happier and more prosperous. We are debating and spending time talking about excluding him from a process that all of us know he is not currently

capable of taking part in anyway, irrespective of what we decide with this motion. We are here debating this because Deputy Ozouf has not done the right thing and resigned from office and accepted the fact that he is not capable of carrying out the functions of a States Member. So this motion is here for the Assembly to at least acknowledge the point that everyone out there in the public already knows, which is that he should not be taking part in these proceedings and should not be acknowledged as a States Member because of the convictions that he has had. In most people's eyes, will see him to have lost his right or his privilege to do that. This matter does not need to be controversial. I certainly do not think it is controversial out there. The public would prefer we were not spending time on this but we are having to. We should pass this motion so that Deputy Ozouf officially will not have any right or ability to carry out the functions of a States Member or receive remuneration for something that he is not doing in the meantime. I think that that is very basic. It is not just about him. It is about the public, it is about the system and it is about his victims for whom I ... it has been disappointing to hear some Members sound like they do not have particular regard for that, but it is an extremely important factor in this. It is not mentioned in the proposition itself but because of everything that has come to light from this, we have discovered that Deputy Ozouf submitted a fraudulent election expenses return because he was receiving help from people that the remuneration for whom ought to have been noted in his expenses but was not noted in his expenses. So there is an argument to say he should not have been here in the first place. Those standards matter. To say they do not matter is to open the doors for all sorts of other behaviour that we should not be prepared to contend with in our politics. I think it is vital that the Assembly supports this motion.

The Bailiff:

Would you accept a point of clarification?

Deputy M.R. Scott:

The Deputy referred to the position that we have as representatives, and obviously there is no current recall mechanism and the P.P.C. has not supported that, so I just wondered if the Deputy has received any communications from constituents in St. Clement themselves in respect of this matter.

Deputy S.Y. Mézec:

I am not sure why that would specifically be St. Clement. But every single person who I have spoken to on this matter ...

Deputy M.R. Scott:

Sorry, St. Saviour.

Deputy S.Y. Mézec:

... supports this motion, and I think if you did any kind of poll the evidence would demonstrate that across all 12 of our wonderful Parishes.

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

I am trying to gather my thoughts on this, and I too wish to not spend too much time on this because we have got so much to do, and the Constable of St. Helier asked Members if we had visited the Deputy. I have not, purely because I am very busy trying to do the work that I have been elected to do. But nevertheless, I do have great sympathy for the Deputy and, as other speakers have mentioned, I think we can hold that compassion and still require that some sanctions be made. I wanted to mention some of the other things that were said, and a previous speaker in the debate to move this to the next sitting mentioned that the crimes that the Deputy has been found guilty of, that there was no violence involved. This struck a chord with me because the people who were the victims of those crimes are very likely to be experiencing something called "minority stress" and this is a psychological phenomenon which means that chronic discrimination, exploitation, micro-aggressions, institutional barriers, et cetera, that are faced by minoritised communities or

marginalised groups has a physical impact on them. So I do not think we should dismiss this as something which is not impactful, because I do not think we can know what the impact is because those people are not in the room. It is the minority stress ... I can see one of the Deputy's looking confused about that.

[10:45]

The fact is, again, as other speakers have said, that we are held to a higher standard of behaviour than the average citizen, and I think that what we need to do is just make a decision on this today, and I think we can do that while still holding compassion for the Deputy. I think both things can be true. I think we can feel compassion in both sides of this and I think we can act decisively and fairly, and I do think it is fair to suspend the Deputy. That to me seems a reasonable and fair thing to do considering the harm that has been caused. There will be harm of course that we are not aware of because the threshold for conviction in a court of law is very high so there will be harm that we are not aware of. I wanted to be very clear that I stand with the black community, and that I see those sometimes unintentional harms that are caused to that community and to other marginalised communities, such as the L.G.B.T.Q. (Lesbian, Gay, Bisexual, Transgender and Queer) community. But, as States Members, it is our responsibility to educate ourselves on minoritised groups and it is our responsibility not to cause that harm. We have to actively educate ourselves and actively take actions not to cause that harm. That is the higher standard of behaviour that we sign up to when we take on this role. Yes, those expectations are high, and they should be, so I am not going to remain a passive bystander, and if you look in our Code of Conduct there is a line in there which is about allyship and not being a passive bystander. We are all, and I think Deputy Renouf pointed this out, bound by that Code of Conduct to notice exploitative, abusive or harmful behaviour and unequal power dynamics where that is occurring, to call it out and to act accordingly. So, I will be complying with that Code of Conduct that I have signed up to and I will be maintaining those high standards today.

The Bailiff:

Does anyone else wish to speak on this proposition? If no one else wishes to speak I call upon the chair of P.P.C. to reply.

3.2.13 Deputy S.M. Ahier:

I thank Members for their contribution. I understand how difficult this debate has been for Members. Deputy Bailhache mentioned that suspension is a serious penalty. I believe it is, but of course Deputy Ozouf has committed a serious offence. Deputy Moore mentioned about the salary, which I believe has been clarified. As I understand it he has received his salary, apart from the previous 28-day suspension which was imposed by the Assembly. On the Commissioner for Standards front, I am unaware if the Commissioner for Standards has received any complaints to conduct an investigation, but that process takes a good deal of time and it would not be completed, if it was taking place, until after the end of this term. When we debated Deputy Ozouf's suspension in September 2025, in my summing up I spoke about the importance of us demonstrating to the public that we hold each other to high standards of behaviour. A single transgression damages the public trust, not just in an individual Member but also in the Assembly as a whole. This is an opportunity to signal to the public that we care about the reputation of this Assembly and we can be trusted to do what is right. I maintain the proposition and call for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I will now ask the Greffier to open the voting. If all Members ...

Deputy Sir P.M. Bailhache:

Sir, my voting button is not working I am afraid, but I obviously vote against.

The Bailiff:

So we will put you down as a contre. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. I can announce the proposition has been adopted:

POUR: 34	CONTRE: 5	ABSTAINED: 6
Connétable of St. Lawrence	Connétable of St. Helier	Connétable of Trinity
Connétable of St. Brelade	Deputy C.F. Labey	Deputy I.J. Gorst
Connétable of St. Martin	Deputy Sir P.M. Bailhache	Deputy K.L. Moore
Connétable of St. John	Deputy R.E. Binet	Deputy D.J. Warr
Connétable of Grouville	Deputy T.J.A. Binet	Deputy M.R. Scott
Connétable of St. Ouen		Deputy K.M. Wilson
Connétable of St. Mary		
Deputy G.P. Southern		
Deputy M. Tadier		
Deputy S.G. Luce		
Deputy L.M.C. Doublet		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy L.J. Farnham		
Deputy S.Y. Mézec		
Deputy T.A. Coles		
Deputy B.B. de S.V.M. Porée		
Deputy H.M. Miles		
Deputy J. Renouf		
Deputy C.D. Curtis		
Deputy L.V. Feltham		
Deputy H.L. Jeune		
Deputy M.E. Millar		
Deputy A. Howell		
Deputy M.R. Ferey		
Deputy R.S. Kovacs		
Deputy A.F. Curtis		
Deputy B. Ward		
Deputy L.K.F. Stephenson		

Deputy M.B. Andrews				
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The Bailiff:

The Greffier will preside over the next matter.

4. Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025)

The Greffier of the States (in the Chair:)

So the next item is the Draft Alcohol Licensing (Jersey) Law 202-, P.112/2025, which was lodged by the Minister for Sustainable Economic Development. The main respondent is the chair of the Economic and International Affairs Panel. The debate resumes in Second Reading, following the adoption of the principles on 22nd January 2026 and a referral to the Economic and International Affairs Scrutiny Panel. There are a number of amendments that have been lodged. There is a running order, and there are hard copies of the running order over here in the corner for anyone who is wishing one. There is someone on the desk so if people want to indicate they can be ... Can I just double check that that is them before you hand them out? Those are copies of the law as it would look like if the amendments were adopted. So we have got copies of the law but the running orders, Assistant Greffier, are on the desk there. So those who want them, if you could indicate so we all have a fighting chance of knowing the direction of travel. So, without further ado, Minister, how do you wish to propose the Articles?

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

I would like to propose the Articles in the Second Reading. I understood that we started with Deputy Bailhache's amendment first so I was not planning to speak at this juncture particularly other than to propose in the Second Reading and to move into the amendment debate.

The Greffier of the States (in the Chair:)

Very well. We will start with the amendment that was brought by Deputy Bailhache. But first and foremost, if I can ask the Greffier to read the proposition? It is a very long amendment. I wonder if Members would be willing to accept the amendment as read rather than requiring it to be read out in its entirety? I think that would be ... if that is acceptable?

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

Madame Chair, I thought that the procedure which the Deputy Greffier had outlined involved the Minister proposing ...

The Greffier of the States (in the Chair:)

I did invite the Minister to propose the Articles.

Deputy Sir P.M. Bailhache:

In Second Reading, following which the amendments will be dealt with.

The Greffier of the States (in the Chair:)

Well, I invited the Minister in the first instance to propose the Articles and you can make your speech now.

Deputy K.F. Morel:

Yes, I would like to propose the Articles in the Second Reading. There are a number of amendments. There is one from Deputy Curtis, one from Deputy Bailhache, one from myself. It is my intention to support Deputy Curtis's amendment, and obviously I will be supporting my own amendment. My amendment changes, if adopted, would remove the Alcohol and Gambling Commission from the law and would put the administration of the law under the Regulation Directorate, which is part of the

Environment and Planning Department. But I do not support Deputy Bailhache's amendment. My understanding of the running order is therefore, that I cannot propose as amended by mine or Deputy Curtis's amendment so we have to go through all the debates which is why. Otherwise I would propose it as amended by Deputy Curtis's and my own amendment but that is not possible. My understanding of the running order is we hear Deputy Bailhache's amendment, we vote on Deputy Bailhache's amendment. If his is passed then the next 2 amendments fall away. That will be mine, and then we would move just to Deputy Curtis's amendment, I think. If Deputy Bailhache's amendment is not supported by the Assembly, then we would move on to vote on my own amendment and Deputy Curtis's amendment. The important one to get through and the one which ... this is not in any disrespect to the amendment itself, but the one which stops us reading it as amended, from the bits that I personally support, is Deputy Bailhache's amendment so I do ask if we could move to Deputy Bailhache's amendment and I propose the Second Reading.

The Greffier of the States (in the Chair:)

Is the Assembly content to take the amendment as read or would you rather ...

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

I think we just second the ...

The Greffier of the States (in the Chair:)

Sorry. Is the Article seconded? **[Seconded]**

4.2 Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025): third amendment (P.112/2025 Amd.(3))

The Greffier of the States (in the Chair:)

Is the Assembly content to take the amendment as read? Thank you. Then I call upon Deputy Bailhache to speak.

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

This morning a document landed on my desk presented by the Economic and International Affairs Scrutiny Panel which I was surprised to see made a passing reference to my amendment, but otherwise did not deal with it at all, and nor did the panel's comments touch upon the quite lengthy response which the Licensing Assembly gave to the questions which had been posed by the Scrutiny Panel. I think that is disappointing. I think that it would have been more helpful to the Assembly had the panel dealt with both the amendments and their respective points of strength and weakness, but there we are. May I begin by asking rhetorically why we are proposing to dispose of the Licensing Assembly? I have heard no one say that it does not work, subject to the restrictions of the 1974 law, efficiently and fairly. Even the Minister I think concedes that. So why mend something, as was said on the last occasion, when it ain't broke? Or to use another metaphor, why throw the baby out with the bath water when the bath water is the 1974 law and the baby is the Licensing Assembly, which at present is alive and flourishing? The Licensing Assembly is not arguing that it should maintain its functions, but it has expressed its willingness to continue to serve the public and any suggestion that it is unwilling is mistaken. The Assembly is not the Royal Court. It is true that it is composed of judges of the Royal Court but it is a separate body with a different and discrete function. The States Employment Board is composed of Members of the States, but it is a separate body with a different function from the States Assembly. The broad purpose of this amendment is to maintain the function of the Licensing Assembly as the body which determines liquor licensing applications. In broad terms, however, it adopts the principal changes sought by the Minister so that the Minister, with input from the alcohol policy group and the States Assembly, will settle the policy guidance under which the Licensing Assembly will operate.

[11:00]

There has never been any question that the Licensing Assembly was willing to accept such guidance. As long ago as 10th May 2022 the Bailiff, Mr. Le Cocq as he then was, stated, and I quote: “The Licensing Assembly is entirely mindful of the resolution of the States Assembly that it would take over policy, and we would wish that to be the case and have no difficulty with it.” But until now, in fact even now, there is a vacuum. There is no policy guidance. The problem of inequities in licence fees can be addressed by the Minister who has the power to set fees by order under this amendment. The problem of infrequent sittings of the Licensing Assembly has been addressed by constituting it with a president and 2 jurats, imposing an obligation to sit at least once a month and empowering it to sit on other occasions too. The Minister’s amendment proposes that the functions of the Assembly should be taken over by the Regulation Directorate, which sounds a grand body but is defined as being a civil servant; the chief officer, or equivalent, of the part of the department responsible for the regulating of the sale of alcohol. The States therefore have a choice between these 2 amendments. The functions can be fulfilled by the Licensing Assembly as at present or by a civil servant. There are 3 principal reasons for preferring the Assembly to a civil servant. The first is that the Assembly is composed of judges, both lay and professional, who are experienced in reaching difficult decisions, balancing competing interests and reaching fair judgments on controversial issues. Let there be no doubt that some issues are controversial issues. When, for example, an applicant wants to establish a nightclub in an area where people live it is controversial. The main task of civil servants in the Minister’s department is to boost the economy. That is different from deciding an application where the economic interests of the applicant are only one of the factors to be considered in making the decision. While I am sure that the relevant civil servant would be competent, he or she would not have the experience of the jurats, nor, I suspect, would there be the same level of public confidence that an impartial decision had been reached. Secondly, the Assembly sits in public. Its processes are transparent. There is no suggestion that the Regulation Directorate would conduct a public hearing. Before the Assembly, applicants have a right to make their case openly and objectors have the right to be heard; a decision is given in public with reasons. A process by a civil servant behind closed doors would utterly lack that transparency and obvious impartiality. It might be fair, but it would lack the appearance of fairness. A single civil servant deciding on the papers is quite different from a body of 3 judges deciding in public. I am sure the Minister would not allow himself to be lobbied on an application but the civil servant might, nonetheless, well be influenced by what he perceived to be the Minister’s wishes. Thirdly, there is the question of cost. The jurats are not paid. The Minister’s amendment states that there are no new financial or staffing implications from his proposal but I must say that seems highly unlikely and probably reveals a misunderstanding of what the Directorate will have to do. It is said that the Directorate already manages the administration of the law, but dealing with the grant or refusal of applications is an entirely different function. The Minister describes the change in his report as, and I quote: “Vesting the oversight of alcohol licences in the Directorate.” But it is not just oversight. It is much more than that. The Directorate will need to ensure that all necessary reports are available and to study them. It will need to consider whether to attend the Parish Assembly and whether to speak. It will need to consider the outcome of the Parish Assembly and weigh that in the balance. It will need to consider any objections that may have been made. It will need to think about the alcohol policy framework and apply that. It will need to think about the nature of the business and the suitability of the premises for that kind of business. It will need to think about the public interest and where that lies. All that for the Directorate is entirely new. It is not done by the Directorate now. I would be astonished if there were no resource implications. The Licensing Assembly indeed has estimated to the Scrutiny Panel that 3 extra staff would be required by the Directorate. Finally, will the same civil servant deal with all aspects of the process? It seems from the Scrutiny Panel report that the answer to that is no. If so, can we be sure that the ultimate decision-maker takes all the relevant considerations into account when other officials have dealt with other issues. None of those problems arise if the Licensing Assembly is retained. What we would be doing is to convert what is a transparent quasi-judicial process into an administrative one performed, essentially, behind closed doors. We are giving a significant new power to an already

very powerful Civil Service. I do not think that that is in the public interest. There has been no public consultation on this aspect of the proposed change. If people knew about it, for my part, I do not think they would be very happy. The Minister does make a valid point about streamlining and integrating the alcohol licensing administration with food safety, hygiene and consumer protection, but that has little to do, it seems to me, with the process for granting liquor licences. It can be done, even if the Assembly remains the licence granting body. There are 3 other points perhaps worth mentioning. The first one is that the proposed Article 3 gives the Licensing Assembly power to delegate any of its functions, other than the determination of licensing applications and the suspension or revocation of a licence, to the Constable. This is obviously for further consideration, but it is a matter that was discussed with the Comité des Connétables and it seems to be that one of the functions that might be delegated to the Constable might be the registration of managers. There may be other functions too which could usefully be delegated to the Parishes. Article 11, secondly, deals with the division of fees, and although in discussion with the Comité des Connétables there was an expression of the wish that the fees should go exclusively to the Constables, it seemed to me on reflection that it was better and more administratively convenient that the Minister should set the fees but that he should be given a discretion. Indeed the law encourages him to exercise that discretion, by sharing the fee income with the Parishes. Thirdly, the provisions for civil financial penalties have been deleted. The Licensing Assembly has the power to impose fines, and that is perfectly sufficient. Finally, I would say that the Licensing Assembly has exercised its function successfully for hundreds of years. It has shown itself to be competent, independent and impartial. No substantial case has been made to replace it. The baby should not be thrown out with the bath water. The only part of the Minister's amendment which I would have accepted, had I been able to do so, is that part concerning the alcohol policy framework. I agree that it should be put into law but, unfortunately, the Minister included that in his proposals only after I had lodged my amendment. However, it would be a simple matter to bring a further amendment in due course, and I ask Members therefore to support this amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] I then open the debate. I have the Connétable of St. Helier as the first speaker.

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

I am pleased to support Deputy Bailhache's amendment to the law. It is good that the Minister has replaced the somewhat illogical choice of gambling control. I mean no disrespect to the good people who work for it, but I think it always struck many of us as quite illogical to give licensing over to gambling control. I am pleased he has replaced it, but is it any different to give the important task - again I mean no disrespect to the persons who may do this job - to a faceless bureaucrat? Deputy Bailhache, in his very good opening speech, I think made it quite clear that there is not much protection and zero accountability involved in the proposed transfer of this responsibility. I suspect that there are 2 driving forces behind Members who wish to oppose Deputy Bailhache's amendment. The first one is ideological. There are Members who would like to see the role of the Bailiff and the judiciary with regard to political life in Jersey diminished, and for those people I have some sympathy. Members may remember that I, myself, suggested that we could replace the President of the Assembly with an elected Member, and it is personally a belief which I still hold. That does not lead me to feel that the Licensing Bench should be replaced by a faceless bureaucrat. I think the other reason, not ideological but more pragmatic, is that there are Members, perhaps particularly in the Council of Ministers, who want to spare the blushes of the Minister for Sustainable Economic Development and give support to his amendment. I think that will be a shame because this is an extremely important matter. I have stood in the Licensing Bench probably more than anyone in this Assembly - except perhaps the mover of the amendment who, of course, would have chaired it many years ago - but I have not counted up the number of times. I was in the Licensing Bench only a week

or so ago hearing an extra application which had been brought to the Parish Assembly and then on to the Licensing Bench. I was struck, as I stood to give the Parish comments, that the system really is very effective.

[11:15]

As Deputy Bailhache said, it is held in public, it is held before learned jurats drawn from many walks of life; it allows the public to be there to speak for or against the application. It gives the applicant the chance to be seen and to meet the people who are going to be approving hopefully - and most of them are approved - their application. It is no accident, I suppose, that where the Connétables sit in the Royal Court for the Licensing Bench is but a few inches away from where people stand in the dock when they are in trouble. Of course, people can be in the dock quite frequently because they are in trouble with alcohol. We know that we have a real problem as an Island with alcohol abuse, and it has many effects. Most importantly, I suppose, is we know that it is very important in domestic abuse, where the abuse of alcohol is frequently adduced as a reason. It is also - and again very regretfully - often responsible in part for anti-social behaviour and, even worse, crimes of violence and assault, particularly, though not exclusively, in St. Helier. There is something rather appropriate, I feel, when I stand in the Licensing Bench and I give the support of the Parish, which has been communicated through the Parish Assembly, and often by other communication to the Constable, and I support that because it is a judicial process. Everybody knows in the Royal Court that if you get it wrong, it is a serious matter, and you could wind up in the dock. There have been a number of applications - not many thankfully - but there have been a number of times when the judiciary has had to take away licences from establishments where the rules have been broken, and representations have been brought by Crown officers to suggest that a sanction should be placed on a particular establishment. I am obviously not going to name names, but Members may be aware of some of these offenders. It is a very powerful reason why landlords and holders of licences really do take it seriously. Because they know that at the end of the day if they get it wrong, and if they continue to get it wrong, then there will be a representation in the Royal Court that will deprive them of their licence. So I believe, with the proposer of the amendment, that the system we have at the moment works really well. It protects the applicant and it protects the public. Although I will not lose any sleep if Deputy Bailhache's amendment is lost, because there is still time for the next Assembly, I believe, to revisit this whole matter and it probably should, I may lose sleep literally because as a St. Helier resident I live on one of the streets frequented by people who are sometimes staggering home from licensed premises, having had too much to drink, having had too much noise, and they are bellowing into their phones or bellowing at each other. I do, as all residents of St. Helier do and other outlying Parishes, suffer from the consequences of when people get licensing wrong. I would urge Members to keep the system that we have because it does bring gravitas; it brings necessary sanctions to the very important and responsible task of holding an alcohol licence.

4.2.3 Deputy K.F. Morel:

I thank Deputy Bailhache for his amendment and the Connétable for his speech. It will come as no surprise that I will not be supporting Deputy Bailhache's amendment. I am going to start speaking by asking a really simple question of the Assembly: why is alcohol licensing, the licensing of restaurants, the licensing of bars, the licensing of hotels, a judicial process? Why is it the preserve of the judiciary? It seems a very odd thing. The judiciary is there to interpret laws, it is there to resolve conflicts, to protect rights and, importantly, the judiciary is there to check the other branches of Government. It is not there to do licence applications; never really has been. What we have, as Deputy Bailhache said, is hundreds of years of the Licensing Assembly, is hundreds of years of the judiciary ruling Jersey. That is something which, over the past century, Jersey has moved to move away from, to become more democratic, and to ensure that the judiciary sits in the appropriate judicial lane where it will be interpreting laws, resolving conflicts, protecting rights and checking other branches, but not opining upon licence applications, which effectively are just business licence

applications. What the judiciary is there to do is, when there is a dispute over the application of a licence, or the award of a licence, or the non-award of a licence, it is perfectly positioned to opine upon whether that licence decision was the correct licence decision. That is the role for the judiciary; we see that throughout. A planning application, if the applicant is not happy with a decision, where does that ultimately end up? It ends up in front of the judiciary to decide whether the applicant was right or the Government was right, and it is exactly the same with this process here. The process that I have put forward in my amendment has the Regulation Directorate of Government applying a process and making application choices according to Government policy, which is the entire purpose of the Civil Service. It is there to apply Government policy and, with that Government policy, award or does not award a licence. Should there be a dispute, then my amendment clearly states that the Licensing Assembly is perfectly positioned to decide that dispute, whether the Regulation Directorate got it right or whether the Regulation Directorate got it wrong. The amendment I proposed really does put everyone in their right lane. So I will ask, is it normal for the judiciary to award licences? That is really where we are today. I will speak of course to Deputy Bailhache's amendment itself. Of course, I understand that he has tried to retain the majority of the draft law that I proposed, and he is trying to preserve the role of the Licensing Assembly, but I do not believe it is desirable, and I ask Members to look at my comments paper to see further as to why. First and foremost, this amendment, Deputy Bailhache's amendment, would return us to the current position, as I have said, where licensing decisions are made by the Bailiff and jurats. Is that a normal thing for the Bailiff and jurats to be doing? This obviously takes time, court time, but it has a much more significant impact on appeals because the Bailiff and jurats otherwise comprise the highest court in the land; that means decisions are effectively sent straight to the top. At the moment, the Licensing Assembly decides an application; if there is an appeal on that it goes straight to the Royal Court. That in itself is difficult and extremely costly. Parish or emergency services who disagree with decisions of the Licensing Assembly have only one recourse and that is, namely, to go to the Royal Court. Of course, the Royal Court is comprised of the Bailiff and jurats. Members of the industry have described this to me as the courts marking their own homework, and explained that this is a huge perceived barrier to applicants being able to find a trusted independent appeal process. It should also be clear that an apparent absence of appeals is not evidence of a process performing well. We heard Deputy Bailhache talk about "if the system ain't broke, don't fix it". I think that is the perspective from those who sit perhaps on the Licensing Assembly; it is not perhaps the perspective of those who apply to that Assembly. It could just as easily reflect the fact that there have been very few, if any, appeals. It could just as easily reflect the fact that applicants wish to avoid what Albert Einstein called the "definition of insanity", which is to repeat the same process over and over again but expect different results. Of course, that is the situation we have at the moment. When you go from the Licensing Assembly to the Royal Court, you are expecting a different result from the same system. If people do not believe that they are going to get a fair hearing or that the court is unlikely to change its mind, why would they incur the significant costs associated with taking a case to a judicial review in the Royal Court? Under my amendment, the independence of the court will be preserved so that it can act as a trusted and independent arbiter of appeals and judge whether the Regulation Directorate and Parish Assemblies have come to the right decision. There is another issue that I have with Deputy Bailhache's amendment. Again, this speaks to democracy and the roles of the judiciary and the democratic process. We have seen time and again the Licensing Assembly award itself new powers, powers which have never been agreed by this States Assembly. I think this is something that States Members should really focus on and think about. These new powers that the Licensing Assembly has awarded itself are based on the Licensing Assembly's judgment that it possesses an "inherent jurisdiction". That is a quote from their own judgment. As an example of this, a 2013 case brought before the Licensing Assembly found against the licensee. The then Solicitor General invited the Licensing Assembly to make an award of costs. When the defence advocate pointed out that the Licensing Assembly was not a court of law, and that in the absence of legislation passed by the States, the Assembly did not have the right to claim costs, the Licensing Assembly responded with this: "For

the avoidance of doubt, we reject the advocate's submission. The Assembly of the Bailiff, Governor and jurats, which is the Assembly conferred licensing powers under the law, is an Assembly which is centuries old. At one stage it clearly had executive and legislative powers. We are entirely satisfied that this Assembly has an inherent jurisdiction to make an award of costs." The Assembly there was basically saying: "Because we once were the executive, we can do whatever we wish with regard to our powers." Indeed, 2 years' later, 2015, the Licensing Assembly went further and decided that it exercises an inherent jurisdiction to regulate its own procedure, which in this case allowed it to levy a civil financial penalty, despite there being no such ability set out in the 1974 law. I do not wish to in any way suggest that the Licensing Assembly made the wrong decision in those judgments. It may well be that, thanks to its inherent jurisdiction, the Licensing Assembly was able to circumvent an omission with the 1974 law, but it cannot be escaped that the Licensing Assembly has fashioned for itself powers which are not set out in the current law and established precedents where previously there were none. That is not a transparent process, that is a faceless process that makes up its own rules as it goes along. This is not the way that regulation should work. We in this Assembly are elected by Islanders to debate, scrutinise and approve laws. We are meant to set the guardrails within which industries are regulated and say what powers can and cannot be used in our name. There is no other regulator, be it the Competition Authority, the J.F.S.C. (Jersey Financial Services Commission), the Gambling Commission, the Regulation Directorate itself, who has the authority to change the powers that they possess. That is for good reason because that is not good governance. These are people's livelihoods that are being regulated, people's jobs and their investments. When operating in this sector, businesses should be able to trust in the rules and to trust that if there is a disagreement between them and the regulator, then they can appeal to an independent higher authority and get a fair hearing. That is exactly what my amendment does. That is not possible under Deputy Bailhache's amendment. Contrary to Deputy Bailhache's belief that there is clear accountability in his amendment, the Licensing Assembly is not a transparent body, and that has been proven. There is clear accountability in a process that my amendment speaks of, because every decision made has to give written reasons, and those reasons have to be presented publicly, and they will be presented publicly and they will provide grounds. If the applicant sees that there are grounds for appeal, they will provide grounds for those appeals. I do hope that States Members choose the democratic route and ensure that the judiciary does its job well, which will be to hear appeals of the Regulation Directorate's decisions. That is absolutely the perfect place for the Licensing Assembly to be: hearing those appeals. I ask that Members support my amendment and therefore do not support Deputy Bailhache's amendment.

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

I had not intended to speak but there have been comments made about officers in the Regulation Directorate. which are not ones that I am familiar with. Comments like "faceless bureaucrats" do no credit to the people that say that.

[11:30]

I will just point this out to Members, that 4 officers within the Regulation Directorate have legal degrees and 7 officers have qualifications in environmental health degrees. In the U.K., having an environmental health degree is necessary to determine alcohol licensing. In the U.K., licensing officers within local councils issue alcohol licences routinely, and also that is the case in other jurisdictions such as New Zealand, for example. It is a normal Civil Service function for officers with qualifications in environmental health. Most councils will also, as the Minister has pointed out, have a political licensing committee which would hear appeals against those civil servants' decisions, similar to a planning committee would do with planning decisions. Of course, as the Minister has also said, there is the ultimate appeal to the Royal Court. I just offer those thoughts.

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

I just wanted to add to the Minister's comments, and indeed the bringer of this proposition's comments, about separation of powers, but, more than that, this advocacy of the Licensing Assembly being appropriate because of transparency and principles of justice. Nevertheless, it is not an executive function, it is a judicial function. I think what is being missed here is an element of which transparency does not necessarily produce justice alone. It is something that I have had to explore in the context of the States of Jersey Complaints Panel. Transparency itself is not really what is relevant. You have got things like investigatory powers. What is the standard of investigation when it comes to granting licences? What are the actual rules? It would be quite appropriate to be following policy. When we discuss things like, as the Constable of St. Helier mentioned, the need, the relevance in terms of alcohol licensing in terms of public order, one might well be saying why might not some body set up by the Minister for Justice and Home Affairs be relevant then? I do believe that the report accompanying the proposition does explain why the Regulation Directorate is appropriate here. Indeed, it is appropriate because it already has a role in administering alcohol licensing. It is appropriate because it can follow policy rules, which indeed are being covered by this alcohol policy group, which does include people like the Chief of Police who do have a public order role, so it all makes sense to me. On that basis, I agree, talking about faceless bureaucrats, that is not the point. The point is: are they following clear rules that people understand, that are consistent and, indeed, for which there can be an element of democratic accountability? The last thing I think I will say, in the actual context of how you administer justice, is that nevertheless - and again I think this is a positive - the Licensing Assembly is there for when people have concerns that rules have not been followed. At that point there can be a transparent review. I understand why this has got the support of people in the hospitality industry, and I certainly will be voting against the Deputy's amendment for these reasons.

4.2.6 Deputy M. Tadier of St. Brelade:

I rise to address one point that was raised by Deputy Bailhache in his proposal, his opening speech, saying that the court holds its hearings in public, so the Licensing Assembly's deliberations take place in public, and the Regulation Directorate will not be making their considerations in public. I think what we do need to remember in all of this is that there is still an opportunity which the Minister has been at pains to maintain in this new law, which was not necessarily his initial thought, which is the requirement for Parish Assemblies to be held in each Parish for new applications and changes to licensing. I think that is the point at which the discussions, and certainly the consultation with parishioners, does take place. This is still a very old tradition, it is also a democratic safeguard, I think, and one which arguably the Minister could have removed. He could have seen this as red tape. He could have thought a lot of these licensing applications are just routine, they should be paper-based. I think there is that opportunity for part of the process which, as I have said, is not reflected in other areas of business who still have that, and that will be represented to the Regulation Directorate. We did, of course, consult widely on this. When we spoke to the Regulation Directorate I think we were quite impressed by their capacity to be able to carry out this work. We were also reassured that there is both an open consultation process above the Parish Assembly; members of the public can also write in. I would expect that those comments would be public, certainly, if people submitting them wish to be. Also, the Regulation Directorate have assured us that they will be publishing their judgments as well, so to speak - if we can call them judgments; they will not be called that - but their decisions will be published so that there is a transparency to know why a decision was upheld or why it was not. Similarly, I think they said they would publish if their decisions went against the findings of a Parish Assembly. The reason I am rising to stand is to say that on balance ... and I did take on board Deputy Bailhache's comments earlier that he was surprised we had not issued comments on his amendment or the other amendments. I would simply say 2 things on that. The first thing is that we did not feel that we were in a position really to scrutinise Back-Bench amendments. Our prime role, I think, especially given the current workload, is to scrutinise proposals coming forward by the Minister. But I think that our comments, in an axiomatic

way, did address what we thought about Deputy Bailhache's amendment, because we are supporting ultimately what the Minister is putting forward with a small, minor amendment of our own. Having balanced the evidence, we think that the Minister's proposal is much preferable to effectively keeping it the same. So I think that should be taken as read, by reading between the lines, that we do not support what is being proposed by Deputy Bailhache. We do think it was worth though having the debate on it so that the points could be put on record. I would simply also add too an exchange that we had with the Jersey Hospitality Association, which is in our report. We asked the question about whether it was a good use of the Royal Court's time to sit effectively as a licensing authority. Sorry, I am reading the wrong thing there; that is not what was said at all. I am reading the wrong one. Here it is. Essentially, can what you want be achieved through Deputy Bailhache's amendment, leaving it with the Licensing Bench, was the question I asked the chair. He said: "I think we touched on it earlier. The jurats and the Bailiff, simply our understanding from them is that they do not have the time to be administering an application process about alcohol licences." That is probably a point of dispute; I think they may well have the time. I think the real underlying point that he goes on to say here is that they could be sat there doing other things if they were not there. He said: "I think the industry's opinion is that the highest court in the land", that is his comment, "should not be, in the first instance, a regulator. It should be there", so the jurats should be there, "where you go for an appeal at the last stage, and where you go if you violate alcohol licensing law. It is not where you begin, it is where you should end. There is a huge concern that if it starts there, that there is no appeal process." Again, we heard the evidence to suggest that the reason there is a lack of appeals - and I do not know if there have ever been any meaningful appeals that have been processed through - we were told that there is no point in appealing again. The quote is: "You can appeal them but you are appealing to the same people." There is certainly this perception in the industry. It is not that they are saying that the Licensing Bench does a bad job currently, they are saying that this does not look like a modern system, that the Licensing Bench can still exist, but it should be the appeals body, not the starting process, and that they are also mindful that they and their colleagues may have to appear before the court if they are in violation of any alcohol licensing that results in any criminal investigation. I think what we are saying here is that, yes, it may be difficult, I think for some, to move away from that sense of tradition, but what the Minister is proposing is ultimately better. This amendment here - I know that the Deputy has had to propose it in this way - normally, a proposition or an amendment is not in order if it negates another proposition. I think the way that this has been drafted, this was clearly necessary for Deputy Bailhache to bring it in this way. Effectively what we have got here is a binary choice: do we go with what the Minister is proposing or do we keep what we have now and go with what Deputy Bailhache is proposing? Certainly, the findings of our panel were that we will not be supporting what Deputy Bailhache is proposing.

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

As Deputy Bailhache said in his opening address, he submitted his amendment before the Minister submitted his fourth amendment. I have to say at the time, I had a great deal of sympathy with Deputy Bailhache's amendment. As I have mentioned before in this Assembly, I had the doubtful privilege of being on the Economic Scrutiny Panel back in 2018 where the Minister of the day made certain proposals. It does sadden me to find out that, had the Scrutiny Panel's suggestions then been taken on board, and had the Council of Ministers not withdrawn their own proposition so our amendments could not therefore be considered, we would largely have much of what Deputy Bailhache wants already in place. During the course of our Scrutiny investigation and research, we had before us the Bailiff of the day and jurats. I do not think I am breaching any confidences by saying that they were happy with the present situation. They were happy to sit more regularly, if required. The main concern they had, or their defence to the main objection they had, was that they had no guidance to determine what was in the public interest, that they had sought guidance, that they wished to have guidance. The Scrutiny's representations very much sought to put in place the policy framework and guidance to be addressed by the Assembly. If that had been put in place, we would have, I suggest,

crossed the moat whereby executive decisions were in the Assembly because the Licensing Bench of the day, although made up of judiciary, would have had to have regard to that guidance. It seems to me we have lost 10 years by delaying that process. At that juncture, I very much was in support of Deputy Bailhache's amendment. Moving on, the Minister has lodged his fourth amendment, replacing the suggestion that we have the Gambling Commission in place, and that is certainly more attractive. In many ways, the 2 are not that far apart, that they both will end up with having policy framework guidance determined by the Assembly, and it is certainly said either is a great improvement. I was co-opted on to the Scrutiny Panel late in the day on this. I do not counter anything that Deputy Tadier has said. I think to my way of thinking, the 2 aspects which made the regulatory board a more favourable option were these: one, that in the fullness of time they can bring together more administrative decisions and it will be easier administratively to carry those out.

[11:45]

Secondly, and it is an aspect which I would like Deputy Bailhache to address in his summing up, the right of appeal. During the course of our hearings, the Connétable of St. Helier told us that in his 25 years as Constable he could not recall an appeal ever having been made. The question is, was no appeal made because the applicant felt there was no purpose in appealing it, or were they satisfied with the actual judgment? The question I really have for Deputy Bailhache is, could he please advise, if there was an appeal, how can we be satisfied that that would be a different body and a different set of minds judging the facts as put before them? On balance, I stay with the Scrutiny Panel's recommendation that the regulatory route is a better option. If the Gambling Commission one had been the only one, I would have very much been in favour of Deputy Bailhache's amendment, so I wait to hear what Deputy Bailhache has to say.

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

I will not be supporting the amendment put forward by Deputy Bailhache, and I would urge Members to back the Minister's amendment instead. We saw during the debate on the principles that Members agreed that we needed to replace the current Licensing Law by a margin of 40 to one. However, as we have just heard from my colleague from St. Mary, many Members, myself included, did have concerns about the choice of the Gambling Commission. I would therefore like to thank the Minister for bringing forward his amendment, which has clearly taken on board the feedback we gave during the debate on the principles and which offers a very simple solution, which is to use the Regulation Directorate to determine applications. As the Minister has already said, this is the same Directorate who already administer the law today. They already have the licensing information on all existing licence holders and already manage the application process. The regulation team are also the team behind so many of the other laws which businesses need to comply with, like food safety, hygiene and consumer protection. There is a real opportunity here to cut red tape across the board and to merge the applications for these pieces of legislation and to merge any associated fees so that businesses apply once, pay once and have a single point of contact when they are setting up. Both the Minister for the Environment and the chief officer of the Directorate have assured Ministers that no additional resource is required and there is the potential to achieve efficiencies within her department. We have just heard about appeals from the Constable of St. Mary. Reading the Minister's comments to Deputy Bailhache's amendment, I can clearly see why keeping the Bailiff and the jurats out of the initial application process is so important. I think it is wrong that we currently have a situation whereby a licensee's only route of appeal is to go back to the very same body of people who made that judgment in the first place, and to effectively ask the court to mark its own homework. This is not how we deal with any other part of life, and the Minister gave the example of planning. When decisions are challenged, they are heard by a different body and not the same body that made the initial decision. This is really important for fairness and for consistency so that Islanders are able to trust in the process and know that they will get a fair hearing. The Minister's amendment clearly ensures this by separating the decision-making process from the appeals process

and establishes the Royal Court's role as the appeals body, which is exactly what it should be. I am also conscious that this new law involves more flexibility for Parishes and the licensees to tailor licences to the specific context in which they operate. This is a good thing but it will mean more involvement in the early application phase to design the licence conditions. I do not think we can impose this on the Royal Court to ask them to sit down with every licensee and work up an agreed licence that meets the needs of their neighbours and the business. This role is much better performed by Parishes themselves and by the Regulation Directorate. I would also like to speak about accountability of this Assembly, something that I know the Minister has been keen to ensure throughout this process, that alcohol policy should in future be designed and approved by States Members and not by the court. I completely agree with this. I also think it is important that the powers used to enforce alcohol licensing are carefully scrutinised and overseen by this Assembly as the people's democratic representatives. When we debated the principles of this law, I heard Deputy Alex Curtis voice his concerns over the inclusion of civil financial penalties within the draft law. I agree with the points Deputy Curtis made, and so I am pleased to see the Minister has taken them out via this amendment. I am very concerned to hear that the Licensing Assembly has already used this power to issue fines in the past, despite there being no reference in the current law allowing it to do so. The Minister's comments paper to Deputy Bailhache's amendment has pointed to previous cases where the Licensing Assembly has decided that it has what it calls an "inherent jurisdiction" to govern its own procedures. This may well have been convenient at the time, and perhaps the cases heard by the Licensing Bench were so serious that they merited fines. It is a very bad precedent to set and it is not one that I think is compatible with a modern law. My colleague, the Connétable of St. Helier, spoke about the public's ability to attend court. As Deputy Tadier rightly said, the proposed changes will still allow the public to attend Parish Assemblies and comment if they wish. I am surprised by the Connétable of St. Helier's change of view. His Parish has spent what I believe to be a considerable amount of money on external consultants with a view to changing the very process that he now seeks to protect. In closing, I would ask Members to consider how they would react if we were approaching the choice between Deputy Bailhache's amendment and the Minister's amendment from first principles. If we were starting afresh and offered 2 choices for how to regulate alcohol, would we choose (a) on the one hand to involve our judiciary in every aspect of the process, taking up valuable court time, allowing them to extend their powers without asking the States Assembly's permission to do so, and in the process denying applicants the opportunity for a fair appeals process? Or (b) would we use a Regulatory Directorate that we already trust to regulate most other aspects of a business, that already works with all licences and the Parishes, and that can take on this work without any extra cost, particularly if doing so meant we could create a fair appeals process, ensure democratic oversight and take the opportunity to cut out some more red tape by merging processes? I know which option I would choose and I will therefore be voting against Deputy Bailhache's amendment and supporting the Minister.

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

I appreciate very much the Minister for updating the Alcohol Law and for listening to our views of the last Assembly about the Gambling Commission. He and I both attended a Licensing Assembly in St. Lawrence recently. It went on for quite some time, it was quite contentious, and the vote was close. Parishioners there were pleased that they could attend the Licensing Bench in the Royal Court and have a further say. They did feel that they had been listened to but they still wanted to say more. We have a very good system, I believe, as the Licensing Bench at the moment. I spoke to a jurat yesterday; they are happy to carry on. I think it is a good process and I would like it to continue, perhaps with 2 jurats rather than 5, and perhaps just meeting monthly rather than quarterly, so that that is fair. It is a good system, it is not broken. Jersey is Jersey, let us embrace that. Let us be different. Let us not go down these Regulation Directorate routes. I am going to be supporting Deputy Bailhache's amendment.

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

I stand to speak in support of Deputy Bailhache's proposal to retain administration of licensing with the Licensing Bench as at present and not moving it to the Regulation Directorate. I have had many years of experience of licence applications, Parish Assemblies to discuss them, and attendance at the Licensing Bench where I have contributed towards the discussion. I am supportive of proposals to reduce the number of categories in the Licensing Law, as it is clear there is much crossing over with the existing regime as dictated by modern requirements. I am also cognisant that the hospitality industry would prefer there to be no regulation whatsoever. While we have an obligation to support all industries in the Island, we also have an obligation to protect the general public from the effects of excess alcohol consumption by others. We have to deal with the outcome of that with our policing role in the Parishes. I do look forward to seeing an alcohol policy coming forward, and I would rather have hoped that this policy would have appeared before us prior to this debate. A balance has to be struck with regards to the reduction of licence categories so I can, as I said before, support that element. The role of managing taverners goes back for us Constables to the 1771 Code, so I can assure Members that we have an idea what we are talking about but, notwithstanding that, we do need to evolve, and I would not argue that point. I am more confident in the retention as a Licensing Bench for several reasons. I do really believe that it is important to have a check on Parish Assemblies, as while democratic in theory, they can be unduly influenced disproportionately by an applicant. I do recall a situation before my time in office, probably some 30 years ago, whereby a Parish Assembly vote was significantly swung by the promise of a drink in a nearby bar in exchange for a vote. I was made aware that that bar in question took an additional £700 that night over their normal take. On that occasion, I have to say, the application was for a provisional licence; it was passed and has proved to be a successful business ever since. Another reason for the retention of the Licensing Bench is that it adds *gravitas* to what is an important role in our society. The operation of licensed premises should not be allowed to get belittled. An examination of applications not only enables those members of the public who have spoken at the Parish Assembly at the risk of emphasising what others have said, it also allows them to emphasise their views, but also receive further consideration by the Licensing Bench who are - as has been referred to by others - used to making balanced judgments as necessary. The Minister's proposals shift the existing process from the Licensing Bench to the Regulation Directorate. While I have the greatest respect for those working in that area, I do not believe a civil servant in Union Street will command the same respect as that of the Licensing Bench. Should we be following a U.K. example which has the whiff of making the process glutenous, which is certainly not the case at present where we have a very flexible Licensing Bench, but we do have experience of planning appeals which quite often are. There will be no opportunity for members of the public to meet this authority and I believe that will be regrettable. Face-to-face dialogue is so important and must not be overlooked. Yes, they all can email, yes, they can write, but people do like to explain their view in person. As has been mentioned before, I am not aware of an appeal against a Licensing Bench decision, so I do not believe the Minister's proposals which state a reason for the removal of the Bench from the process are justified. My experience is that the Bench deal with any issues before it gets to the point of the Assembly, and that has to be the right way to proceed. There is the question, which we have not explored, of licensed premises managers, and this just has not been considered in the latest proposals. Applicants are presently interviewed by the Constable who effectively checks their credentials and they are sworn into the role by the Samedi Division of the Royal Court. Now my understanding is that that process will remain. I think it is an area that probably should be reviewed in the whole process of looking at this law. I do feel the proposals are being rushed in an unseemly way pre-election, and would prefer to retain a degree of the *status quo* before proceeding with the proposed administrative changes which may have subsequent consequences which we have not considered. For those reasons, and the fact that there are too many loose ends, I cannot support the Minister's proposals, and will be voting for those put forward by Deputy Bailhache, as they satisfy the hospitality needs in the short term and leave the administrative structure in place without destabilising the process of issuing alcohol licences.

[12:00]

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If no other Member wishes to speak, I close the debate, and I call upon Deputy Bailhache to reply.

4.2.11 Deputy Sir P.M. Bailhache:

I thank all Members who have participated in this debate. The Minister opened by asking why should it be a judicial process. Rather naughtily I wondered if the judiciary was still ruling Jersey, but the Assembly of Governor, Bailiff and jurats has not ruled Jersey for at least 500 years; indeed, not since this Assembly came into existence. The reason why it is, or should be, a judicial process is that intoxicating liquor has always caused problems in society. Many of those in H.M. (His Majesty's) Prison are there because of excessive consumption of alcohol. It is important to hold the scales between the legitimate enjoyment of alcohol in pubs and restaurants, on the one hand, and the abuse of alcohol on the other. Holding those scales is a judicial function in many places. I am afraid I am not sufficiently up to date, but it certainly was the case in England where J.P.s (Justices of the Peace) exercised licensing functions, J.P.s being the equivalent of jurats. The Minister's comments paper, to which a number of Members have referred, makes several surprising observations, some of which were echoed by the Constable of St. John. First it suggests that judicial review of the Licensing Assembly's decisions is the court marking its own homework. That comment seems to me spectacularly to misunderstand the nature of the judicial process. Judges are independent. They constantly sit in judgment over the actions of other judges. What happens when a criminal appeal goes from the inferior number of the Royal Court to the superior number? You have a judge and a larger number of jurats deciding whether the lower court has gone wrong. That is not marking your own homework, it is an independent review of the first decision. Secondly, the Minister states that the Directorate would still be required to administer the law. Well, indeed, that is what happens now. The Assembly would make the decisions but the preparatory work would be done by the Directorate, as now. The paper states: "The alternative would be to incur very significant costs in setting up an entirely new process." I simply do not understand that statement which seems to me to be quite wrong. My amendment sets up no new process, it is the Minister's amendment which sets up the new process. Finally, the Minister suggests that the Assembly, in occasionally imposing a fine, is somehow usurping the functions of the States Assembly, a notion that was again echoed by the Constable of St. John. The Licensing Assembly is indeed a customary law entity which is entitled to fix its own procedure. It does not often impose fines but sometimes it is appropriate. In 2017, Jersey Bowl was referred to the Assembly by the Attorney General for disregarding provisions of the law by selling alcohol after hours, permitting the public to be on the premises after hours, and allowing drunkenness on licensed premises. The Assembly could have suspended or revoked the licence but it did not wish to do so because Jersey Bowl was, generally speaking, a well-run business. More importantly, the public would have suffered if the business had had to close, so a fine of £25,000 was imposed, and what was wrong with that? If the States wish to limit the powers of the Licensing Assembly by, for example, setting a maximum fine, the States can do that. Under my amendment indeed, the States would subject the Assembly to control by imposing policy guidance. The Assembly exercised a lawful power in imposing a fine and certainly did not usurp the functions of the States. The Minister concludes by suggesting that he wants "to ensure that alcohol licensing remains subject to a wholly democratic process". I am not sure that I would describe vesting total power in a single civil servant wholly democratic, but the issue is indeed whether we want to substitute an administrative process for a transparent quasi-judicial process with a very long history. I am not going to go on. I do not think that the Assembly should throw out the baby with the bathwater because it is not in the public interest. I ask for the appel.

The Greffier of the States (in the Chair):

When you ask for the appel, are you wanting the appel for your entire amendment or do you wish to take it in parts as suggested in the running order?

Deputy Sir P.M. Bailhache:

I would like to have the amendment voted on as a whole, please.

The Greffier of the States (in the Chair):

Very well, the appel has been called for. I ask Members in the vicinity to return to their seats, and I ask the Greffier to open the voting. If all Members have had an opportunity to cast their vote, I will ask the Greffier to close the voting. I can announce that the amendment has been rejected:

POUR: 11		CONTRE: 35		ABSTAINED: 1
Connétable of St. Helier		Connétable of St. Peter		Connétable of St. Clement
Connétable of St. Lawrence		Connétable of St. Martin		
Connétable of St. Brelade		Connétable of St. John		
Connétable of Trinity		Connétable of St. Mary		
Connétable of Grouville		Deputy C.F. Labey		
Connétable of St. Ouen		Deputy M. Tadier		
Connétable of St. Saviour		Deputy S.G. Luce		
Deputy Sir P.M. Bailhache		Deputy L.M.C. Doublet		
Deputy R.E. Binet		Deputy K.F. Morel		
Deputy A. Howell		Deputy M.R. Le Hegarat		
Deputy B. Ward		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy I. Gardiner		
		Deputy I.J. Gorst		
		Deputy L.J. Farnham		
		Deputy K.L. Moore		
		Deputy S.Y. Mézec		
		Deputy T.A. Coles		
		Deputy B.B. de S.V.M. Porée		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy 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 K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

4.3 Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025): fourth amendment (P.112/2025 Amd.(4))

The Greffier of the States (in the Chair):

We now move to the fourth amendment lodged by the Minister for Sustainable Economic Development. Again, it is a long amendment, are Members content to take it as read? Thank you.

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

I did think we were going to the panel's amendment first.

The Greffier of the States (in the Chair):

No, you have to put forward your amendment and then the amendment to that amendment comes next.

4.3.1 Deputy K.F. Morel (The Minister for Sustainable Economic Development):

Apologies, it is always confusing. Following our debate on the principles on 22nd January, I carefully reflected on the points which Members made and have brought forward this amendment in recognition of the concerns which Members had over the use of the Gambling Commission. Members were clear that they were supportive of the principles of the draft law and that they agreed with much of what we were trying to accomplish, but there were clear reservations about using the Gambling Commission. So I accepted this feedback and this amendment removes that commission from the process entirely. In finding an alternative, I have been keen to ensure that we do not lose sight of the objectives which led to the choice of the commission in the first place. This means ensuring that we find an alternative that delivers consistent and experienced decision-making, which allows for a clear and trusted appeals process, which does not increase costs or require any additional resources to take on the role. I believe the Regulation Directorate delivers on all these objectives and provides a unique opportunity to go further. Firstly, the Directorate already administers the existing Licensing Law and has done since 2020. Over the last 6 years, they have streamlined the application process, developed their collaboration with the Parishes, the States of Jersey Police and the fire service, and built a modern database with information on all existing licensed premises. They have very clear procedures for decision-making and inspections and have the trained personnel already in place to expand their existing work for alcohol licensing. The head of the Regulation Directorate has also confirmed during a recent Scrutiny hearing with the Economic and International Affairs Panel that the Directorate already has the resources and expertise to deliver this work and to do it very well. This means that it is ready to step in to take over decision-making with minimal disruption. I apologise for repeating some of the things I said in my previous speech on the previous amendment, but by using the Regulation Directorate we can preserve the independent role of the Bailiff and jurats, enabling them to act as a trusted appeals body which is not involved in that initial decision-making. This also means that additional attention can be given to each individual application, with businesses working with officers within the Regulation Directorate to evaluate their applications and conditions

in real time rather than waiting for the next meeting of the Licensing Bench. I think it is very important that Members do listen to the Minister for the Environment's perspective on the qualifications of the Regulation Directorate and the work that they are doing. It is also worth saying that officers in the Directorate come with qualifications from the Institute of Licensing, which is the body governing best practice in all types of licensing, including alcohol and events, so they are an eminently-qualified body. It also means that additional attention can be given to each individual application with businesses working with officers within the Directorate, evaluating those applications and conditions in real time, rather than waiting for the next meeting of the Bench. Members will be aware that the Regulation Directorate already manages 3 dozen pieces of legislation, many of which overlap with alcohol licensing, including food safety, hygiene and consumer protection. During its review, the Scrutiny Panel heard from the group director for regulation who confirmed that, as I have already said, her team has the capacity and the capability to undertake this work. It is here that the Regulation Directorate offers an opportunity to go further and improve upon the previous model which would have used the Gambling Commission. Because the Regulation Directorate already manages these pieces of legislation which impact upon the business of selling alcohol we can, as other Members have said, reduce red tape and cut down on paperwork by merging the application process and other behind-the-scenes procedures. This will mean less cost for Government, less paperwork for businesses and fewer inspections because the inspections for the food licensing can be undertaken at the same time as the alcohol licensing, so there will be fewer inspections. During the debate on the principles, there was overwhelming support for change but Members, understandably, had questions about the use of the Gambling Commission. I believe that the current amendment finds the right balance by securing the changes we all want to see without handing powers to a new entity. Furthermore, by using the existing administrators of the current law, we can reduce costs and combine paperwork across a number of laws to remove red tape and we can preserve the independence of our judiciary so that they can continue to act as an impartial appeals body. I think it is incredibly important that we will be creating a system which manages to speak to our heritage, as Members have said today, but at the same time, move forward into the future and a more modern system. That is something which I believe Jersey is strongest in, using our history to determine our future, and this amendment, as I propose it, does exactly that. I would also quickly like to thank both Deputy Curtis and the Economic International Affairs Panel for their amendments which, as I said, I am very happy to accept, and I think they further enhance the proposed law as well so, with that, I propose my amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? [Seconded]

4.4 Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025): fourth amendment (P.112/2025 Amd.(4)) - amendment P.112/2025 Amd.(4)Amd.)

The Greffier of the States (in the Chair):

There is an amendment brought by the Economic and International Affairs Scrutiny Panel and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 2, Amendment 3 – In Amendment 3, in inserted Article 3(2), delete sub-paragraph (f).

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

I will give some context to this amendment by setting some of the background to it. So I think what the Minister is proposing here does a number of things, which I think are important, and I think one of the things we are all agreed on is that the reduction in numbers of licensed categories is a good thing. I do not think anyone has a problem with that, and I do not think any Member is going to be

not supporting that. I think one of the other key things that is done here - which is perhaps not necessarily being fully realised but I think is vitally important - is that it removes the ability for policymaking when it comes to our goal effectively from the judiciary, the court and the Attorney General who, at the moment, as we know, has been responsible for implementing alcohol policy to, I think, where it should be to politicians.

[12:15]

That is no criticism, by the way, of any of the functions that are currently being carried or suggesting that they are not being done properly. But it is a recognition that, ultimately, policy matters and politics should be done by politicians, and it is right that politicians are accountable for those decisions. The Minister, I do not think, will mind me saying that during one of our hearings it was commented on that there had been an increase in the minimum unit price of alcohol and that some members of the public had noticed that. I think they had been in contact with the Minister and possibly with some other Members or, if they had not been contacting him directly, there was certainly some commentary on social media. It was to the effect of: "Those good-for-nothing politicians. They have only gone and put the price of alcohol up again at a time of the cost-of-living crisis" and of course we, slightly jokingly, said: "So, Minister, you are probably getting that in the neck at the moment, are you not, but it is not you who has made the decision, is it?" I did jokingly say: "I hope the Attorney General will not mind." I did ask whether it would affect the Attorney General's chances of re-election, having made that slightly controversial decision. **[Laughter]** I am not the only one that has been very uncomfortable with the inability of this Assembly to make quite right decisions and sometimes measured, balanced and complex decisions when it comes to the area of what our alcohol policy should be because it needs to take into consideration things like health. It needs to take into consideration the economy or one's freedom of choice and ability to enjoy oneself and the respect for communities and neighbours, *et cetera*. So all of these things need to be taken into account in the formulation of policy. I do think back to a proposition that was lodged very much in this vein in 2020 by - I would like to call him my good friend - Deputy Ash, and make sure I get his name right. We had some great fun I think both in and outside of this Assembly and in the then diagram of perhaps left and right or libertarian and whatever, there was certainly a crossover point in the middle where we both recognised that there was an issue here. So he lodged his proposition in 2020 called P.105, the title of which was "Drinks Promotions" quite shortly, and he did recognise that there was an absurdity of course that, for example, shops could have special offers. They could do a "Buy one, get one free", they could do "Buy 3 for 5" when a can might cost £3.50 but pubs themselves could not do it, and he asked the rhetorical question: "So is it because we want people drinking in their homes and not in the controlled environment of pubs and bars?" These are all great questions that need to be asked, and they need to be ultimately asked by elected politicians and they need to be given consideration by elected politicians preferably, I would say, by Ministers, and that Ministers need to formulate their policy, present it to the Assembly, that needs to get endorsed and then it needs to be voted on. So with that in mind, we looked at the list of how the policy panel would be put together. The alcohol policy group's membership, as proposed by the Minister, has a different category so let us look at the first 3. So it must include the Minister for S.E.B. (States Employment Board) who chairs the group. It must also include the Minister for Justice and Home Affairs and it must include the Minister for Health and Social Services. So, for my part, and for the panel's part as well, that makes entire sense. These are certainly the 3 political representatives you would want on that body. Their roles might vary over time so it might be necessary in the future if, for example, a future Assembly thinks that we also need to give consideration to the role of education when it comes to alcohol policy. It may well be that a future Assembly wants to include the Minister for Education and Lifelong Learning. But it seems entirely logical, given what we have already understood this morning, that there are economic, social and health factors included in that that those 3 Members should be on the board. I think when it becomes slightly more of a wish list, if you like, in that there is an inclusion of the Constable of St. Helier, which is very specific, and that another Constable

should be nominated, which is any other member from the Comité des Connétables, and then the Attorney General lastly. So we did consider all these roles and whether they were right and whether they could be justified. I must admit I certainly spent a lot of time thinking about whether or not it was appropriate to have 2 Constables on there. The panel considered this. We understood the argument is that, because St. Helier has most of the licence applications, the Constable of St. Helier should be on there automatically. We were also told the other argument for putting another Constable on there is so that there is balance. There are 11 other Parishes that might have different needs to St. Helier, and it is important to represent those. I must also say that my starting point was that the group should comprise solely of Ministers, so we did consider whether there was a way to look into that to say: "Could there be an amendment which says a Constable should only be on that board if he or she is a Minister?" I hope that may be taken into account in the future, but it was very difficult to come up with an amendment to that. I am getting to the point of the amendment which is what we are proposing is that the Attorney General should not sit automatically on that body, so he should not be a named member of that group. The reason for that is that we believe that it might create a contradiction really, because what we are doing at the moment and what the Minister is doing in proposing this new law is removing policymaking powers from the court and from the Attorney General and, in doing that, it would perhaps blur the lines to say that putting somebody on that group who is not a politician, who is not elected and whose mandate is not to make policy in that area does not fulfil the criteria which we laid out in that, so it is nothing personal, as I have said. We also recognise that nothing within that would stop the Policy Board from taking advice from the Attorney General in the same way as Ministers can already seek legal advice from him in that regard. So that is the nature of the amendment. I would be interested of course to hear from other Members whether they think that there is a good reason that could be made for the maintenance of that list as the Minister originally proposed it, but I do recognise also and thank the Minister that he is accepting the panel's amendment. I do reassure Members that we have gone through all the options on this and we have thought in great detail about who should be on that and who should not be on that, and also we recognise the fact that it can be futureproofed and it will need to be given consideration in the future, so I do maintain the panel's amendment.

The Greffier of the States (in the Chair):

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

4.4.2 Deputy K.F. Morel:

I am happy to support this amendment, which ultimately removes the Attorney General automatically from the alcohol licensing group. I had proposed originally, as the chair said, that the Attorney General be included as a member of a group given his current role in developing and executing the alcohol policy and licensing, but that was with a view to that membership being removed at a later date following the transition process. I do, however, agree with the panel that it is important to draw a clear distinction between policy development by politicians and the prosecution of laws by the Law Officers' Department and, indeed, that was the perspective that I was saying in my previous speech. I therefore agree that the Attorney General should not be a full member of the group. Of course, anybody can be invited to advise that group and sit on that group. We will of course make sure that the Attorney General and the Law Officers' Department are consulted when considering matters before the group, and so the group will itself work closely with the Attorney General. I have spoken with the Attorney General and I do not believe there are any objections, although I do not like speaking for somebody else from the Attorney General's perspective, so I ask Members to support the panel's amendment.

The Greffier of the States (in the Chair):

Attorney General, would you like to speak?

4.4.3 Mr. M. Jowitt K.C., H.M. Attorney General:

Given that my office is the subject matter of this amendment, I hope it will be appropriate for me to speak to it very briefly. I mean no criticism of the Minister or his team, but my department was not consulted beforehand as to the makeup of the policy group. Had we been, my view would have been that this is an area of Island life in which the Attorney's role is more appropriately that of a legal adviser and not a policymaker, and with the Licensing Assembly who I think said something very similar some years ago that policy in this field should be set by elected representatives. I hope that is helpful.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If no other Member wishes to speak, I will close the debate and I call upon Deputy Tadier to reply.

4.4.4 Deputy M. Tadier:

Can I thank the Minister and also the Attorney General for his intervention and I do not think I need to say anything else, so I am just going to sit down. **[Laughter]** **[Approbation]**

The Greffier of the States (in the Chair):

Do you call for the appel, Deputy?

4.4.5 Deputy M. Tadier:

We should probably have the appel, I think. **[Laughter]**

The Greffier of the States (in the Chair):

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 now had an opportunity to cast their votes, I ask the Greffier to close the voting and I can announce that the amendment to the amendment has been adopted:

POUR: 44		CONTRE: 0		ABSTAINED: 1
Connétable of St. Lawrence				Connétable of St. Clement
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 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				
Deputy M.B. Andrews				

4.5 Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025): fourth amendment (P.112/2025 Amd.(4)) - as amended

The Greffier of the States (in the Chair):

We now return to the fourth amendment as amended. Does any other Member wish to speak?

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

I welcome the Minister's amended proposals to simplify alcohol licensing categories. This will provide greater flexibility, reduce complexity in fees and remove unnecessary red tape. During the earlier debate on the principles of the law, the Minister highlighted the significant administrative work already carried out by the Regulation Directorate in my department. As he said, this is where applications start and finish today. He also recognised that the Directorate already completes the

majority of this work. I am pleased that the amendment now reflects this reality. It places confidence in the Regulation Directorate to play an enhanced role in administering the new system and in making licensing decisions. This is a sensible and practical approach. It is the work we are already doing. Importantly, this in-house solution does not create new financial or resource pressures. The system will continue to be funded by fees paid by businesses. My department is well-placed and ready to take on the extended functions. The Directorate already has strong working relationships with the Licensing Assembly, the Parishes, the police and Honorary Police, the Fire and Rescue Service, the Judicial Greffe and the Law Officers' Department. We also hold the expertise to manage licensing decisions, as demonstrated through the range of legislation we already administer from food safety and hygiene to consumer protection and weights and measures. Officers routinely grant and refuse licenses under other laws including waste management, water resources and public health. In the future, a potential improvement we wish to explore is the possible integration of alcohol and food licensing into a single online platform. This will significantly reduce administrative burdens, particularly for new businesses. The Directorate's existing structure allows for consistent decision-making aligned with the alcohol policy framework and crucially faster decisions with availability every working day of the year. Expanding our role also supports a more joined-up approach for businesses. The Regulation Directorate's enforcement policy is based on the 4 Es; engagement, explain, encourage and, finally, enforce. This approach gives us a proportionate and flexible approach allowing officers to focus on the specific issues within businesses and support them in reaching compliance. The decision-making and enforcement will be undertaken by senior qualified officers in the environmental and consumer protection team while the licensing applications processing and customer service will be led by the regulatory improvement and licensing team. To conclude, extending the Directorate's remit offers a practical, cost-neutral and efficient in-house solution.

[12:30]

We have the trained staff, digital systems and experience to administer the alcohol licensing regime smoothly and to take on the additional responsibilities confidently. This is quite simply our bread and butter work. I would encourage Members to support this sensible and pragmatic amendment.

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

I am also happy to support this, but I would ask the Minister to confirm that, with any renewal of a licence, the person applying for the renewal will have to confirm that they have the landlord's permission to renew their licence, as I am aware of cases in the past where they have not had their landlord's permission?

4.5.3 Deputy M. Tadier of St. Brelade:

I just want to acknowledge that the Assembly has been through an iterative process, which it does not always do in this way. It was quite clear that there were political issues with what was being proposed in the first instance, and I think it was all being done absolutely for the right reasons with the correct motivation and I think there was some unfair criticism of the Minister that he had not done sufficient consultation. I do not see any evidence of that and we did not see any evidence of that as a panel. But it was clear that there was some kind of *impasse* when this was moved in the First Reading because the model being proposed by the Minister for various reasons - and we will not go into the details of that - was not acceptable to a significant number in this Assembly. I think we were absolutely right in pausing it for the Second Reading. I still absolutely stand by the panel's decision that it would have not been appropriate for us to scrutinise it at that time and I think what needed to happen, and what did happen, is that some of the heat was taken out of that, and then some more light did ensue in the coming weeks. It did also give the Minister, I think, an opportunity to take stock, to speak to others and other stakeholders, and what he is proposing now I think is much better keeping it in-house like this, so to speak, with a Regulation Directorate who I think do excellent work. I think

they are not a big department and it does represent value for money, and I think when we hear comments more generally about a clamour for smaller government, I think what we are recognising here is that we did not need to make up a completely new body which would probably, in some ways, been entirely capable but may have been the worst of both worlds in some ways, in that they would not have been under any kind of political oversight. But, again, we would be moving away from an existing body which was not dissimilar. I think what has been achieved here is an example of a good compromise but a compromise which does not compromise outcomes but enhances us, brings us forward, and I certainly would like to commend the Ministers for their work and also the great work that the Regulation Directorate already does. I emphasise in saying that none of this diminishes the roles that the Parishes already do. We do also recognise that a lot of the administration is initially done by and will continue to be done by the Parishes, and that is the very important democratic function of the Parish Assembly. I would argue even Parish Assemblies are not necessary because the licence is so uncontroversial, but they are still there. I would make the point that somebody who goes to a Parish Assembly currently and would have expected to have been able to speak at a licensing bench, is of course something that some may miss, but I think the reality for so many Islanders is that they do not even have the time to go to a Parish Assembly. They do not always know when they are. Some Parishes have been better than others because they are regular. Other small Parishes of course do not necessarily need to convene Licensing Assemblies that often because they are quite a rare thing, and then to also have to be free when the Licensing Bench sits to go and speak to them again to tell them what you have already said at a Parish Assembly I think, for many people, seems like unnecessary mind-boggling duplication. If you go to a Parish Assembly and make your voice heard, I would hope that you would rely on your Parish Constable to take those comments forward, and certainly those comments that you make already will be presented to the Directorate for their consideration and the addition, I think, of the online portal where comments can be received. It feels to me a bit like the planning application process. Anybody in the Island can now comment on an application for a licence if you do not live in that Parish, so I think that is really important, because there will be places like pubs, restaurants and clubs in Jersey which sit at the crossroads between maybe 2 or 3 Parishes. So you might live across the road and find yourself in a strange situation where you are not a Member of the Assembly. A good Constable, I am sure, will still allow you to attend and speak because you are a stakeholder, but you would not necessarily have an automatic right to speak, and you certainly would not have a vote when it comes to that Assembly even though you live across the road. So I think having this belt and braces approach where you can attend a Parish Assembly and submit through a portal, even if you live on the other side of the Island, is all moving us in the right direction.

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

Deputy Tadier touched where I was going. I put my light on a little before to thank the Minister for taking on board the feedback and, in particular, to highlight the addition here of the ability to make written representations. I think a statutory right of representation in a way that is recorded and published is an important thing to have. I was discussing with other Members the benefits and disbenefits of the Licensing Assembly, and I felt in either situation we would have a workable law. But one example where we talked about transparency, which I recall from my own experiences - and I pass no criticism or judgment on to the Licensing Assembly - was years ago requesting the minutes of the Licensing Assembly to understand how decisions were made and how some of the more nuanced categories were being applied. I was informed that minutes were not sharable for regular Licensing Assemblies. Extraordinary decisions are accessible on J.L.I.B. (Jersey Legal Information Board), as Members will know, and some of the more contentious cases and some mentioned today, but I think the fact that every new application will have a reason for determination will hopefully inform those applying for where they may wish to improve and make changes. I leave with one more comment, which is we seem to be content now that this can sit with the Regulation Directorate, and

that they are skilled, and it may be for the next Assembly to ask whether the gambling regulation could also sit with them .

The Greffier of the States (in the Chair):

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

4.5.5 Deputy K.F. Morel:

I would like to thank all Members who have spoken for their comments. With regards specifically to the Connétable of St. John; yes, I am very pleased to be able to confirm that the amendment, if adopted, includes a specific clause which states that the licence is voided if the licensee ceases to have a right to occupy the premises to which the licence relates. That is Article 8 under the renumbered amendment so, yes, that would be voided and is important, as we have seen. In the first instance, I will save the thanks for the Third Reading if possible. So, in that sense, I would like to just put forward my amendment using the Regulation Directorate. I am incredibly grateful for the work of the Regulation Directorate team and the Minister for the Environment whose department that sits within, but I do hope that Members can see the benefit of this. I have listened to the States Assembly and, as the chair of the Scrutiny Panel was saying, Deputy Tadier, that is the parliamentary process in action and that is the right thing. I am really proud of that, and I think that is something that we should all be proud of. It should not just be a case of something comes here, it gets accepted or rejected and that is it. The idea that it comes here and you have an iterative process which brings it into a position, which more Members can agree with, is exactly the way the States Assembly is meant to work. It is not something we see very often, but I think in this case, it is something I have been pleased to see and pleased to be a part of. With that, I thank Members who have spoken and I will ask for the appel on my amendment.

The Greffier of the States (in the Chair):

The appel has been called for on the fourth amendment as amended. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have now had an opportunity to cast their votes, I ask the Greffier to close the voting and I can announce that the fourth amendment as amended has been adopted:

Pour: 43		Contre: 2		Abstained: 1
Connétable of St. Brelade		Connétable of St. Lawrence		Connétable of St. Clement
Connétable of Trinity		Deputy Sir P.M. Bailhache		
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				

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

4.6 Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025): second amendment (P.112/2025 Amd.(2))

The Greffier of the States (in the Chair):

We now come to the amendment lodged by Deputy Alex Curtis of St. Clement and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 35, Article 22 – In Article 22(1), after sub-paragraph (j) insert – (k) tap water must be provided without charge to any customer who requests it unless it cannot easily be supplied.

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

Not quite the length of amendment from Deputy Bailhache so I can keep this brief. The amendment introduces a new general condition into the Licensing Law that would apply to on-licences. The wording is as read by the Deputy Greffier: “Tap water must be provided without charge to any customer who requests it unless it cannot easily be supplied.” Tap water is chosen as it is ordinarily taken to mean water provided from a tap that is intended and safe for drinking and it does not compel businesses to provide bottled water. The second part of this is a condition that provides qualification. The inclusion of the phrase “unless it cannot easily be supplied” allows that if premises do not have a plumbed water system that provides drinkable and potable water, then it cannot easily be supplied and thus they do not have to provide a supply they do not have. It does not compel them to upgrade their water supplies to do so. The reason for the amendment is simple. We all know that, for health, it is important to drink water while consuming alcohol for a range of purposes. It is one of the easiest ways to ensure public health considerations are factored into drinking in licensed premises and before I go on - and it is not going on for long - I should say that the vast majority of unlicensed premises supply water free of charge to consumers, so Members might question the need for this. There are 2. First, it would cover any of the few remaining operators who have capacity, i.e. a drinkable tap supply but currently do not provide free water to customers and these do from my experience, and have at least existed in Jersey. The second, and the reason I considered that primary legislation is the right place for this to live, is it provides customers with an accessible place to know their statutory rights. While many of us may feel comfortable asking for tap water, I do know that not everybody is, and placing this here enshrines that right and comfort for customers to know it is well within their right to ask for that if they are purchasing another product. This is similar to other general conditions and to the requirement in the primary legislation for premises to publish prices. It provides consumers a place to go to know those rights. Free access to water in the course of being a customer in a licensed premises is a known issue. The U.K. added this to their mandatory conditions by order to their Licensing Act and, in 2009, the then review of our law highlighted this as a concern. I would say to Members that while this is minor, I brought it because no matter how small, I genuinely believe this is an improvement to the law and it is our role to look at the law and improve it where we see fit. I am glad the Minister can support it and I ask the rest of the Assembly to do so.

The Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] Does any other Member wish to speak?

LUNCHEON ADJOURNMENT PROPOSED

Deputy M. Tadier of St. Brelade:

I may wish to speak but I do not want to put my lights on. But I would like to ask for the adjournment.

The Greffier of the States (in the Chair):

Sorry, I was getting carried away with the excitement, and I had not had an eye on the time. I am in Members' hands. It is the time that we would normally ask if the adjournment is proposed. Are Members willing to accept that kindly show. The adjournment is adopted. The Assembly stands adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

[12:43]

[14:15]

The Greffier of the States (in the Chair):

Amendment 2 of Deputy Alex Curtis had been proposed and it is now open, if any Member wishes to speak.

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

When I first saw this amendment I thought, well, that is outrageous if restaurants are charging for water. Then I asked myself the question, if they are charging for water, surely that should be disclosed on their menus and would not customers basically be saying: “I am not coming here, that is outrageous; you are charging for tap water.” I just wondered, I was asking the Attorney General and just like to ask him now whether that is my understanding of the law. The restaurants and cafés need to disclose what they are charging for the drinks that they serve, and that would include water if they were charging for it.

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

Yes, I take the question to be about the state of the existing Licensing Law. There are, as Members will know, a vast range of licences under that law which is focusing on the restaurant licence, which provides at Article 42(c), first of all a requirement to keep a list of the prices of alcoholic drinks. But then at 42(d): “Keep displayed, at the exterior and in close proximity to each entrance to the licensed premises normally used by the public, and in each room or other place in which meals or refreshments are normally served, in a conspicuous position where it may be seen and easily read by customers, a notice specifying the charges made for meals and refreshments, other than intoxicating liquor served on the premises.” I take that to mean that if you were charging for tap water, that would be a refreshment and the price for which you would have to display in accordance with that provision.

Deputy M.R. Scott:

Coming back to my concern, and I think it would just be useful because I think what I am hearing is that there is evidence that there are, potentially, either that restaurants are breaking the law by charging for tap water and not disclosing that or people did not read the menus, something on those lines. Because if you introduce a rule like this on the basis that people should know, who says that they would know? Because it is in law and nobody reads all these laws. My question is, is this unnecessary red tape? I know that the Council of Ministers is committed not to bring in red tape because I would expect most people to challenge this or at least to say that is not on your drinks list. I would be grateful if the Deputy would respond to that point.

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

Ma’am, sorry, it was just a question following that.

The Greffier of the States (in the Chair):

To the Attorney General.

Deputy R.J. Ward:

Yes, I think so. It is just if a restaurant just says: “We do not provide tap water, you will have to buy bottled water”, is there anything illegal in that in the law?

The Attorney General:

No, there is not.

Deputy R.J. Ward:

I thought so.

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

Just to speak, if that is OK. I just want to say thank you for the questions, Deputies. I think the wonderful thing about Deputy Alex Curtis’s amendment is these questions would fall away because,

ultimately, it would be very clear that tap water is there to be free of charge and available to customers, regardless of whether they are a restaurant or a tavern or an inn or anything else. I fully support Deputy Curtis's amendment and do hope that the Assembly can support it too.

4.6.4 Deputy M. Tadier of St. Brelade:

I think this can be seen as fairly uncontroversial in one sense. I am waiting for the Council of Ministers' comment on this because like my proposition for cash, which is not exactly the same to mandate cash acceptance for all businesses, while I have been told that that would increase red tape for businesses and drive costs up, and I also know that from the comments that we received, as a Scrutiny Panel, from Jersey Hospitality Association, that they do not support this. I am not sure if that is an industry-wide position. Of course our panel is not here necessarily to put forward the position of industry. I think the Minister would be the one to do that. Certainly we were volunteered the information that the Jersey Hospitality Association does not support this because it does put more red tape on businesses. They say that tap water is not free, that they have to pay for tap water and that there is a real cost to them for delivering this. I simply put those comments on the record. I would balance that by saying I think it is probably a good social good that can be delivered. I would put on record that I think Government needs to start doing more. We have seen some action for free water to start being provided in public. I know there is a very good water dispenser in St. John's village, I think there is one in St. Brelade's Bay, if I remember rightly. There are a number around town, which are really useful if you are out walking your dog and if you are out for a run and you do not want to carry a bottle; you can carry something empty and fill it up. The question I would have, I suppose, for Deputy Alex Curtis is, first of all, is he satisfied and has he taken advice on the definition of "customer"? Does that mean that, for example, somebody could just come in off the street and go up to the bar and say: "I would like a glass of tap water please", would the bar or café have to serve them if they were not otherwise engaged in a purchase? Would they have to get a table before they did that? The second point, I suppose, is just to make sure that we are not coming up with a good idea but then find out that there are unintended consequences, is that what are the consequences if a restaurant, a café does not comply? They say: "Sorry, we are not going to give you any free water because we do not like the rule, we never signed up for this. It has not been consulted on and I am afraid we are not going to do that." Is there a penalty or a consequence for them not doing that, that the mover of this proposal envisages? But otherwise I suspect this is going to go through quite unanimously today, and I take that as a positive sign that the Assembly does not mind having small impositions on businesses where it is in the greater public good. I would hope that they maintain that consistency in policy-making, not just at this sitting but perhaps at the next one as well.

Deputy A.F. Curtis:

Would the Chair of the Scrutiny Panel give way for a point of clarification?

Deputy M. Tadier:

I will take a point of clarification.

Deputy A.F. Curtis:

If he could just clarify under which part of Scrutiny the Jersey Hospitality Association made those comments, so we can reference them if it was a Scrutiny hearing or a submission, just so we can find those documents at our own leisure.

Deputy M. Tadier:

The comments took place in the public hearing. I think it was a public hearing that we had with them, I cannot remember the exact date but it was 2 weeks ago, so it was on the off week or we were sitting during that week. We had a number of hearings and I think that took place on the Thursday or Friday. But it was the public hearing that we had with Jersey Hospitality and the views about the amendment

came up. We were not specifically asking about the amendment but we allowed space for commentary on the amendments, as the Members might know.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and I call upon Deputy Alex Curtis to reply.

4.6.5 Deputy A.F. Curtis:

I will not take long on this. I would thank the Minister for confirming the Council of Ministers' support for this. To respond to the 2 main areas on that, to Deputy Scott ... I think Deputy Rob Ward clarified in his question to the Attorney General where the thrust of this comes from. It is not necessarily about charging for tap water that is a concern, it is at venues can outright refuse to provide tap water and so that the option you have is this lovely glass-bottled water shipped in from the hills of the Himalayas or something. We know that in some places that has been the case, that the only supply of water has been that of bottled water shipped in. This is saying it is not about transparency of charging. I think the Attorney General has made his point clear on fees regarding to services rendered, refreshments rendered. This is about ensuring the provision of something that already exists on site will be provided. To Deputy Tadier, I am personally satisfied that the definition of "customer" refers to one whose custom is engaged in that venue, somebody who is trading, in essence, money for goods and services. I think that would be probably the ordinary understanding of customer. One Member mentioned to me maybe it should be "person", maybe there should be an obligation on every individual. I do not think that is probably right at the moment. Then to respond to the final part, the comments made by the Jersey Hospitality Association, I thank him for telling me where to find them. I have got the transcript. Unfortunately, I have now not had time to get to that; I see it was right at the end and I do not even have to listen to the first ½. Liquor licensing, alcohol licensing is an agreement made between the licence holder and the authority. Under the law we are creating now to say that in return for being able to sell intoxicating liquor, these are the conditions I subscribe to. Personally, I believe that the correct position is to say free tap water is a fair balance to strike. I note that the Jersey Hospitality Association do call out that it is not just the cost of water, although we should note that water costs about £4.15 per 1,000 litres at the moment. For a glass of about 400 millilitres you are looking at something like 0.25p I think in the scheme of the water, but it is the cost of the glassware and the cost of the serving I appreciate. I am satisfied that there is sufficient evidence it is good to have this provided. It is on the establishment to choose how they provide it. It could well be flagons of water on the side ... I forget the word or something, a vessel that somebody serves for themselves, that they can do to minimise the labour impact. As many restaurants do, they have chilled filtered dispensers where people can serve themselves. To the unintended consequences, as I say, this is something well-established in many areas under many other forms. Scotland has its definition, England has a separate but equal definition and these have been shown to work quite well for over a decade in those jurisdictions. I am personally satisfied, I am glad the Council are satisfied, and I believe it is a fair responsibility to put on to licence-holders and it is, to clearly the comments made by the J.H.A. (Jersey Hospitality Association), a responsibility and a very low burden placed on to those who are serving something that has public health impact, and I think that this is the right measure. With that, I thank Members and call for the appel.

Deputy M. Tadier:

Would the Member take a point of clarification?

The Greffier of the States (in the Chair):

Are you prepared to take?

Deputy A.F. Curtis:

Yes.

Deputy M. Tadier:

Is the Deputy satisfied that this will only apply to holders of alcohol licences and there will not be an expectation for cafés that do not serve alcohol to have to provide the service?

Deputy A.F. Curtis:

We are debating an amendment to what is now Article 24 of the Alcohol Licensing Law. It is titled: “General conditions of on-licences.” I am not only satisfied that only applies to a licensed premises but it applies in the same way as any other general condition and only to on-licences. For the avoidance of doubt, it would not apply to special licences, event licences or off-licences under the law. The scope is such that it is not an awkward provision but one that is implemented in the same as all existing conditions (a) to (j).

The Greffier of the States (in the Chair):

Do you have a point of clarification as well, Deputy Scott?

Deputy M.R. Scott:

Yes.

The Greffier of the States (in the Chair):

Do you give way for a point of clarification, Deputy Curtis?

Deputy A.F. Curtis:

One more.

Deputy M.R. Scott:

Sure, but I also need to declare an interest because I realise that my husband heads up a company that supplies bottled water, sorry about that. But I did notice that that question asks about the sanction for being in breach was not answered.

[14:30]

Deputy A.F. Curtis:

There have not been many speakers, so I am referring to the law as amended here. The sanction will be the exact same as any other sanction under general conditions of off-licences. My expectation will be that that is dealt with by the Licensing Authority, now decided to be the Regulation Directorate, and no different to how they might, on a case-by-case basis, deal with a breach of other general conditions, such as no indecent behaviour or drunkenness is permitted. I presume the Regulation Directorate’s approach will be to apply the 4 Es in how they ensure that infractions to any condition under Article 24 is applied. I see the Minister for the Environment nodding. That is how it will be applied and, as I say, it is applied in such a way that it is consistent with every other general condition the new draft law proposes.

The Greffier of the States (in the Chair):

Very well. The appel has been called for. If Members are returned to their seats, I will ask the Greffier to open the voting. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting and I can announce that the second amendment has been carried. There were:

POUR: 43		CONTRE: 0		ABSTAINED: 1
Connétable of St. Lawrence				Deputy M.R. Scott
Connétable of St. Brelade				

Connétable of Trinity				
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 K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				

Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

4.7 Draft Alcohol Licensing (Jersey) Law 202- (P.112/2025) - as amended

The Greffier of the States (in the Chair):

Now we return to the Articles as amended. Do any Members wish to speak on all of the Articles as amended? If no Members wish to speak, then I close the debate. I call upon the Minister to reply.

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

I would just like to thank Deputy Curtis and the panel for their amendments, and I am pleased they have been supported by the Assembly to take them through. I am particularly grateful to the panel for doing the extra work over the past month since the debate opened and all members of the panel for fitting that extra work into their timetable, so I am very grateful. I will obviously speak again in the Third Reading, so I ask Members to support my amendment as amended. I think Members should be quite happy in their minds that by accepting these Articles they are creating a much reduced process in terms of the red tape, a much easier to access process. By not accepting other amendments we have sought to deviate from the proposal, as I proposed them; we have avoided creating something of a hybrid which would likely not work for industry itself. By adopting these Articles I think we are saying that we want a thriving hospitality industry in Jersey, and we understand that that means having a modern licensing system behind it. I think the amended amendment really does bring together that sense of Jersey's history with Jersey's future. I think we are voting on something which will be a clear improvement for future generations of hospitality businesses as they seek to either set up a business in Jersey as a Jersey person or businesses seeking to invest in the Island, having an understandable process is something that will make life much easier and make Jersey much more attractive to them. I do ask Members to continue their support and vote for this amendment as amended.

The Greffier of the States (in the Chair):

Do you call for the appel?

Deputy K.F. Morel:

I do.

The Greffier of the States (in the Chair):

Yes, the appel has been called for.

Deputy M. Tadier:

Sorry, was the Minister moving that in the Third Reading?

The Greffier of the States (in the Chair):

No, it is the Articles as amended, so we have yet to come to Third Reading. The appel has been called for. If Members return to their seats, I will ask the Greffier to open the voting. If all Members have had an opportunity to cast their vote, I ask the Greffier to close the voting. I can announce that the Articles as amended have been adopted:

POUR: 45		CONTRE: 2		ABSTAINED: 1
Connétable of St. Helier		Connétable of St. Lawrence		Connétable of St. Clement

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

Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States (in the Chair):

Do you propose the matter in Third Reading, Minister?

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

Yes, please, Ma'am. I thank Members for their support so far and, as I said earlier, I am pleased to see this, to me, has been the States Assembly working in the way that it really should, iterating working together Scrutiny and the Executive and Members with their own amendments. I think it is something we can be really proud of. I am very aware of the Connétable of St. Mary and his experience when he was on the Scrutiny Panel in previous attempts to change this law and how frustrated he was perhaps with that, and other people have sought to change it. I am really pleased that all 49 of us in the Assembly can hold our heads high and say that we did manage to change this law and that we understand that Jersey does need to have modern regulatory legislation; that it is modern legislation that can still stand on the foundation of Jersey's heritage. I think that is really important. I am just concerned I may not get the second opportunity to speak, just if no one was to speak now. I would like to thank again the panel, all members of the panel, all Members who have worked for their amendments or who have supported this. But I would also really like to thank my team in the Government. They have been led by my private secretary who has worked on this for nearly 4 years now. He has really driven this through, and the team working with him, my officers working with him, they are a relatively young team. I think this is going to be one of their first major pieces of legislation that they have helped take through the Assembly and I am really proud of them. I think the Assembly should be too because they have done a great job. **[Approbation]** With that I propose this for the Third Reading.

The Greffier of the States (in the Chair):

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

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

I would just like to congratulate the Minister, his officials, both past and current. This has been a matter that has been under discussion with much work going on behind the scenes for at least 12 years, if not longer. To get to this stage is a great credit to the Minister and his team and also to Scrutiny, both this current committee and panels of the past who have also looked at previous iterations.

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

In a similar vein to the previous speaker, I do want to congratulate the Minister. In my time in the States there have been a number of false starts on this. Because of some of the, let us say, bumps in the road in the last few months there was a part of me that was slightly nervous that maybe the Assembly was not going to be in a position to pass it, and then there is always the risk of going back to the drawing board again after the election. I think the Minister should be proud that he has gone through this in such a way that he has ended up in a position where we get significant progress. It

seems like everyone in the Assembly is pleased to support that, and I certainly am. I just wanted to make the point that what this law does in reducing red tape, it does so in such a way that does not compromise on standards in any shape or form as well. It is really important because we do often have those discussions about red tape. There are a lot of processes and bureaucracy which we know are counterproductive and frustrating and that we would like to see the back of. But sometimes in those debates it is possible that we come a bit too close to the line of considering things to be red tape that are important parts of safety and maintaining standards, *et cetera*. But this is not one of those instances, this is something that is going to make it easier for businesses to engage with that system. We will all benefit from that in having a more vibrant hospitality industry for locals and businesses alike, and that is something we should all rejoice in. I hope that there will be even more projects like this in the future looking at other parts of our economy that are held back by outdated systems. If this iteration of it, not the previous iterations of it, show that this is a model that will go down. I congratulate the Minister for that and I am very much looking forward to voting in favour of it.

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

Really I would add my words to those already spoken by other Members. It has been a very good discussion. It has gone on for some time, and I think there has been argy-bargy backwards and forwards. I think whenever there is a significant change to process, it does need to be discussed, and I think we have done that exhaustively. We look forward to developing the conversation further, as there will be, I am sure, further hurdles to jump as time goes on. We, in the Parishes, I am sure will be able to play our part in so doing.

4.8.4 Deputy M. Tadier of St. Brelade:

Very briefly. There was a comment earlier in one part of this debate questioning whether the policy on alcohol should come forward before this law. I mention that deliberately because I think something that is exciting about this being passed here today is the fact that for the first time the future Assembly and the future Government will be able to set policy and enact policy when it comes to alcohol that they have not done already. In the same way that many Assemblies over generations have set policy around tobacco, around whatever, other areas of Jersey life, that has needed some form of regulation, they will be able to do that. Those exciting and no doubt taxing questions around, for example, should an on-licence be able to sell alcohol at 8 o'clock in the morning if they are not allowed to sell it after 10 o'clock at night? Should supermarkets be able to display, effectively, what is cost price or discount alcohol at the tills where 5-year-old children can see them, when the States Assembly has legislated that tobacco has to be hidden from view and that has to be displayed in blank packets? All of these interesting and no doubt contentious but well-meaning propositions will be able to be considered by Government and the Assembly in the future and will need to be, I suggest, with all of those potentially competing economic, health and social interests that might be in play. I think for that reason alone this is a remarkable day for Jersey. It will no doubt mean that there will be corresponding changes that come forward in future around triennial regulations. We know that the Minister has already started thinking about that when it comes to entertainment, about things that are currently done under customary law, that in the future will need to be done in a different way. I think this is not an insignificant day. I think we do need to recognise - because I do not know if it has been put on record properly up until this point - the work that the Licensing Bench has been doing up until now. Because I think the complaint is not that they have not been doing it properly and that the system has not been robust, simply that this does recognise there is another way to do things and things do need to move on. I certainly would put that on record, and that is certainly the evidence we have received as a panel. We do thank all of the stakeholders who have engaged with us in fairly short order. Lastly, I would thank my own panel, I can highlight them; I do know all the names by the way of my panel. We have got the vice-chair, Deputy Wilson. **[Laughter]** Deliberate pause there and Deputy Andrews, who is very much a panel member, Deputy Porée who has joined us. But we were very grateful to have the presence of the Connétable of St. Mary who joined us and who

does have extensive experience, having pre-scrutinised this. I will not speak for him but I know he has seen this being debated before, as I have, and the Minister has managed to get this over the line where previous Ministers have failed. I think that does need to be recognised. While the Minister rightly recognises the good work of his young team at the department, I also recognise the good work of our young team as a Scrutiny Panel, who we have been well-served. **[Approbation]** In many ways, some of these, whether it is legislation or policy reviews that we have been doing, these have not been easy tasks but these are tasks that they fulfilled more than diligently. We look forward to them having, I think, great careers as they choose in the public service, if that is what they wish to do. I do support the Minister's proposals in the Third Reading.

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

Yes, I would like to add my congratulations to the team in the Department of Economy. I think I also celebrate what I think is a step towards constitutional better practice, which has been evolving in this Island as we think more about the separation of powers and how we review decisions. I am just going to flag that now the regulation is within the realm of the Regulatory Department, and one of the things again in the report that has yet to be published from the ombudsman, that I have had to explore a bit, has been this distinction between where you have regulatory decisions and where you have administrative decisions.

[14:45]

At the moment the way that things are structured, we have a States of Jersey Complaints Panel which because of the age of the legislation straddles these areas. We also have the Licensing Assembly, it is the appeals tribunal. There will be some more work to do to follow up making things clearer in terms of people who may have issues as this thing rolls out. But, again, I certainly support the proposition.

The Greffier of the States (in the Chair):

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

4.8.6 Deputy K.F. Morel:

I thank all Members for speaking, and thank you very much. There are some more thanks, as I sat down I thought there were more people that I should thank. The Attorney General and the Bailiff's office as well have played an important role in this, as have statutory agencies, such as the fire, the police, Public Health and, of course, my Ministerial colleagues as well. I am grateful for their support. But also the Jersey Hospitality Association and the Chamber of Commerce, they have fed in and consulted with this, not just through the process in Government but obviously the process through Scrutiny as well. They have given up a large amount of their time and effort in order to try to shape the law in a way that works for everybody, and they have done that in a very good and proactive and responsible manner; I am grateful to the industry for that and as well as all members of the public who got involved in the consultation process. But, as has been said, I think this is quite a significant moment for the States and I am really pleased that as an Assembly we have been able to come together to support this law with a very large majority, hopefully, should previous votes suggest how the next vote may be. But with that I propose the proposition in Third Reading.

The Greffier of the States (in the Chair):

Do you call for the appel, Minister?

Deputy K.F. Morel:

I do indeed.

The Greffier of the States (in the Chair):

The appel has been called for. If all Members are returned to their seats, I ask the Greffier to open the voting. If everyone has had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been carried in Third Reading.

POUR: 44		CONTRE: 2		ABSTAINED: 1
Connétable of St. Helier		Connétable of St. Lawrence		Connétable of St. Clement
Connétable of St. Brelade		Deputy Sir P.M. Bailhache		
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				

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

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

Ma'am, if I may interject as Chair of P.P.C.

The Greffier of the States (in the Chair):

Yes, Chair.

Deputy S.M. Ahier:

Members will have noticed that there is quite a heavy workload coming up this week on the Order Paper. There are lots of propositions and it is going to take a good deal of time. I would like to propose that on Thursday evening we stay late up until 8.00 p.m. and take a break between 5.30 p.m. and 6.00 p.m., during which time we hope to have sandwiches provided downstairs in the Ivy Foster room.

The Greffier of the States (in the Chair):

Do you make that proposition then, Chair?

Deputy S.M. Ahier:

I do indeed, Ma'am.

The Greffier of the States (in the Chair):

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

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

Might that we have some time to consider this and come back and vote on it, once those of us who need to arrange childcare and other similar arrangements can ensure that that happens?

Deputy I. Gardiner of St. Helier North:

Yes, something that I would like also to raise and to consider, as we all received an email today about the 24th sitting, if it can cut our lunches for ½ an hour or to sit every day until 6.00 p.m. Personally, I think a better decision will be made if we will sit until 6.00 p.m. every day than to sit until 8 o'clock one day but my personal opinion.

The Greffier of the States (in the Chair):

At the moment the suggestion is to stay late just on Thursday. Does any other Member wish to speak on that proposition? Chair, are you wanting to make a decision at this point or would you like to give Members time to ...

Deputy S.M. Ahier:

Yes, Ma'am. In light of the comments made, I will give time for Members to make that due consideration and I will bring this back first thing in the morning, if that is acceptable to the Assembly.

Deputy I. Gardiner:

Ma'am, is it possible that you will send a similar email, as you sent this morning, with 3 options, if it is possible?

Deputy S.M. Ahier:

Not in this instance, I do not believe it is possible for the time that we have. Everybody is now made aware of it and I am sure that we can make a decision in the morning.

The Greffier of the States (in the Chair):

The Assembly can return to this first thing in the morning and give Members an opportunity to make arrangements if necessary.

5. Draft Food (Jersey) Regulations 202- (P.113/2025)

The Greffier of the States (in the Chair):

The next item of business is the Draft Food (Jersey) Regulations 202-, P.113/2025, lodged by the Minister for the Environment and the main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Food (Jersey) Regulations 202-. The States make these regulations under Articles 6, 8, 17, 20, 59, 60 and 62 of the Food (Jersey) Law 2023.

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

In December 2022 the States Assembly passed the Food (Jersey) Law 2023. It replaces the Food Safety (Jersey) Law 1966 and modernises the regulation of food in Jersey, setting a clear framework for food safety, food hygiene and consumer protection. As the next item of business, I will be inviting the Assembly to activate this law. I have waited until now to do this because of the linkage in the primary law to important secondary or subordinate legislation these regulations. Over the last year my officers have been working with the Law Drafter on these important regulations, and I bring them today before Members for their approval and adoption. I have accepted the Scrutiny Panel's suggestion that a fixed commencement date, as currently set in the regulations, 1st October 2026, could risk setting an unrealistic timetable that will place undue pressure on both the department and the businesses involved and should be removed. If adopted, the next Minister for the Environment will, therefore, have the task of bringing forward a commencement date for these regulations. Members should be clear that whoever is returned should push for a prompt start date in the new Assembly, one not too far away from 1st October this year, assuming of course that everybody is ready. In bringing these regulations, my intention is to strike a balance between protecting public health and the availability of food for consumers, while avoiding unnecessary burdens on food businesses that could limit the variety. I would emphasise that there is little value in introducing new food allergen labelling requirements without also ensuring that food is prepared in environments where cross-contamination risks are minimised through robust hygiene and safety practices. Food businesses themselves are the first line of defence, that if they repeatedly fail to meet these good

safety standards it is essential that the Government has the tools to take appropriate graduated action through a revised licensing scheme. This integrated approach is intended to support consumer safety, promote business accountability and ensure that Jersey's food laws are modern, coherent and enforceable. I am committed to supporting businesses through these changes, engaging with the industry in providing practical and targeted advice and guidance and focused training. We will continue to engage openly, explain clearly and encourage positive participation by food businesses. My ambition is to provide effective oversight without being burdensome. A light-touch approach is favoured where possible, but always with public health as the priority. But we should not forget that in the most serious cases unsafe food can cause illness and even death. I want to stress that my intention in drawing up these regulations has never been to extend the scope of the food industry framework into areas and occasions, events or individuals that have up to now functioned quite adequately without such oversight or intervention. The focus is and has always been on food businesses which are undertakings, whether for profit or not, public or private, that carry out activities related to any stage of the production of food. Regulation 2 sets out areas where the regulations do not apply. However, it is impossible to cover all the real-world situations, and this is when descriptive words such as occasional, small scale and one-off and consideration of the regularity of activity and degree of organisation would be taken into account in determining whether food made or served at particular events is or is not within the scope of the regulations, both labelling and licensing. Registered charities that do not operate as a food business are out of scope. At the margins, pragmatic assessments may often need to be made and recognising this, as Minister, I have order-making powers to exclude categories or persons or organisations, particular types of events and temporary one-off instances where it makes sense to do so. Examples of out-of-scope activities would include: cakes made for a school or community fete or a charity cake sale by home bakers; food prepared at home for a cultural celebration, such as the Lunar New Year; food being prepared for a wake by family members; Christmas or Liberation Day celebratory Parish meals for senior citizens, senior parishioners, held at the Parish or Community Hall; the annual Royal Square Soup Kitchen; barbeques or events for youth organisations, such as Scouts or Guides; sports team coach providing homemade sandwiches or even orange segments at half-time or after a match; volunteers providing coffee, tea biscuits to members after an event; schoolchildren providing own ingredients for cookery classes to take home and eat or a colleague bringing in homemade treats to share in the workplace. That is not an exhaustive list but just gives you a brief overview of the sort of areas we will not be looking at. In these cases, licensing under the Food Law would not be required and labelling requirements would not apply. However, food must still be safe to eat, and anyone preparing or serving food would be strongly encouraged to follow food hygiene and best safety practices and provide accurate ingredient allergen information where possible. I hope this has offered Members some clarity, as far as I can sensibly go as to what is covered and, more importantly, what is not covered. Let me say more about the draft regulations themselves. These draft regulations cover the proposed regulatory framework around food standards, including labelling and food allergens information. It also includes food hygiene and safety and the licensing of food businesses. One of the most high-profile gaps in Jersey's current food legislation and frequently highlighted by the public and the media is the lack of direct legal provision for allergen labelling. Our current legislation on food labelling dates back to 2005 and predates the relevant E.U. (European Union) and U.K. legislation that introduced allergen requirements in 2014. In this respect, Jersey is not breaking new ground, we are catching up with best practice in neighbouring jurisdictions. We must take proactive steps now to reduce the risk of a serious incident occurring in Jersey, rather than waiting for it to happen. As one allergens sufferer told me: "Allergies are life threatening and not a choice." For many Members, especially those with families or with young children, grandchildren, the anxiety around allergens is constant and deeply felt. Thanks in large part to the work of the Jersey Food Allergy Group, public awareness here of the food allergens has grown and I would like to thank them all for keeping this issue in the spotlight. The conference the group hosted here in Jersey in November 2024 was attended and supported by the parents of Natasha Ednan-Laperouse, who died in 2016 after

having an allergic reaction from eating a grab-and-go baguette which was not labelled with the allergens present. Their campaigning led to Natasha's Law taking effect in the U.K. in 2021. Their words at the conference, and to myself in discussion personally with them afterwards, have left a lasting impression on me and we need to ensure that people living with food allergens in Jersey have the same protection and no one here dies from an allergic food reaction.

[15:00]

To achieve this awareness alone is not enough and a clear and enforceable legal framework is needed to reflect the seriousness of the issue and to help prevent, potentially, life-threatening incidents. Improving the provision of information to consumers about food allergens present in more food settings mean they will have greater confidence and safety in the food they buy or consume. As one food allergen sufferer noted: "They, the businesses, would get more customers, as people like me would know they can eat there." Another respondent to the consultation held over the summer commented: "Having a severe food allergy is a life-threatening medical condition; it is not a choice. It affects people's everyday life. It is about being inclusive to everyone and allowing people with life-threatening allergies to eat out and socialise with friends. If businesses get on board and make a good job of it, the customer feedback will be positive, leading to more customers and more business." Given that most of Jersey's prepacked food is imported from the U.K. and mainland Europe, it is both practical and sensible to adopt a harmonised approach to allergen labelling. This includes aligning with E.U. and U.K. standards for prepacked foods, hospitality settings, P.P.D.S. (prepacked for direct sale) items, sandwiches, premade packages and sold on the premises. I know that some food businesses in Jersey are voluntarily following these practices and most imported products already meet the U.K. and E.U. labelling standards. However, formalising these expectations in law will ensure customers and consumers can always expect clear, accurate and accessible information about the food they buy. In respect of allergens, this includes information on 14 specified allergens in the food they prepare or sell. Additional allergens can be added by Ministerial Order. Allergen information must be specific, complete and tailored to each food item and has to be available in English. Where the allergens are not already labelled in English, for example, some imported goods, businesses may comply by applying stickers with English translations or providing Q.R. (quick response) codes that link to English language information. We have sought to be pragmatic in our application and adopted specific Jersey-focused approaches where necessary. For example, an exception in the draft regulations is proposed for temporary one-off specialist markets, such as the Norman market that operates under the Bailiff's permission in the square outside usually. These vendors would not be expected to fully label products in English, but stallholders should be able to answer questions about ingredients or provide a printed explanation of allergen content. Similarly, we recognise that there are a number of businesses in Jersey that specialise in the sale of food to members of a particular nationality or ethnic group. In these cases, food may be labelled in the language of the intended final consumer but allergen information must be available in English, by written or verbal means, for the final customer before purchase. In restaurants and cafés good practice will be for allergen information to be written down on menus and to be backed up by verbal explanation, should the customer require. Many of our venues are already operating this way, so it should not be too onerous for all our restaurants and cafés to meet these requirements. Of course I realise that human error can never be entirely eliminated in food preparation. However, a strong legal framework supported by clear guidance can significantly reduce risks and improve outcomes for everyone. While individuals with allergies must continue to ask questions and take precautions, these new measures will make it more likely that they receive accurate and helpful answers. Overall, the proposed regulations on food labelling will bring Jersey into line with the U.K. and E.U. standards in terms of labelling requirements for food products. These regulations set out the food labelling obligations according to how the food is presented and sold. The key categories are: non-prepacked food, that is loose food; prepacked food, prepacked for direct sale and distance selling of foods. One key change is that the place of origin must be clearly stated on all food labels, ensuring transparency

for consumers about where their food comes from. In addition, nutritional information will need to be declared on packaging, helping people make informed choices about their diet. There will be exemptions for small businesses to avoid placing an undue burden on operators with limited resources. But the overall aim is to improve clarity and consistency across the market. The intention is that labelling empowers consumers to make decisions aligned with their preferences and values. The new regulations modernise and consolidate the provisions of the Food Hygiene (General Provisions) (Jersey) Order 1967. They provide a comprehensive framework for food hygiene and safety. Islanders can become seriously ill from poor food preparation and hygiene and we are introducing a proportionate enforcement regime to deter this from happening and to deal with it, should it arise. The regulations address general hygiene measures, standards for premises and equipment, staff hygiene, food preparation and handling, temperature control and the packaging and the storage of food. The aim is to ensure that food remains safe at every stage of its journey, from preparation through to consumption, by establishing clear and practical standards for all food businesses. The Food (Jersey) Law 2023 introduces a requirement to implement and maintain procedures based on Hazard Analysis and Critical Control Points; Members may know that as H.A.C.C.P., an internationally-recognised system for managing food safety risks. To support this, the proposed regulations will require that food handlers receive specific training in food hygiene, with a particular but not exclusive focus on control of cross-contamination risks, temperature controls, cleaning and the right chemicals to use for cleaning, the safe handling of allergens and pest-control measures. It is imperative that all staff involved in food preparation and service understand their responsibilities and are equipped to maintain high standards of food safety. I will now turn to the proposed new licensing arrangements for food businesses. We all know that the food industry is a vital part of Jersey's economy, contributing significantly to employment, tourism and community well-being. With this level of importance comes the responsibility to uphold high food safety standards and to protect public health and to maintain consumer confidence. A licensing scheme would better reflect that importance. As one respondent to the summer consultation noted: "Licensing carries more weight, better reflects the importance of food safety compliance and could strengthen consumer confidence if implemented fairly." At present all food businesses must register with my department but this arrangement is, effectively, little more than a tick-box exercise. For some food businesses this is accompanied by a separate requirement to be licensed, but this is more to do with history than a consistent considered approach. A few hundred food businesses, such as cafés and snack bars, are currently required to obtain a Places of Refreshment licence costing £103.53 per year. Ice cream vans and stalls selling ice cream must apply for a separate licence under the Food Safety (Ice-Cream Stalls, et cetera) (Jersey) Order 1969. This currently costs £127.60 annually. This new scheme aims to create an even level playing field for all businesses involved in any stage of food production, processing or distribution. Other food businesses, such as restaurants that serve alcohol, are covered by the Licensing Law (Jersey) 1974 and currently pay £434 a year for an alcohol licence, which is currently under review but do not contribute directly to the food inspection programme. Licensing *per se* should not be seen as an alien concept, but what is odd is that Jersey is unusual in not having a single clear modern licensing structure for all food premises. Under the current registration arrangements, registration is free and there is little incentive for businesses to liaise with us and, therefore, allow us to keep our records up to date. Businesses often change the nature, the scale or the scope of their operation and we are often not informed. This can hinder effective communication and, ultimately, poses risk to public health. Elevating the current registration system to a licensing scheme would raise the perceived importance of food safety compliance, provide a clearer legal mechanism for action against non-compliant businesses and support a graduated enforcement approach based on risk and behaviour. The requirement to gain a licence would act as a barrier to entry for poorly prepared operators. Revoking a licence would be a last resort, used only when all other efforts to secure compliance have failed. Importantly for food businesses, the proposed licensing scheme aims to reduce the administrative burden by requiring food businesses to submit their details only once. Multiple registration systems would be replaced with a single

streamlined process. Annual licences would be issued through an online system, similar to the existing processes for Places of Refreshment and Rented Dwelling licences. Renewals would be designed to be simple and efficient, reducing the administrative burden for operators. To ensure a smooth transition, existing businesses would not require a pre-inspection before receiving their licence. Instead, they would be contacted within the first 12 months to update their details, ensuring continuity and minimal disruption during implementation. The new licensing arrangements would be managed within the existing resources of the Regulation Directorate. The 200-plus premises currently licensed under the Places of Refreshment Law would be incorporated into a new licensing arrangement. A risk-based framework would be adopted for licensing food businesses. Licences would be granted according to their risk category that the food business was allocated to. Food business operators would be stratified in one of 3 tiers. The level of risk would be determined by reference to these items: the type of food being used, whether that was low-risk ambient foods or high-risk meats and dairy products; the scope of the business or enterprise, whether that was a small community event or a large-scale manufacturer; the degree of organisation, whether it was prepacked food or more complex meal preparation; the type of processing involved, which could be ranging from basic preparation or pasteurisation, vacuum-packing or even sous vide, which is the precise cooking technique where vacuum-sealed food is cooked in a temperature-controlled water bath. Finally, it could include a demographic for the intended customer and if that included some vulnerable groups. I would stress that licensing requirements will not apply to occasional, low-risk or domestic food activities. Those preparing and consuming food in a private home, making food for a school fete or a charity cake sale, for Parish meals or similar community events, would not need to apply or hold a licence. The focus is on food businesses that operate regularly and with a degree of organisation, whether for profit or not. Higher-risk businesses would face more frequent inspections, while lower-risk businesses and operations would benefit from lighter oversight. I want to say more about which types of businesses might typically slot into the low, medium and high-risk categories. Low risk is where businesses handle only low-risk food products or prepacked high-risk items and typically operate with medium or high frequency. They pose minimum risk to public health and require limited oversight. Examples could include; retailers with a low-risk non-products of animal origin products, such as confectionary, flour-based goods and processed fruit and vegetables; public houses that do not serve meals beyond low-risk snacks, crisps, nuts and other snacks; fishing vessels selling or providing raw or live fish directly to consumers or fish markets and coffee shops that only sell low-risk items.

[15:15]

The medium-risk group is a category which includes the majority of food businesses. These establishments handle or prepare high-risk foods but do not engage in manufacturing or serve particularly vulnerable populations; they require a moderate level of oversight. Examples of these could include: hotels, restaurants and cafés; butchers and bakers; and before anybody says it, not necessarily candlestick makers. But manufacturing of non-animal products, alcohol, juices, staff canteens where open high risk foods are provided, supermarkets that sell open food items such as a deli or butchery, and manufacturer of food supplements. High-risk businesses are involved in the manufacture, processing, and repackaging of high-risk foods. Also vulnerable groups. These operations require the most intensive oversight due to their complexity and the potential they have for public health impact. Examples of these could include meat importers and exporters, re-packers of meat and meat products, meat cutting plants, manufacturers and processors of dairy products, manufacturers and processors of other products of animal origin, and hospitals and other care facilities that provide food to the vulnerable. Businesses that demonstrate strong compliance, either through robust internal food safety systems or external accreditation, such as red tractor kitemark, may benefit from reduced inspection frequency and - if the Assembly suggested and supported a charging arrangement in the future - lower fees. At this point let me say more about possible fees. Members will be aware of Scrutiny's amendment to remove fee-making powers from these

regulations. I oppose this, and I will say more when I come to the amendment itself. However, I want to stress to Members that the Directorate currently operates under a fragmented charging system where some businesses contribute to the cost of regulation while others do not, often based on the legislation they fall under rather than the actual food safety risks associated with their activities or the types of food they produce. This inconsistency is increasingly viewed as unfair, particularly where lower risk businesses are charged while higher-risk operations may not be. The risk-based licensing model could be used to address this imbalance. I recognise and am supportive of facilitating a great deal of flexibility around the application of the fees in the sense that a future Minister could, for example, decide not to impose fees, to waive fees, or to discount fees. They could also consider charging for associated activities such as reinspection where food businesses have failed to meet minimum standards. Ultimately a fair, risk-based charging model is critical to help safeguard public health, maintain a trusted regulatory framework, and ensure the long-term resilience of Jersey's food safety system. Please do not remove the opportunity to even consider this which, in effect, is what supporting Scrutiny's amendment would do. These draft regulations represent a significant step forward in modernising Jersey's food safety framework, aligning it with best practice in the U.K. and the E.U., while addressing longstanding gaps in our current legislation. They provide clear, enforceable requirements for allergen labelling, hygiene standards, and licensing, ensuring that consumers can make informed choices and that food businesses operate to consistent high standards. By adopting these regulations we will not only reduce risk but also strengthen customer and consumer confidence, enhance Jersey's reputation as a safe and attractive destination, and provide a transparent, proportionate framework for enforcement. This is an opportunity to futureproof our food laws and demonstrate our commitment to health, safety and quality for all. Food safety is a cornerstone of public confidence. We must never forget what is at stake if food safety standards are not upheld. When Islanders and visitors sit down to eat they should do so without fear. Imagine a parent in Jersey who cannot take their child to a café without that fear of an allergic reaction. Our current laws leave gaps that put lives at risk. These regulations close those gaps. They give us the tools to prevent tragedy rather than respond to it. Modernising and consolidating food hygiene requirements - particularly the introduction of mandatory training for food handlers - will help provide clarity and consistency, ensuring food remains safe from farm to fork, with pride in high standards being the watch word. Licensing is not about creating barriers, it is about creating clarity and accountability. It elevates the importance of food safety compliance, it strengthens consumer confidence, and it gives Government the tools to act when businesses repeatedly fail to meet standards. The new licensing scheme will streamline processes for businesses, doing away with multiple registrations and licences. There will be one process, one point of contact, and one clear set of expectations. High-risk businesses will gain more oversight and low-risk businesses will not face unnecessary checks. It is about making compliance easier while improving safety for food. It is about smarter, focused, proportionate regulation. Let us make Jersey a leader in food safety, not a follower. Let us give Islanders and visitors the confidence they require. Let us do it now before a preventable tragedy forces us to ask why we waited so long to act. I commend these regulations to the Assembly, and I ask for their support.

The Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? I have the Connétable of Grouville and then Deputy Jeune.

Connétable M.A. Labey of Grouville:

May I make a declaration that my wife and I are food producers and, therefore, I will not be able to vote, especially in the amendment about licence fees.

The Greffier of the States (in the Chair):

Does any other Member wish to declare an interest before we call people to speak?

Connétable M. O'D. Troy of St. Clement:

Yes, Ma'am.

The Greffier of the States (in the Chair):

Sorry, is that the Connétable of St. Clement online?

The Connétable of St. Clement:

Yes, it is. We have 5 food outlets so I will not be participating in the debate, and I will abstaining on the votes.

Deputy A.F. Curtis of St. Clement:

I would like to make the same declaration, that I have a business that produces foodstuffs, however, I understand that this legislation affects over 1,200 businesses in the Island and, therefore, this is not an interest shared by a small number and I will definitely be taking part.

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

I do have a business and I do sell food and drinks as well so I would like to declare that, thank you.

Deputy R.S. Kovacs of St. Saviour:

Similarly to the previous speakers, we have a business serving food. I will take part in it.

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

Moi aussi.

The Greffier of the States (in the Chair):

Does any Member wish to speak then?

5.1.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

At the outset I want to be clear that the panel supports the overall aim of this legislation. Modernising Jersey's food regulatory framework is both necessary and welcome. Food safety, allergen labelling, and hygiene standards are fundamental to protecting public health, and the Island's legislation must keep pace with modern expectations and international practice. Islanders should be able to eat food with confidence, whether that is in a restaurant, from a market stall, or a Parish event. Ensuring that confidence is maintained is a core responsibility of Government. The panel is also supportive of the intention to streamline the current system. At present Jersey's food regulation framework is fragmented, spread across multiple pieces of legislation and processes that have created inefficiencies for both regulators and businesses. If this new law can bring greater coherence and reduce unnecessary red tape, that is something the panel welcomes. However, during the panel's work and our engagement with stakeholders, it became clear that there are several areas where greater clarity and proportionality will be essential if this system is to work effectively in practice. To understand the likely impacts of these proposals, the panel issued a targeted survey across Jersey's food sector. We received 90 responses from cafés, restaurants, home-based producers, fishers, retailers, charities, and mobile vendors. One of the most consistent concerns raised relates to the scope of the licensing scheme and how businesses will be categorised. Stakeholders, from child carers to small food producers, have told us they are uncertain about how the proposed risk categories will operate in reality. Questions remain about who will fall into the low, medium, or high-risk categories and what that will mean in terms of obligations. This uncertainty raises concerns about unintended consequences. For example, child carers have told us they are worried they could inadvertently fall within this licensing regime that was never designed for their circumstances. Some self-employed child carers asked whether they might be classified as food businesses, simply because they prepare meals for children in their care. These are not restaurants or cafés, they are individuals providing

home-based childcare, often on modest incomes. Without clarity around definitions, licensing requirements or potential fees, there is a real concern that additional regulatory burdens could discourage carers from providing meals, or even push some out of the profession. We also heard concerns from those involved in community and voluntary activities. The intention is that low-risk activities such as Parish meals, charity cake sales, sports clubs or community events should fall outside the licensing scheme, but the boundaries are not yet very clear. The panel repeatedly raised concerns on this matter and was unable to gather sufficient clarity on how regulations will be applied in practice. This has left many people unsure whether they are generally outside the system, or simply placed in the lowest regulatory tier, or provided with exemptions, even if in a higher-risk category. For small operators, charities, and home-based providers that distinction matters. For legislation that affects such a wide range of Islanders, from commercial operators to home-based providers and volunteers, clarity about exemptions and how they will operate in practice is essential. A modern food law must protect public health, but it must also ensure that low-risk activities are not subjected to disproportionate regulatory burdens. There must be also an element of proportionality and respect for consumer choice. For example, if someone wishes to buy a homemade jar of jam from a hedge veg stall it should be the responsibility of them to make that personal choice and accept the level of risk involved. Regulation should, therefore, focus on genuine public health risks, while allowing low-risk, small-scale activities to continue without unnecessary barriers. Another significant area of concern relates to the proposed business pays model for licensing and inspections. The Minister has described these regulations as fundamentally a public health measure. That raises a legitimate policy question for this Assembly. If the primary objective is protecting public health, should that protection be funded primarily through general public resources, or through a licensing model that places additional cost burdens on businesses? This is an important question that deserves careful consideration and relates directly to one of the panel's amendments, which we will debate in the next stage, concerning the extent of this powers this Assembly gives the Minister to prescribe fees. The panel's survey found that a significant majority - 74 per cent - expressed strong opposition to the principle of businesses paying for inspection costs. That level of concern from the sector that will be regulated should give this Assembly pause before introducing a business pays model without a clear evidence base. Many respondents highlighted that small and micro businesses, charities, and home-based providers operate on extremely tight margins. For them, additional licence fees are not simply an administrative detail; they can influence whether a small enterprise remains viable, or whether someone is able to participate in Jersey's local food economy at all. Food businesses are already facing rising costs from energy to ingredients to wages. Introducing a new licensing fee without clarity on the level of methodology risks adding another pressure point for small operators. A related issue is transparency. At present, detailed fee structures and calculation methodologies have not yet been published. Without that information, businesses and this Assembly cannot meaningfully assess a potential financial impact. The panel has also identified uncertainty about implementation readiness. Important elements including guidance, administrative systems, and enforcement arrangements are still being developed. For that reason the panel has proposed an amendment to remove the fixed commencement date. Instead, commencement would occur only when the Minister can demonstrate that the system is ready to operate effectively.

[15:30]

Throughout this review the panel has been guided by a simple principle: strong public health protection must be matched by proportionate, evidence-based regulation. That means regulations built on clear risk assessments, transparent criteria, and practical guidance so that businesses and volunteers can understand their obligations and comply without unnecessary cost or confusion. Modernising Jersey's Food Law is important but it must be done in a way that protects public health, while also supporting our diverse, resilient, local food economy with an element of proportionality and a respect for consumer choice. For that reason, while the panel supports the principles of the

law, we felt it important to highlight our findings and concerns to that Members can take these into account during this debate and when deciding how to vote on the legislation.

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

I thought I should say a few words on these regulations because I have some knowledge and experience of food allergies, so I will just speak on that aspect. I still meet people who do not understand the possible severity of allergic reactions, or how widespread this problem is. A close family member goes into anaphylactic shock after eating certain foods, so I have seen how difficult it is to manage a serious food allergy. It is impossible for someone to be sure that they are eating a safe food if the labelling is inadequate. It is also unreasonable to expect a person to always every single day be severely limiting what they are eating just in case. My adult family member has gone into anaphylactic shock several times, requiring a 999 call and ambulance. In his case, after suddenly feeling very ill he would be, within minutes, on the floor, very bright pink in colour, and unable to breath shortly after. All within a few minutes. Even after using his EpiPen the paramedics once had to intubate him on the living room floor to keep him alive. It is absolutely essential that we have allergen labelling on foods if we want to prevent premature deaths. There are people as well who suffer from food intolerances and adequate labelling will help them to manage their conditions. During the last few years I have spoken to parents of children with allergies, the Jersey Food Allergy Group. The Children, Education and Home Affairs Panel has argued for spare auto-adrenaline injectors in schools; and I attended the Food Allergy Conference in 2024, which all States Members were invited to. Allergies - especially among children - are the most common chronic worldwide health condition. The severity of an allergic reaction can also change over time and can develop in adulthood, as well as having a major limiting effect on those children who have allergies. The Children's Commissioner states that the issue of food allergies falls under a child's right to adequate healthcare, and that appropriate provision should be in place to ensure that children have access to necessary treatment to ensure their health and safety. Regarding the effect on business, I have run a food business when I returned to Jersey in the 1990s, which I sold a few years later. This involved, among other things, importing fruit, vegetables, meat, and meat products into the Island, so I do sympathise with food businesses having to adjust to new regulations. But I think that we have to prioritise the health of Islanders and visitors to the Island. Jersey has been an outlier concerning food labelling, which has been legislated for the U.K., the E.U., and the U.S.A. (United States of America) for a number of years, so I am pleased to see this matter progressing and support this move to bring Jersey into line with U.K. and E.U. standards, which may well save lives.

5.1.3 Deputy J. Renouf of St. Brelade:

I am minded to speak as the Minister who brought the Food Law to the Assembly in 2022, and I was very aware when I did that how far Jersey was behind modern standards even at that point. I am sure it is for the current Minister, as well as for me, a matter of regret that it has taken this long to get to this stage, but I am very pleased that we are debating this law now. On the question of the principles, I offer my full support. I think in the modern world people have legitimate expectations around public health and public safety. They are different to what was common in the past, and the modern expectations are an improvement. It is better. I think Deputy Catherine Curtis has just given us an example of the obvious ways in which it is related to allergies, but there are implications around the wider issue of food safety that are also highly relevant and where public expectations have moved on. So in those circumstances I think the law should provide the guardrails within which we can all live and deal with food in relative safety. The main thoughts about these regulations are about the relationship between proportionality and safety. Do the regulations impose excessive burdens, either by extending coverage where it is not proportionate to do so or by overly complex implementation? I think we will get to the detail of that when we come to the amendments but, in terms of the principles, I think the principle that the Minister is following is a graduated approach. He has got exclusions, he does have different levels. The argument is, therefore, not about the principle that he

is adopting; it is about the actual place where those boundaries are placed and some of the judgments within those principles. I feel very comfortable in supporting those principles for this, and I am very glad the Minister has brought them to the Assembly. I hope we adopt the principles.

5.1.4 The Connétable of Grouville:

I have already made a declaration that my wife and I are food producers, and at 4.00 a.m. every Saturday morning you would be horrified to hear that I am up cooking Jersey Wonders with my dear lady wife, the profits of which goes towards our holiday. She is enjoying some skiing in Les Gets right as we speak as a result. But I asked face-to-face the chief officer of the Regulatory Authority how my wife and I would be regulated, and I received some very good news. If a food inspector turned up and asked my wife to scrub out her brand new kitchen and replace it with stainless steel I would have expected him at the very minimum to be wearing a stab vest, or certainly to duck; but I was told at that time there would be no reason for that to happen and that we would be inspected once every 3 years. We currently already exceed the allergen labelling on our product, however, that is my one concern. Many labels can be applied to food, apples, oranges, things with a smooth skin, however, a Jersey Wonder is cooked in oil - as we all know - and cannot be labelled because a label simply would not stick to it. Our bags are labelled and we leave a laminated sheet at every shop and outlet to tell the ingredients, and a contact number. I was told that that exceeds what would be required, but I would like the Minister perhaps to just give me some confirmation on that. That is all I have to say.

5.1.5 Deputy A.F. Curtis:

I will keep my comments on the principles brief. There is a lot to be said around some of the nuance in the Articles and especially the amendment, which I am far more prepared for. Deputy Renouf just gave his full support for the principles, and I would say I give my qualified support for the principles. Deputy Catherine Curtis highlighted one strand of what this regulation achieves in the case of allergen labelling. It is an essential part, and it is really understood that this is an area of our legislation which has not kept to date, and the implementation of that is a public health matter. It is one where with better labelling there is a fair choice to be made. But my qualified support for this comes to the level to which I feel the Minister believes that our laws should protect the public and the public health at any cost. We have to be honest, I do not think we do have to protect the public at any cost from every decision. The chair of the panel gave a good example, which in essence was if you head down a green lane and you see a lovely hedge veg stall and you see a jar of honey on there, perhaps in this Island you are on your own. If you want to buy off that, buy at your will and buy at your peril. To me the attitude from the level of scrutiny I have seen of reading this, and obviously being on the panel that scrutinised the Minister, is perhaps any supplier of food for any level of profit for sale needs to meet the same highest of levels of labelling of everything. I personally believe, no. I do not think that is proportionate. There has to be a point at which you go: "This is so clearly an alternative way of trading that we are happy allowing customers the risk to trade as they wish." One example of that beyond the hedge veg stall is other parts of the mandatory particulars. I will not spend too much time on this because we may discuss the detail of each Article and its wording, but the new labelling requirements, the mandatory particulars, include a requirement for nutrition declarations. The Minister has said: "This is important to provide members of the public with information about their diet." It is true but that is not a life or death requirement. Allergen requirements are for many, and perhaps an increasing number of people. Nutritional information is not. If we turn to the legislation, and the principle it is not just that this must be provided, it must be provided in English. We know that English is not the only official language on the Island, we have French. We questioned the Minister and he said: "Well, the most people speak English." But back to the balance of access to product, access to the food environment in Jersey, if a producer in Jersey wished to package food with more than 10 employees - because we can get on to the exception in the Articles and the nuance of the wording - and they chose to put the nutritional information in French

what would be the problem? What would be the problem of labelling our food in French where it is not about the allergenic content? Because at the moment the wording says that the mandatory particulars form part of the label. The label must be in English. We asked the Minister this multiple times in Scrutiny. Then you look at many products which do fall into this, they do not fall under an exempted category for nutrition labelling as a mandatory particular, and these may appear to be many of the imported things in some of our food shops that are imported from other parts of the world, which would not have it. Maybe curry pastes and other things. We have got to get to a point where we are clear as to whether what we are approving is going to create an undue burden on these importers to label a product that is truly at the will of the consumer to buy. If they wish to buy a curry paste made in Thailand, and the nutrition information in particular is only in Thai, there is no life or death issue. So my qualified support on the principles - and I will go further on some of the details and some of the level of bureaucracy the Minister is implementing in this law that he thinks is legitimate in the Articles - is that when we debate these and when we talk about safety it is so easy to use the phrase "at any cost" or "to the fullest extent". It has to be qualified with the rights of individuals. If there is no requirement on allergenic labelling we can all agree that that can severely restrict the market to which those with severe allergies can access. But there is a scale to be met here, and I hope the Minister in summing up in the principles can better articulate his position on this scale, because to me some of this will go too far and some of this will restrict the freedom of consumers to buy perhaps a rare, imported product where it would make absolutely no sense to relabel. Members might be thinking: "Well, that will not be the requirement" but again in Scrutiny we asked, and the innovative approaches proposed by the Minister and his department may include Q.R. codes stuck on top that lead you to a website to find the content. Somebody has got to type that up. If you are bringing in a mixed pallet of really interesting small niche goods to keep the Island with vibrant food it may not be worth it. So the Minister has to be really clear what his principles are and, when we get to the Articles, be ever clearer as to how they will work.

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

What Deputy Alex Curtis said has struck a chord with me just in terms of the requirement to state allergens, particularly for a small business, say a little cake shop or some outlet that is creating pastries.

[15:45]

We are told that a person commits an offence if they, without reasonable excuse, fail to comply with the requirement in part 2 - that is to label food - intentionally or recklessly mark or label food with incorrect information or make an authorised alteration to the labelling of food - well, fair enough - or sell food after the use by date. All good, but this thing about intentionally or recklessly marking or labelling food with incorrect information makes me wonder a bit about if you are a small business and you have been supplied with a product and you have been told that it does not have allergens in it and basically that information is wrong, it is the extent to which you yourself could potentially be liable for that. I very much sympathise with people who do have these sensitivities, and I do think that it is perfectly reasonable if you have got huge brands that are providing food that they should have a certain degree of responsibility, but then how this works for your artisan supplier and whether there are perhaps different levels criminality. I do not know. It does not seem to be. So I would be interested if the Minister could speak to that.

The Greffier of the States (in the Chair):

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

5.1.7 Deputy S.G. Luce:

I will go in reverse order, if I may, and that might be easier for Members. Deputy Scott talks about small businesses preparing food and using other ingredients to create other foods which are then sold, and do they need to know what they are using, was how I wrote it down. The answer is absolutely, yes. What is the point in having a community that think they have got allergens covered and labels if a person who is creating a food product to sell to people ... they need to know what they are using in their ingredients. How could they possibly put a label on a product, or not put a label on a product, depending on how they are selling it, when they have not got the knowledge of what they have used to create that product? This is the whole idea. That at every stage of the process the allergens are identified. So if you are making products and you join ingredients to create those products you need to know what you are using. Deputy Alex Curtis - quite agree - we need to get up to speed, we need better labelling, but not at any cost. He spoke about hedge veg, and of course certain bits of hedge veg are completely exempt. So if you are growing a cauliflower or a courgette or potatoes, provided they are in an open bag or something like that you do not need to do anything at all other than carry on. But if you are creating a manufactured product to sell on the hedge you will need to have some sort of ... under these regulations, currently not yet agreed, but you would need to put something on that. Again, I come back to the same point that I have just used for Deputy Scott; if we are as an Island going to adopt these regulations and people go out into the community expecting labelling to happen and proper allergens to be labelled and identified in a correct way on the products, and they come up against something which has no label, are they going to assume that it is OK because we passed the legislation? He spoke about languages. I tried to explain languages in my speech but I did say that where allergens are not already labelled in English, businesses may comply by applying stickers with English translations, or providing a Q.R. code that links to English language information. So it is not a prerequisite that they have to start off in English, but there is always going to be a requirement at some stage of that contract of purchasing that product that there will be something available to the consumer, to the purchaser at that time. I would like to thank the Constable of Grouville for his experience and of course, as I am sure he has been told, it might depend - although he has had some very good advice and is absolutely right - if he were to prepackage and seal up a Wonder he would then need to apply labels. But the way he sells it at the moment, open and free packed, that is fine; you can have the labelling information at the point of purchase. Deputy Renouf is not here so I will wait to see if he comes back. Deputy Catherine Curtis, I would like to thank her for her practical experience, and I hope Members listened to what she had to say because when we start talking about intolerances, but more importantly allergens - especially in children - this is the whole reason why we are here today and debating these regulations. The chair of the Scrutiny Panel, I would like to thank her for her engagement and the panel's work. She is right, we need to keep up with the E.U. and the U.K. and we need to do that with confidence, and we also have the ability here to streamline the process. She expressed some uncertainty about childcare situations, and I have to say to her, in a large childcare situation with multiple children where people are paying to have their children looked after and food is prepared on a regular basis for a large number of children, they would fall under a category because it is important - especially these days - that children ... a lot of children suffer from intolerances and it is important that the parents of those children that are at these establishments know that they are being catered for correctly. The regularity of the activity, how often the food is being prepared, the number of people it is being prepared for, and the type of people it is being prepared for all come into that categorisation. We will do more work. We started off by trying to be very general in describing low, medium, and high-risk businesses, and we started making a list. As we got asked so frequently about the different types of establishments that would not be caught by this we have ended up with a long list, some of which I described to the Assembly when I made the proposition, and we can keep adding to that. I take the Deputy and Scrutiny's views about fees and costs on board. They did their own research, three-quarters of people felt that the costs were not appropriate. We have just been through an alcohol licensing debate where we did not find it was a problem with setting fees, and I would also just remind Members that, as I said in my first speech, ice cream sellers and some restaurants at the moment are paying. We are going to take that legislation

away and replace it with something else, but were we to have no fees at all my department would not only not have the ability to charge under the new regime but we would lose the income that we currently have and have had on a regular basis for some time. As the chair of Scrutiny has said, the panel came up with an amendment about the commencement date for this, and I was very happy to agree with that. I think it is only right that we start this when everybody is ready. I would just finish by saying we have agreed to provide guidance, code of conduct, and we have done a toolkit in a similar way to rented dwellings. Businesses will be able to go online to gov.je and find all the information they need. We do commit and will communicate with all businesses on that, and I hope that will give Members some guidance. Now that Deputy Renouf has returned I would just like to say, yes, the community these days have new expectations of what they expect to find when they go to purchase food, and that is quite evidence. But I would just like to finish in this stage of the debate by thanking the Deputy. He quite rightly told the Assembly that it was he, when he was in my position, who started this process. It has been a long process, it has taken us a long time to get here, but I would like to thank him personally for kicking it off. I am just here carrying on the good work that he started. With that, I hope I have answered all the questions and I call for the appel on the principles.

The Greffier of the States (in the Chair):

Deputy Scott, do you have a point of clarification or is it a question for the Attorney General?

Deputy M.R. Scott:

It is a question for the Attorney General. It relates to the Regulation 33(b), offences in terms of when a person commits an offence if they intentionally or recklessly label food with information that is incorrect. My question relates to reliance on a supplier - and I am thinking, for example, of the Constable of Grouville and the Jersey Wonders - that in certain circumstances he may have a supplier that said: "This is flour, this has no allergens" and he has relied on that in terms of labelling his own food. I just wonder if there are circumstances in which a court may say: "That was wrong of you" or that: "In the circumstances, that supplier you used was not reliable." So the extent to which the small business owner may have that kind of need to assess that and what the Attorney General's comments are in that respect.

The Greffier of the States (in the Chair):

Are you able to assist, Mr Attorney General?

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

It would turn on a case-by-case basis, but all I think I can usefully do today is say what is meant by intentionally or recklessly. To intend something is to mean to do it. If you intentionally label food with information that is incorrect it means you know it is incorrect and you mean to label it incorrectly. Recklessly means you realise there is a risk that you might be going to label it incorrectly but you take that risk regardless. Now, if you have got reason to doubt the accuracy of the information you have been given then you are on notice that you may be running a risk.

The Greffier of the States (in the Chair):

Minister do you wish to have the appel?

Deputy S.G. Luce:

I do, please, Ma'am.

The Greffier of the States (in the Chair):

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 an opportunity to cast their vote then I close the voting. I can announce that the principles have been adopted:

POUR: 40		CONTRE: 1		ABSTAINED: 1
Connétable of St. Lawrence		Deputy A. Howell		Connétable of St. Clement
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy 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				
Deputy M.B. Andrews				

The Deputy Greffier of the States:

Deputy Howell voted contre and the Connétable of St. Clement abstained.

The Greffier of the States (in the Chair):

Does the Chair of the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise this matter?

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

No, Ma'am.

The Greffier of the States (in the Chair):

Very well, then we will move on to the debate about the regulations. There is an amendment from the Environment, Housing and Infrastructure Scrutiny Panel. Do you accept the amendment, Minister?

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

No, I do not.

The Greffier of the States (in the Chair):

Do you wish to propose the Regulations *en bloc*?

5.2 Deputy S.G. Luce:

What I would like to do, Ma'am, if I may, is to take regulations up to and including Regulation 55 *en bloc* and then stop to debate specifically 56, and then take the rest after that, if we get that far.

The Greffier of the States (in the Chair):

Very well. Do you wish to propose those regulations?

Deputy S.G. Luce:

I propose to take the regulations up to, as I said, including 55 *en bloc*. I think there is a great deal of familiarity with these aspects and I think they command broad support. I thank Members for their support in the principles debate. I am happy to speak to any of those regulations if people want me to, or I am just happy to go straight to the amendment.

The Greffier of the States (in the Chair):

Are Regulations 1 to 55 and schedules 1 to 3 seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 to 55 and the schedules?

5.2.1 Deputy H.L. Jeune:

The panel reviewed these Articles as part of Scrutiny, and the panel is largely supportive of Regulations 1 to 55, particularly the provisions to introduce mandatory allergen labelling to strengthen protections for those with allergies and food-related health risks, as we heard in the debate in the principles. However, there are some concerns that I would like to highlight to the Assembly regarding the proposed regulations that I and also Deputy Alex Curtis touched on briefly during the

principles debate. They are also set out in more detail in our comments paper. The principal issue is the scope and clarity of the regulations. The regulation defines food businesses very broadly as any undertakings that carries out activities at any stage of food production. During our briefings and public hearing, the panel repeatedly sought clarification about how this definition will apply in practice, particularly in relation to small-scale operators, occasional sellers, charities, sports clubs, and community groups. We understand that the intention is to apply the regulations through a risk-based approach.

[16:00]

The Minister has talked about this during the principles debate, with categories ranging from businesses that are in scope but exempt from certain provisions, through to low, medium and high-risk licence operators. However, despite these explanations, the panel found that there remains significant uncertainty around how the framework will operate in practice. For example, Regulation 2 lists one-off or voluntary events if low risk as being out of scope of the regulations, yet the accompanying report appears to suggest that such events are exempt only from certain elements such as licensing and labelling. When this was raised during the public hearing, officers clarified that the exemption relates only to licensing and that the primary law would still apply. Similarly, the regulations contain no definition of the term “processing”. During the hearing, we explored the example of hedge veg stands, which are listed as being out of scope when selling unprocessed produce grown by the seller. Officers advised that washing potatoes and placing them in a crimped bag would remain exempt from labelling requirements, whereas washing them and placing them in a sealed bag would not. Yet other aspects of the regulations would still apply. These examples illustrate the difficulty that both the panel and stakeholders have had in understanding how the regulations will be interpreted and enforced. During the public hearing, officers acknowledged that the Directorate itself does not yet know the full number of businesses that will fall within the scope of the regulations, stating that: “We do not know what we do not know” in relation to operators who are not currently registered. The Minister drew a comparison with the rented dwelling licence scheme, where the initial estimate of 15,000 dwellings ultimately proved to be closer to 18,000, once the scheme came into force. This example illustrates that the true scope of the regulations may only become clear once they are implemented. While that may be inevitable to some extent, it does mean that businesses and community groups are currently being asked to prepare for obligations that are not yet fully defined. We therefore ask the Minister to do 3 things: first, to ensure that clear, comprehensive guidance is produced before implementation, setting out in practical terms how the regulations apply to different types of activities and operators; second, to engage closely with the food industry, community groups and small operators to test that guidance and ensure that it is workable and understood; and third, to monitor the implementation of the regulations carefully, particularly during the early stages, and to be prepared to make adjustments if unintended consequences, especially for small businesses, charities or community organisations, become apparent. Another area the panel considered was the introduction of mandatory nutrition labelling for pre-packaged foods, with exemptions for small businesses that are located in Jersey, employ fewer than 10 individuals, and supply food directly to customers in Jersey. Deputy Alex Curtis mentioned this a little bit in his speech in the principles. Officers advised that this threshold mirrors the approach taken in the U.K. and the E.U., and is indeed intended to ensure that only medium or large manufacturers are captured by the requirement. However, the panel did explore whether employee numbers are the most appropriate threshold, as staffing levels do not always reflect the true scale of a business. This is particularly relevant in the hospitality and food sector where part-time and seasonal employment is common. We were reassured that there is a degree of flexibility that exists within the regulations to ensure that small operators are not captured unintentionally, and we will be keen to see how that flexibility is applied in practice. The panel also recognises the Minister’s objective of maintaining regulatory equivalence with the U.K. and the E.U., particularly in the context of future sanitary and phytosanitary arrangements, and protecting Jersey’s ability to trade

internationally. That is an important strategic objective. At the same time, Jersey's economy is characterised by small businesses and small-scale producers. It is therefore important that regulatory frameworks are applied in a way that reflects the realities of operating on a small island. The panel therefore urges the Minister to monitor the impact of these regulations closely to ensure that the balance is maintained between international equivalence and small island pragmatism. To reiterate, the panel is supportive of these regulations from Articles 1 to 55. We ask this Minister to be mindful of the concerns raised during Scrutiny and to take forward the recommendations we have outlined.

5.2.2 Deputy I. Gardiner of St. Helier North:

I would like to start to share with the Assembly my journey. I remember I was on the Environment, Housing and Infrastructure Scrutiny Panel at the previous term, together with the Minister at that time, and I started to campaign for this law, following several emails that I received. The first email that I received, the first thing that triggered it, it was a member of the public wrote to me that she avoids eating at the big business canteen, because she does not know what she will be served. She asked once for potato and leek soup. What wrong can there be with potato and leek soup? She asked a person who was serving if it is vegan, and person say: "For sure it is vegan." Just the person did not understand that the person has dairy intolerance and cream was in the soup. It will end up well and it is all fine. But again, I will speak once on this, and this is why I am sharing the stories, and I will try to get to the point of the amendment. But why it is connected to the amendment, because for me it is really important. It followed my conversation with the parents. I have child, 10 year-old, and any time that I prepare any birthday I receive a long list of allergies, and there are some allergies that you would not expect, like coconut, and it is something that is small, that is not immediately jumping in your mind, but it does exist. Parents told me about their anxiety of eating out, of not knowing where the information provided about allergens can be relied on. Some described frightening experience where mistakes could have led to serious consequences. I want to say it clearly, that I fully support stronger allergen labelling and clear food safety standard. It was something that I started 5 years ago, 6 years ago, and I am happy and I am really pleased that we are debating it today. Public health matters and consumer confidence matters. However, supporting the objectives of this regulation does not mean we should ignore concerns by how they will work in practice. When we are debating laws, I am always thinking who is in my mind, how it will work in day-to-day, and where the concerns are coming from. As has been raised by the chair of the Scrutiny Panel, they have a big representation. Maybe many respondents raise concern about affordability and the impact of micro businesses and small producers. This concern should not be dismissed lightly. In Jersey, we have a rich ecosystem of small producers, farm diversification programme, community initiative, start-up food businesses, the entrepreneurial spirit of this Island, which I personally value deeply. We are an island of small businesses, and as we said, many of us stop at the farm shops. I buy a lot of artisan jams, chutneys and pies. Deputy Curtis said it is my decision if I am buying it or I am not buying it, but I love it and I can read and I can make my own decision if I take chances or not. When I was preparing to this debate, I have one project that probably ... as a St. Helier person, I do not really grow food, and I am likely not to grow food. I am not connected as much to the land. I lived in cities all the time, but I love to have this homemade, homegrown food and produce. I am sure that lots of Members of this Assembly have visited Project GROW at north St. Helier. It is the project that we started with a group of volunteers during the pandemic. It is the field at the north of St. Helier on the border with St. John, just outside of Sion. When we started the project, and it has developed from nothing, from the field that was not really used, the idea that we had, the support that we had, it is how we bring help from fruit or veg from the trees that we planted, we get into the jams, and whatever is remained going back as compost to the ground to show all this circle. Today people can see the circle. We have planted trees, harvested fruits, turning fruit into food, and returning what remains to the soil. Projects like this strengthen community life, they support well-being, they connect people to food and to the land. I just cannot imagine, we put this project from a small amount. The first £5,000 were donated by the St. Helier Youth and Community

Trust, which we thank the St. Helier Youth and Community Trust that we planted all the trees. Since then, the polytunnel was put together with support also with several sponsors and Jersey Community Foundation. But I cannot imagine that our small project will need to spend hundreds of pounds. Maybe it will not need to spend hundreds of pounds, I do not know, on certification to put a small batch of jams or chutneys or apple pies that most of them were delivered last year to the Salvation Army. This kind of barrier could easily stop any initiatives from happening. The GROW Project is not unique. I was fortunately invited to a regeneration group. There are lots of young farmers that are meeting every month, and we work with young farmers, we support diversification, we really want to see the small artisan producers emerging; from local cider makers, small food businesses, craft producers. It is exactly the kind of entrepreneurial energy we say we want to encourage. We are investing in them. We give grants. We have millions of grants going towards them that they will develop and they will support our economy forward. At the same time, I am not saying that the Minister would introduce or not introduce the unknown. We do not know how it will look like. This is why I would be supporting the amendment, just to ensure that this Assembly remains a party to the conversation how it will look like. I completely trust the Minister and assume if the Minister continues to be Minister, all these small businesses and whatever the Minister has mentioned during the speech, if it is Lunar New Year, senior parishioners' lunch, barbecue events, probably will be exempt and we might see different charges. But the only thing that I know is that we do not know. I do not like to have decisions like this taken based on the personalities and in order. This is why we do have an Assembly, and the regulations can be brought to the Assembly, and it can be debated in the Assembly, and the Assembly retains the power to make the decision how this will affect our economy, how it will affect production. In other words, we can maintain strong safety standards while also protecting the entrepreneurial spirit and diversity of our local food sector. For these reasons, I would like to see the regulations power to be introduced and not to make decisions by the order, and I think that Scrutiny put the right balance, and I would be supporting the amendment.

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

In much the same vein as what Deputy Gardiner has said, I think we are all keen that food is safe and we have got allergen markers, but I just wonder about all the entrepreneurs, all the charity things and Parish things that go ahead. The St. Lawrence Ladies Action Group, they have events about 12 times a year. So, if they are doing it 12 times a year - they do produce food - are they going to have to be asking for a licence? Will they have to pay? I am really sorry I did vote against it because I am just not sure how this is going to work in practice. It is just a muddle. I am really bemused sitting here in the States Assembly. What are Islanders going to do? How will they know who has got to apply, are they low, medium or high?

[16:15]

I am really fond of the Minister, and I am keen that we all have good food hygiene and we do not have allergies, but for me, I just do not know how it is going to work in practice.

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

I will be brief on Regulations 1 through 55. One I wanted to call out, that we asked the Minister about in Scrutiny, is Regulation 37. Now, Regulation 37 deals with the provision for H.A.C.C.P., but also for training, and it provides the Minister order-making power that he may specify the level of training that kitchen staff or food preparation staff must have. But it goes as far as part (c) allows for specifying the training providers that can operate that. Now, the Minister's officers, I think, said: "Well, there could be a case where you do not trust certain providers." I have to say, and I highlighted in Oral Questions, a concern about a single provider of training now for the roadworks and highways permits. We have to be very cautious in providing powers to a Minister to not only specify the level of training, and we all know that across the board there are standards - level 1, level 2, level 3 - for most forms of training, whether in food, management, health and safety, any of these, specifying the

provider of the training, especially in the local Island context, I think is a bold power to put into an order-making power. I think the Ministers and his officers said: "Well, it is a catch-all. It gives us the power." That is not what order-making should be for. It should not be a catch-all to provide the Minister that power should he so wish. I think specifying legal entities to provide specific training is not an appropriate power. Unfortunately, we cannot vote on that separately to the H.A.C.C.P., which is an absolutely acceptable piece to introduce. In the Minister's summing up on these Articles, could he revisit the topic of nutritional declarations and the context of language? In the principles, he highlighted that allergies would be Q.R. code scanned and could go to English or presented in another way. Could he be absolutely clear whether or not nutritional declarations that are on a package that are not in English also have to be converted to English as well as the allergy and, just for the avoidance of doubt, whether every mandatory particular specified in these Articles must be in English as they constitute the label. The provisions regarding exemptions of small producers, the chair has touched on the 10 employees being perhaps a crude measure, and Members may wish to ask the Attorney General to opine on whether the declaration saying it is for businesses in Jersey produces a challenge for small importation of those goods. Lastly, I would ask what consideration the Minister gave to any - and it is a bad phrase and I do not like using it - but deregulation, looking at areas where we regulate what we do not. Some of the continuations in the law include mandatory labelling of durability. So, use by dates are those where the health of the consumer would be at risk after that date. But best before dates are just a helpful reminder. Now, we must remind ourselves that they are already in law. It is the Food Safety (Labelling) (Jersey) Order 2005 that specifies a raft of labelling requirements. But in drafting the law, did the Minister take any consideration to how he could give with one hand and take away with the other, and whether, as we really look to try and make sure that small producers can package among what is a growing set of regulations, the durability requirement is on best before, not use by, is still appropriate. I believe that is around Regulations 22 to 24.

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

I have got to say, what the Minister has been tasked with here, and I know this work has gone on for a long time, is the situation where we want to ensure that every piece of food that we eat is safe, it is safe for our children. As the Minister for Education and Lifelong Learning, we have been through a process of ensuring EpiPens in schools, which has not been as simple as you thought it might be, but it has, with the support of the Minister for Health and Social Services, where they should be used, where they should not be used, *et cetera*. One of the benefits of the school meal process is we know precisely what is in those meals. But we do not know what is in packed lunches - we can give advice - so you have to be absolutely cautious. It might be awkward, and it might be a little bit annoying, but it is vital that we know what is in that food. Now, if you are manufacturing on a small scale, I cannot believe anyone would say: "Well, I am not entirely sure what is in this, but I will use it anyway." There has to be a responsibility that you know what is going into the food that you are producing and processing for someone else. What the Minister has had to do here, and what the department has had to do here, is come up with a solution to an ongoing and growing problem. The question I have asked myself with this is: "Is what we are doing now good enough?" I do not think it is. So, therefore, is this a step forward? I think it is. A couple of things I would say, I agree more with Deputy Alex Curtis than I think he would want me to at times, but I do not agree with him about 37, on one point. The reason to prescribe a provider of training, and this happens a lot in some of my area, is that you know the quality of that training. If the quality of that training being delivered is important enough to ensure that there is safety of children involved, the safety of people involved with the preparation of food, you have to be certain about the quality of that training. Their prescribing training at least gives you the opportunity to say: "These are the standards of training we want to provide." So, I can understand why that is there. I do not think that is such a big issue. I am particularly pleased to see Article 30, and this is really what I wanted to speak about, about additives in food. Because we have recognised now that there are particular additives in food that have serious

derogatory effects, particularly on young children and children with particular conditions. I think clear labelling and understanding those are in food is really important for our Food Safety Law. This is where we get to the point where importing something in another language - I understand we may import - but we have to know what is in that. Food additives become simpler because there is a universal language that is used, which is the language of science, which is wonderful, in terms of the classification of those chemicals, and that is what they are. But it is important that we have those. We are talking up to Article 55. We are not talking about charges yet, and we are not talking about the amendment yet. We have not had that debate yet. I have a view on that as well. I think they are proportionate. I think this is a step. I understand the need for clear guidance. However, we have had that every single time we have introduced any regulation in this Assembly on absolutely anything. The argument where you have to put guidance in place first before the regulation there. I think we need the regulations there and then that guidance will come. I think the vast majority of this will already happen and it will help people to be clear as to what they have to do with the food that we eat. It is important that we have these regulations. I would say this to the Assembly, if these regulations appear to be too draconian and end up too draconian, we have erred on the side of safety. OK. You can reel back from that, but you have erred on the side of safety. I would rather do that, particularly when people with strong allergens, and I have friends of mine's children who have an absolute, very difficult time eating out and doing all sorts of things because of the level of allergies that their children have. So, perhaps I have been sort of tainted by that view of it. I do not believe that this has to stand in the way of small providers or entrepreneurs or any of these projects that we have talked about. I think they are very different things. I am happy to support this at this moment up to these regulations, and we will talk about the others in a moment. I just want to make that point.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on Regulations 1 to 55? If no other Member wishes to speak, then I call upon the Minister to reply.

5.2.6 Deputy S.G. Luce:

I will try to do my best. Again, in reverse order, if I could start with Deputy Alex Curtis, I thank him for his questions. As regards to training, he spoke about that, and I have to say to him, certainly as a Minister, I am very conscious of situations where there is only one training provider. I understand the conflict that might cause in a lot of circumstances but, at the same time, it is important that whoever does the training is good enough. It is expected that general food handlers should hold level 2 food hygiene training as a minimum. Senior kitchen staff and managers should attain level 3, and those involved in maintenance and development of H.A.C.C.P. have level 4 training. I hope that helps the Deputy. I have to say to him, one of the main problems inspectors experience in the field is that staff have, in some instances, very poor hygiene and safety knowledge, despite having completed online courses. I would just say no more than that. But it is important that face-to-face training happens. I think having oversight of training quality and training providers is a fundamental part of food safety. Nutritional declaration. I cannot answer specifically the Deputy's question, but what I can say to him is that, to best of my knowledge, it is the allergens, and obviously the things that create the intolerances are the important things and that, as far as I am concerned, it is very explicitly required to be in English at some point. If it comes in a foreign language for a specific group of people in Jersey, there is a requirement to either over-label or provide that information over the Q.R. paper or verbal information. As for best before and use by dates, I could go into detail, but as far as I am concerned, the very specifics are there in the law, the times that use by dates would be expected to expire, and the best before proposals, and how much time we would expect there. But I would just say to the Deputy, as far as I am concerned, the specifics are there, but best before is about quality, and use by is about health safety. That is the important distinction between the 2, and I think it is very important. If I had to choose between the 2, obviously one of those is far more important than the other. I will leave that there. Deputy Howell, who will know where they are, whether they

are low, high, or what have you, but I would say to the Deputy, we have to start to try to find some rules about how we start this process of putting people into groups. The first thing we have to do is to say that if you are doing something on more than a once-a-month basis, you fall into a more regular group. So, things which are outside of once and once-a-quarter, once-every-6-months, annually, biannually, obviously would not get caught. But as soon as you are into a once-a-month situation, there is a degree of regularity there, which is going to mean that you will have to address some of the concerns. Deputy Gardiner speaking about vegan soups, and it is absolutely right that the seller, at least the person that you are buying the soup from, should have some basic understanding of exactly what is in it. Otherwise, we then get back into the situation that Deputy Curtis talks about: “How much of a chance do we want to take? How much of a nanny state do we want to provide?” And you take your chances. I am pleased that the Deputy mentioned GROW, and she may not know, I was very much instrumental right at the beginning in getting the field flailed and ploughed and worked and planted. I got very involved in that, and they do fantastic work, and I commend their work to the Assembly. If Members have a chance to go and see them, it is great. But the Deputy raises the small producers, and, yes, there will be help. I will come on to this in a minute, but we have made a number of commitments to help people through this process. One of the reasons we have not been able to come out with a lot of the stuff is that until we know who we are dealing with, it is very difficult to speak to people. We found that with rented dwellings, and I am sure we are going to find this here. We think we know how many businesses we have. At the moment, the only obligation is to register. Are we sure we have got everybody on the register? When the licensing comes in, we will know exactly who we have there. Finally, I am just going to get down to where the number of businesses ... I have just mentioned that. We need to develop. I would just say to Members, there have been a number of questions about how we help small businesses. I am committed to not looking to over-regulate small businesses. We will publish comprehensive guidance, we will publish a toolkit, we will engage clearly, we will have industry communication, and we will have an extended list of the exemptions. But getting back specifically to the toolkit and the guidance, until these regulations are adopted, we have got to know what we are providing a toolkit to work with. It has been difficult to put the cart before the horse in this situation, but I understand how Members may feel that we are not providing enough detail at this stage. I hope I have answered Members’ questions on that first section, and I would like to propose the appel on that first section of regulations.

Deputy A.F. Curtis:

Can we take a separate vote on Regulation 22?

The Greffier of the States (in the Chair):

Very well, yes. The first vote will be on Regulation 1 to 21, inclusive. I ask Members to return to the Assembly. All Members are now in their seats. I will ask the Greffier to open the voting. This first vote is on Regulations 1 to 21 inclusive.

[16:30]

If all Members have had an opportunity to cast their votes, I will ask the Greffier to close the voting. I can announce that the Regulations 1 to 21 have been adopted:

POUR: 44		CONTRE: 1		ABSTAINED: 1
Connétable of St. Lawrence		Deputy A. Howell		Connétable of St. Clement
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				

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

Deputy K.M. Wilson			
Deputy L.K.F. Stephenson			
Deputy M.B. Andrews			

The Greffier of the States (in the Chair):

If I wait for the Greffier to reset the system, the next vote will be on Regulation 22. I will ask the Greffier to open the voting. If all Members have had an opportunity to vote, I will ask the Greffier to close the voting. I can announce that Regulation 22 has been adopted:

POUR: 42		CONTRE: 2		ABSTAINED: 2
Connétable of St. Lawrence		Deputy A. Howell		Connétable of St. Clement
Connétable of St. Brelade		Deputy A.F. Curtis		Connétable of Grouville
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
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 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 B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States (in the Chair):

When the voting system has been reset, we will vote on Regulations 23 to 55 inclusive, and schedules 1 to 3. I will ask the Greffier to open the voting. If all Members have cast their votes, I ask the Greffier to close the voting. I can announce that the Regulations 23 to 55 and the schedules have been adopted:

POUR: 44		CONTRE: 1		ABSTAINED: 1
Connétable of St. Lawrence		Deputy A. Howell		Connétable of St. Clement
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				

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

The Greffier of the States (in the Chair):

Do you propose Regulation 56, Minister?

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

I do. Firstly, on Regulation 56, I would just like to thank the Environment, Housing and Infrastructure Scrutiny Panel for its comments and proposed amendments to the draft food regulations. I welcome the panel's support for my efforts to modernise Jersey's food regulations, improve hygiene standards, and protect health and consumer interests. I am very pleased that the panel recognises my aim in streamlining the existing food regulation framework. I have reflected on Deputy Curtis's question without notice to the Chief Minister in the Assembly yesterday. It has given me greater clarity around

the purpose of the panel's amendment. While my comments paper focused on the amendment to remove fees, I can now see, I think, that the fees could be set by regulation to be approved by the States Assembly. However, I would now like to take the opportunity to address this point and explain why I do not support this approach. The introduction of fees by Ministerial Order is common practice. For example, both places of refreshment and ice cream licensing are currently set by order, along with the new alcohol licensing scheme, which is only a very few minutes old, which we have just approved in the Assembly today. In fact, there are 35 pieces of legislation that the Regulation Directorate of Ministers all have fees set by order or Ministerial Decision. Introducing fees by order is an established practice and a more simplified process than facilitates future amendments. For example, setting fees by order will allow a future Minister flexibility in introducing discounts and fee waivers for start-up businesses and charities without returning to the States Assembly for approval. These regulations do not specify the fee levels. They simply insert the legal mechanism to bring them in, if desired, by the next Minister for the Environment. If the Scrutiny amendment was adopted, a consequence would be that the Minister would have to come forward with regulations once again if they introduce or amend, for that matter, a fee. The annual standard increase in fee charges is capped at 2.5 per cent currently. If fees were to be set by regulation, it would require the Assembly to approve them each year. This would be disproportionate, unnecessary, and a burden on resources. Licence fees are not a new concept. In fact, many food businesses already pay licence fees that were established back in the 1960s. Under the Places of Refreshment Law and the Ice Cream Stalls Order, businesses pay between £103 and £130 respectively on an annual basis. These licences would be repealed by these regulations as they are incorporated into the new unified licensing arrangement. This would result, if passed, in a net loss of annual income to the department of £22,000. The fees associated with these existing licensing schemes target a very small selection of food businesses only; those that sell meals and mobile establishments that sell ice creams. There are around 200 in total. This means that the majority of food businesses are not paying a fee. This is unfair to small businesses, given that many of the larger food businesses, including our export industries, benefit greatly from the continued support from my officers, for example, with lab testing on products and health export certificates, which are chargeable in many other jurisdictions but remain free in Jersey. The proposed new licensing scheme should be funded properly. Any fee levied from licensing simply ensures that essential elements like the administration, the database integrity, and the Eat Safe scheme are maintained. A fairer fee structure would create a level playing field with all businesses contributing to the cost of services, such as regular inspections, advice sessions like Breakfast Bites, and the accreditation under the Eat Safe scheme. Removing the fee mechanism means that the budget would come from the Treasury. I understand that this is what the Scrutiny Panel sought to do by removing fees by Ministerial Order from the regulations. Deputy Curtis's questions without notice yesterday commented on the process of order-making powers versus regulations. However, the Scrutiny Panel in their comments paper highlighted that if public health protection is the primary purpose of the regulations, the associated costs should be met by the Treasury and not transferred to business. I believe that it is far more equitable to ask that food businesses contribute a small amount directly. The department is committed to supporting small businesses and innovative start-ups through a discount and fee waiver scheme. Also, recognition would be given to businesses that are members of accredited assurance bodies, such as Red Tractor, Safe and Local Supplier Approval, or the British Retail Consortium. This reflects the principle of earned autonomy. We must not forget that fees for food businesses' licensing were agreed by the States Assembly back in 2022, when the primary Food Law was debated. To remove the mechanism from these regulations now seems like an unnecessary pause. In addition, I can reassure Members that before any consideration of fees take place, and this is important, I commit to carrying out a public consultation on the content of any future proposed fees order. The response to this would help determine the way forward. I encourage all States Members to support the maintenance of fee order-making powers in the regulations, and I will speak to the Scrutiny amendment.

The Greffier of the States (in the Chair):

Is Regulation 56 seconded? **[Seconded]** Part one of the Scrutiny Panel's amendment relates to Regulation 56. It was remiss of me, I think, earlier. I may have confused things when we started the debate, Minister, because I asked you if you accepted the amendment. But obviously I was not talking about the whole amendment. So, I understand that you do not endorse part one, but parts 2 and 3, which relate to later regulations, you do.

Deputy S.G. Luce:

Yes, I apologise. I should have just proposed Regulation 56 and then sat down, waited for Scrutiny, and then given my speech. I think I may have confused Members somewhat.

The Greffier of the States (in the Chair):

We will go in a moment to part one of the Scrutiny Panel's amendment, which relates to Regulation 56. But just to recap, Regulations 62 and 66, which is slightly later, do you accept those amendments?

Deputy S.G. Luce:

I do.

The Greffier of the States (in the Chair):

When we come to them, we will take those regulations as amended, if that is acceptable to the Assembly. I do not want the confusion later on, I would rather sort it now. Regulation 56 is what we are on. The Minister has proposed it.

5.4 Draft Food (Jersey) Regulations 202- (P.113/2025): amendment. (P.113/2025 Amd.) - Regulation 56

The Greffier of the States (in the Chair):

There is an amendment and I will ask the Greffier to read part one of that amendment.

The Deputy Greffier of the States:

Page 44, Regulation 56 – In Regulation 56, delete paragraph (4).

5.4.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

This amendment asks Members to delete Article 56, part 4 of the regulations, which would allow the Minister to prescribe licence fees by order. Members will recall the Assembly already approved the primary law in December 2022. That law includes a provision under Article 8 allowing Ministers to bring forward fee-setting powers for approval by the Assembly. In these draft regulations, the Minister has proposed to create an additional mechanism that would allow licence fees to be set by Ministerial Order rather than regulations. This is a new power separate from the existing mechanism provided in the primary law. The panel's amendment simply asks the Assembly to ensure that licence fees cannot be introduced in this way. Instead, we believe that if fees are to be introduced, they should be brought back to the Assembly through regulations, as agreed under the primary law, so that Members retain full democratic oversight of the detail. In a response to the Minister in his comments, we are not asking that every time the Minister will be needing to change or amend a fee in the future to come back to the Assembly under regulations. What we are asking for is for the setting up of the specific fees, and I will go into the detail of what we are missing in regards to evidence and methodology that we, as the Assembly, have the democratic oversight to understand the full setup of what those fees would look like. Then, within that regulation, the Minister can and has the power to put a provision within that to set up orders in the future to be able to adjust the fees accordingly, as he mentioned, depending on inflationary issues, *et cetera*. What we are asking specifically for the Members, is that we feel that there needs to be a bit more work done on

understanding what this means by setting up of fees under this particular licensing scheme, and we feel that the Assembly needs to have that oversight rather than giving the Minister the order to do that. Why we say that? Because we have several reasons that this approach is more appropriate, because during our Scrutiny work we heard evidence that highlighted genuine uncertainty about these regulations, and we have heard it already in talking about the regulations before, and the principles, that small producers, charities, occasional event providers, told us that they are unsure whether they fall within the proposed licensing regime, and if so, under what category of risk, which then will affect what potential fees they would need to pay. Within that, also, the exemptions that the Minister has proposed, they are also unsure. Many stakeholders are at this stage unsure of where they fit within this range that has been set out within the licensing scheme. When those expected to comply cannot clearly understand their obligations, that is usually a sign that there needs to be refinement. If that is happening at this stage, we need to think seriously, as the Assembly, of how we are moving forward. As I said before, we did a survey to try to understand from Jersey's food sector how they felt about the difference of this regulation, and specifically about the fees. As I said before, a significant majority, 24 per cent, strongly opposed the proposed business-pays fee model. I would like to be clear that this opposition was also seen in the Government's consultation feedback report. In the consultation itself, a suggested fee amount for the different risk categories was proposed, and there was significant pushback to this.

[16:45]

As the Minister has already said, that he has suggested that he will come back and go to stakeholders to put forward a new fee model. But at this stage, we do not know what the fees will be or the methodology. Respondents raised several consistent concerns to us regarding specifically the fees. First, affordability. Operators told us that operating costs are really already high. Licence fees will be added on top of G.S.T. (goods and services tax), rent, insurance, labour costs, ingredient costs, which would push some marginal businesses into losses. Second, there is risk to diversity. Niche producers and home-based start-ups fear they could be priced out before they have even had the opportunity to establish themselves. Third, consumer choice. If fewer small operators participate in the market, Islanders will see less variety and less locally-produced food. Fourth, impact on charities and community events, organisations providing meals to vulnerable Islanders, and concern they could be unintentionally drawn into a licensing fee regime that was never designed for them in mind. Because, again, we do not know the amounts that we are talking about. Jersey's food economy is not made up solely of large restaurants and supermarkets, it is sustained by independent cafés employing a handful of staff, by market stallholders building a local brand, by family bakeries, seasonal traders, and micro producers making honey, jam or cider, and selling produce through hedge veg stands or local grocery shops. We have heard this in the debate. Already we have a diverse market in Jersey for providing food to locals. Many of these businesses operate on tight margins, and yet they can contribute enormously to the character, resilience, and diversity of Jersey's food sector. If licensing fees are introduced without a clear evidence-base or transparent methodology, the risk is not simply administrative inconvenience, the risk is that some of these small operators simply decide it is no longer viable to participate. The difficulty for the Assembly to grant the Minister the power to introduce fees by Ministerial Order, I believe, is that there is no detailed fee model that has yet been published. We have not seen the methodology for calculating the charges, how inspection time would translate into cost bans, or any economic impact assessment on small businesses. Without that information, neither Scrutiny nor this Assembly can properly assess whether the proposed fees would be proportionate or justified. Indeed, the accompanying report to the Government's consultation feedback states: "The Minister is still considering the best approach." Agreeing to give the Minister the power to set fees by order before the structure is known amounts to governance by assumption rather than evidence. The Minister has suggested the fees will be modest, but proportionality must be judged relative to business size, not Government budgets. It is important to recognise that Ministerial Orders provide the Assembly with a much shorter window to

respond if concerns arise, and much reduced scrutiny. As we approach the end of this political term, there is also the possibility that a future Minister may take a different approach to fee setting. While the current Minister has indicated here to the Assembly that he intends to consult publicly on possible fee arrangements and potentially return to the Assembly, that commitment is not embedded in the legislation and cannot bind future Ministers if this amendment is rejected and Article 56(4) is passed. If adopting our amendment would mean the Minister would need to bring this specific area around fees back through regulation to set up fees where the Minister will have to put forward that clear methodology, and, as I said before, within that regulation, he could then put in a specific order-making powers for further amendments to that fee structure once we know the methodology, the evidence, the economic impact, especially to small producers, and that fee structure, the potential fee amount as well. A fee of a few hundred pounds may be manageable for a large operator. For a micro business, community café, home-based food producer, it is not insignificant. During Scrutiny, the Minister argued that introducing fees is necessary to make the regulatory service financially sustainable. He reiterates this argument again in his comments paper to this amendment and just now to the Assembly. However, when we questioned this argument, it became clear that there has been no clear calculation of what the scheme will cost to operate. The Minister acknowledged that the proposed fees during the consultation might not fully cover those costs in any case. When questioned, regulation officers clarified that while the new licensing scheme may create some additional work, it is anticipated that this will largely be absorbed within the existing inspection regime. That raises a fundamental question. If the system is not yet financially modelled, why are we legislating for fees now? There is a wider issue here about how regulatory services are funded within Government. We have already seen pressure within the department's budget, including the Government trying and failing to reduce the natural environment budget during the last debate in order to compensate for fluctuations in fee income to the Regulation Directorate. It was also clarified during the hearing that any income generated from this licence is treated as Treasury income. As a result, even if this scheme generates additional revenue, the Directorate confirmed that it would still be expected to deliver its functions within existing resource levels unless future funding decisions change that position. This highlights a structural challenge to how the department is funded and budgeted, one that cannot be solved simply by introducing or adjusting individual charges and fees. Therefore, I believe that the next Minister for the Environment should make it an urgent priority to review how environmental protection and regulatory services are funded to ensure the department has a stable, transparent and sustainable funding model rather than one that relies on fluctuating fee income while essential work must continue regardless. In his comments paper on this amendment, the Minister argues that the current system is unfair because many operators do not currently pay. The panel recognises this concern. However, small businesses should not be asked to carry a disproportionate share of that burden. It is also worth noting that the Minister had several options when designing a fee structure. A risk-based model has been chosen, but in practice this may disproportionately affect smaller local producers compared with larger operators with greater financial capacity. In the panel's view, this raises questions of fairness from another perspective to that put forward by the Minister in imposing this amendment. Throughout this process, we sought to find a middle ground with the Minister. It is therefore disappointing that this amendment was not taken as an opportunity to refine the approach. Addressing concerns about granting the Minister the power to prescribe licence fees by order, while also exploring options such as exemptions for small or micro businesses, charities, non-profits, or waivers for part-time and seasonal operators. As it stands, the proposed fee structure does not take account of scale, turnover, or capacity, and as previously noted, risks disproportionately burden start-ups, micro businesses, and community-focused organisations. To be absolutely clear, the panel supports the modernisation of the Food Law, we support allergen protection, we support modern inspection frameworks, we support improving consumer safety. Introducing licensing fees by order is a separate policy choice and represents a new power for the Minister. Such a step to introduce fees requires clear evidence, transparency and careful design before this Assembly should agree to it. At present, we do not believe that threshold has been met. The panel's amendment does not weaken

food safety protections, it simply allows the modernisation of the law to proceed without introducing a fee structure that at present remains unclear, untested and potentially disproportionate. But as I said before, because we have already passed the primary law of Article 8 that gives the powers for the Minister to introduce a fee, this means the Minister can bring back at any point regulations to put a fee into order. We are not killing the fee with this amendment. This is about balance, getting regulation and democratic oversight right, making decisions that protect public health while also supporting small businesses and community organisations that make Jersey's food sector vibrant. For these reasons, I urge Members to support the panel's amendment.

The Greffier of the States (in the Chair):

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

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

At risk of breaching Standing Orders, I have a similar speech, but I hope it takes a suitably different tact to the chair of my panel. If it does stray too close, do not hesitate to pull me back in line. I will just redeclare quickly that I have an interest in this area, again shared with over, from what the Minister said, 1,200 businesses. Those are those already registered under the Food Law 1966 that he mentioned in the Scrutiny hearing. We must know that this is going to cover even more operators who do not currently fall under food registration legislation. I think, being the optimist, I am going to try and convince the Minister to change his mind again. He seems unlikely to do so, but in his speech on the Article before the amendment, he seemed to cite the reason for yearly regulations to adjust the fees to be a bureaucratic challenge that we do not need to do. As the chair has highlighted, the good news for him is the panel amendment would not cause that outcome at all. His own comments, comments 2 to his amendment, which dealt with our panel amendment, highlighted that he could use Article 8 to create a regulatory regime that would allow for fees, and those regulations could contain order-making powers for uplifts. We are really talking here about a single debate on what will be an incredibly important topic that could happen once. If it is uncontentious, if the research was done, we would get through it quicker than the debate we are having now. But I will dive into that now and apologise for taking Members' time. I want us to look at the financial implications, as the chair says, because they do say that the implementation of these regulations will be managed within existing resources in the Regulation Directorate. No additional financial or staffing requirements arise from this proposition, i.e. the regulations. It does then go on to say: "The Minister intends to return to the Assembly closer to the planned implementation date with a fee proposal. This will allow with flexibility to waive, discount or apply charges." I want to unpick the first one, which is: "The work is already being delivered", and we have heard that. The Minister's comments note more specifically about the loss of fees from ice cream and places of refreshment licenses is *circa* £22,000. But because his preliminary fee figures could drive over £200,000 in figures, it helps explain why the panel feel that there is a real concern as to why fees are coming in. If he had proposed splitting that amount - £22,000 - into a fair and equitable amount to cover the losses he would incur, the panel may think that the fee model was so abundantly fine we could move forward. The second paragraph reads like a safety blanket: "The Minister intends to return to the Assembly" is a lovely collegiate piece of wording. But there is an issue. The Minister today may not be the Minister after June. We do not know his intentions yet. The new regulations provide no mandate. But read this once more, and I am a little confused: "The Minister intends to return to the Assembly." What are the typical methods Ministers use to return to the Assembly? It is typically regulations. Now one can argue, and this is an important point to dive into, that an order is presented to an Assembly and can be annulled under the Legislation 2021 law. But I would suggest in the ordinary meaning, "to return to the Assembly" means to bring to the Assembly for debate, and the method for that is regulations. If that is a one-time thing, an uplift could be by order, that could be achieved by the panel amendment, and so he can happily support it today. One may consider, though, that because you can annul an order, we could accept that. But there is a key difference that Members

have to remind themselves about the difference between orders and regulations. Annuling subordinate legislation is a negative and reactive act. Until the debate on it, any subordinate legislation remains in force. The debate is purely on the revocation of the whole piece of legislation. Going into a debate like this, you are face down with little room to negotiate and you are in a take-it-or-leave-it position. I know this from when I used a similar power under Standing Order 168 on the revocation of Aviemore, how the burden of proof sat with the proposer. Under regulations, the burden sits with the Minister justifying how the fee model is right and is fair, not the person, the Back-Bencher, ultimately challenging the Minister of the day that the fees were not evidenced. The difference is amendments can happen under regulations. Maybe not about cost, but about those exemptions. They could amend in a positive and collaborative way, and in a way that might deal with things that are felt most, which are on the fringes of the law. I am fortunate, as I think we have heard from the chair, and I mean most I am sure in the Assembly, to know so many who are catching under this new licensing scheme; farmers, bakers, venue operators, but also, importantly, those part-timers.

[17:00]

They come in all shapes and sizes, and we have to remember so many of them, and the ones who bring so much vibrancy, work in the industry because they love it. They do incredibly long hours, they wake up early, they often run these businesses on the side of their main job, and the Island is better for it. We have to treat them as a valuable resource to the Island, not as something to whack with a £200 to £500 fee, and not even the respect of a debate on regulations, which the Assembly in September or October can afford the time for. I think the least any Minister can do is bring the first iteration of a licensing scheme in fees to the Assembly. As the Minister has told the panel, the quality of his work has been better from this Panel's scrutiny, and no doubt most Ministers found that from their Scrutiny Panels. It is Members who can bring that quality as well. As I say, back to the principles, I think the public want a range of food producers, big and small, and it serves the Island to have these businesses work as hard as they do to provide those services. I completely agree with those annual uplifts being done by order. This amendment would not change the Minister's power to bring a regulation scheme that provides order-making power year on year. But the truth is, we will lose businesses if we get this wrong, not just the existing ones, but crucially the ones who stare down the barrel of the ever-increasing set of standing fees that they face: £220 for the J.F.S.C., £70 for the J.O.I.C. (Jersey Office of the Information Commissioner), insurance, membership organisations, and now £200 to £500 under this regime. In the time I have said this, I could have had a really positive speech in October, should I be here. I could have been talking about how the Ministers got it right, or close, and have made changes. Instead, we are debating the removal of power and mandate from this Assembly that has a power to make good decisions for the Island. So, for that, I hope that the Assembly and the Minister reconsider in that evidence, and after that support the amendment.

Deputy S.G. Luce:

Might I just ask the Attorney General for some thoughts on Article 8, Article 58 and Article 59 of the law?

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

Yes, I think the question is *vires*. I well understand the arguments and the points that have been made by Deputies Alex Curtis and Deputy Jeune to the effect that the Food Law mandates that a licence fee can only be set by regulations. It is right to say that Articles 6 and 8 of that law come under the heading "Licences". I think the reality may be in terms of statutory construction that it is not quite as straightforward as that. Article 8 provides that regulations made under Article 6 may, in particular, provide for, and then the prescribing of any fee payable upon an application for a licence, the grant of a licence, or the renewal of a licence. There are 2 ways of interpreting that. The second, which

has not been touched upon, is to say that what these draft regulations provide for in terms of prescribing any fee payable is that they provide for the Minister to, by order, set the fee. Now, of course, Deputy Alex Curtis has explained why doing so may be politically difficult to accept. But that, I think, is a respectable construction of that provision. The law is rather generously endowed with the *vires* for both regulation and order-making provisions. I am looking at Article 58 of the law, part 9, closing Provisions, paragraph (1) reads: “The Minister may by Order (a) prescribe anything that may or must be prescribed under this law, other than anything that may be prescribed by Rules of Court.” To add to that still further, Article 60: “Further provisions as to orders and regulations”, not “Orders or”, “without limiting the generality of the provisions under which they are made, Regulations and Orders made under this law may (f) provide for the payment of fees and charges.” I think the better view is that the *vires* is there for the Minister to proceed in the way that the regulations propose. Whether or not it is the mood of the Assembly that he should is just that, it is a political issue for the Assembly. I hope that is helpful.

The Greffier of the States (in the Chair):

Thank you, Mr Attorney. Does that answer your question, Minister?

Deputy S.G. Luce:

I am just grateful to the Attorney to clear up those points I was going to raise myself.

The Greffier of the States (in the Chair):

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

5.4.3 Deputy H.L. Jeune:

I think that was a thank you for Deputy Alex Curtis for supporting the points that the panel has made. I do not really want to say much more than that, because I think between us, we have put the panel’s position forward. We are not trying to, as I say, kill the fees. We are trying to give the Assembly the chance to be able to review under regulation a more detailed understanding of these, because specifically the fees under this licensing scheme will touch so many organisations, food producers. As the Minister said, we do not know what we do not know. We would like to see that this return to the Assembly to understand what exactly the methodology is behind that, and especially the economic impact assessment to understand what this looks like, especially for those who are those micro businesses that really make up the vibrant and cultural basis of Jersey’s food industry, and that we would not want to put them in jeopardy because a fee that we do not know what it would be or how the methodology is set up to find out what that fee would be, is not available for us as an Assembly to understand what that would look like. I think it would be just for us to support the economy and the businesses that have expressed concern to ask the Minister to bring back under regulation much more of this information and understanding before we make that decision around fees. Thank you. I call for the appel.

The Greffier of the States (in the Chair):

The appel has been called for. I ask Members who are in the vicinity to return to the Chamber. All Members are now in the Chamber, I ask the Greffier to open the voting. If all Members have had an opportunity to vote, I ask the Greffier to close the voting. I can announce that the amendment has been rejected:

POUR: 19		CONTRE: 21		ABSTAINED: 3
Connétable of St. Lawrence		Connétable of St. Brelade		Connétable of St. Clement
Connétable of Trinity		Connétable of St. Peter		Connétable of Grouville
Connétable of St. Martin		Connétable of St. John		Deputy M.R. Scott

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

5.5 Draft Food (Jersey) Regulations 202- (P.113/2025) - resumption

The Greffier of the States (in the Chair):

We return to debate Regulation 56. Does any Member wish to speak on Regulation 56?

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

I am so sorry. I did vote pour, but it did not register.

The Greffier of the States (in the Chair):

Does any Member wish to speak on Regulation 56?

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

Do I need to propose them?

The Greffier of the States (in the Chair):

You have already proposed it.

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

I would like to ask the Minister, though he may not be the Minister in charge when the fees will be developed, but he has said to this Assembly that he will bring back the fees, but I would like to understand, and I think Deputy Alex Curtis mentioned this in his speech, how he will be bringing back the fees to the Assembly so that the Assembly will be able to review them? Whatever he is suggesting, because he said he will bring them back, but we do not know how that will be. So, it would be good to understand that from the Minister.

Deputy J. Renouf of St. Brelade:

Can I ask a point of order?

The Greffier of the States (in the Chair):

If it is point of order, Deputy.

Deputy J. Renouf:

Could I ask for a ruling on what would be the effect now of voting against the Article 56 in the law?

The Greffier of the States (in the Chair):

I am not entirely sure. Perhaps the Attorney General is able to assist. If we have no Article 56, the consequences?

Attorney General:

Was the question if 56 is not adopted?

The Greffier of the States (in the Chair):

Yes.

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

There would be no requirement for a person to apply for a licence. That would be it in a nutshell; there would be no requirement for a licence. The Minister would not have to publish information setting out the content and the form of that licence, and they would not be able to charge fees. It would simply remove the licence from the law entirely.

The Greffier of the States (in the Chair):

Thank you, Mr. Attorney. Does any other Member wish to speak?

Deputy S.G. Luce:

I think I should just say a few things.

The Greffier of the States (in the Chair):

You have the right of reply. If no other Member wishes to speak, we will come to you. Does any other Member wish to speak?

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

We can use the time we could have had for regulations later to debate this. I remember the debate on the rented dwelling licenses and going through the relevant stages on that, and I had some parishioners say: "Well, you know what, the way they are going to implement it, they are going to move too fast, they are going to do this, and they are not going to listen to the feedback." Given the Minister does not seem to be listening now, how can he guarantee that if we vote for this our parishioners will not come back to us and say: "You are still making the wrong mistakes?"

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If no Member wishes to speak, I close the debate and I call upon the Minister to reply to Regulation 56.

5.5.3 Deputy S.G. Luce:

I do know that when I first went to Scrutiny, I went with some very loose indications of the level of fees for these licenses. They were in the hundreds of pounds. We were talking very small amounts that I thought amounted to literally a few pounds a week. I am prepared to commit to reduce that if necessary. We have spoken about disproportionate share, but at the moment we have disproportionate share where we have an ice cream stall paying hundreds of pounds and large food

businesses paying nothing. In return for fees, businesses get the ability to have visits, they have help, they have training, they have a whole range of things which are available to them. It is really important under the licences that we have that. But what I can do is in finally asking Members to vote in favour of this last section of the regulations is to reassure Members that before the consideration of specific fees take place, I have committed to a public consultation on the content of any proposed fees order. The Attorney General has very kindly said the ability that I have, or the Minister has. But all I want to say to Members is it is going to be a public consultation. Public consultations are open to States Members. The other thing is I am sure that Members of the Assembly at the time will pay heed to any Ministerial Decisions in this regard. But that it would be the intention, I would hope, of any Minister - certainly myself, if I was here - to come back to the Assembly to discuss those fees, as I have committed to do. I have said I commit to carrying out a public consultation on the content of any future proposed fees order, and the response to the consultation will help determine the way forward. I can only reiterate that to Members and ask for their support.

The Greffier of the States (in the Chair):

Do you call for the appel, Minister?

Deputy S.G. Luce:

I do.

The Greffier of the States (in the Chair):

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 an opportunity to cast their votes, then I will ask the Greffier to close the voting.

[17:15]

I can announce that Regulation 56 has been adopted:

POUR: 35		CONTRE: 6		ABSTAINED: 3
Connétable of St. Lawrence		Deputy I. Gardiner		Connétable of St. Clement
Connétable of St. Brelade		Deputy K.L. Moore		Connétable of Grouville
Connétable of Trinity		Deputy Sir P.M. Bailhache		Deputy A.F. Curtis
Connétable of St. Peter		Deputy D.J. Warr		
Connétable of St. Martin		Deputy M.R. Scott		
Connétable of St. John		Deputy A. Howell		
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 L.J. Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States (in the Chair):

Do you wish to propose Regulations 57 to 66 as amended now, Minister?

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

I do.

The Greffier of the States (in the Chair):

Do you wish to speak to those regulations?

Deputy S.G. Luce:

Not particularly. Is it for the appel for that last section? I thought we had done that.

The Greffier of the States (in the Chair):

No. This is the final furlong, Minister. It is Regulations 57 to 66 as amended.

Deputy S.G. Luce:

I apologise, I thought we had done that. If I could propose that, please, and call for the appel unless anybody wants to speak on it.

The Greffier of the States (in the Chair):

Are those regulations seconded? [**Seconded**] Does anyone wish to speak?

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

I know that this has been a long debate, but I would want to just put it on record for the future about why the panel put this amendment in, and we thank the Minister for accepting it, because we wanted to remove that specific fixed date of 1st October 2026 as the commencement date and replace it with readiness as requirement, because we do not want to delay modernisation. I think that is really important, and we wanted to make that clear not just for those in the Assembly, but also those who are listening and have been pushing for this Food Law to be modernised and updated, because we want to make sure that Islanders are not subject to a regime that is not yet operationally prepared. Because as I have said before, the evidence we received showed that key elements of implementation, such as the guidance, administrative systems, inspection protocols, and enforcement procedures are not yet finalised. We understand why they are not necessarily finalised just yet, but we felt that introducing a regime without those foundations and 1st October would have pushed the Directorate to have to do that commencement day at that particular time, even if they were not ready, could risk confusion, inconsistent application, and unintended non-compliance. As I have explained before, the scope of the regulation remains unclear and those boundaries between the categories of businesses, and we felt that there really needs to be a lot of work that the Directorate has to do between now and when the Commencement Act comes into force to work with all ranges of businesses, those that they recognise already, but those that we do not know about, because we do not know how far the scope of this law touches. So, we need that clarity. The Directorate needs that clarity for everyone to understand their obligations before this commencement date is enacted. So, this is why the panel put this forward, and we again thank the Minister for acknowledging that this is needed.

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

My comment is a more general one. It relates to the review by the Minister and appeal to Royal Court. I see in Article 60, it is a common theme I have returned to before. Back in 2018, the Jersey Law Commission drew attention to the fact that in many pieces of legislation, the right of appeal against the department was the Minister himself, the term: “Marking one’s own homework” has been mentioned. Yes, there is a further right of appeal to the Royal Court afterwards, but everyone knows that the cost of that makes it prohibitive. In effect, someone agreed by decision is relying on the goodwill of the Minister. I simply ask the Minister in his own legacy report, maybe in my own Scrutiny Panel in its next report, brings attention to the fact that the Law Commission’s recommendation is outstanding and that justice will be best served if the Jersey Administrative Appeals Tribunal recommended by them were implemented.

The Greffier of the States (in the Chair):

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

5.6.3 Deputy S.G. Luce:

The Constable of St Mary is quite right. Article 60 refers to appeals to the Royal Court. I take his question on board, and I will take that away and deal with that. I was grateful for the amendment from the Scrutiny Panel when they suggested that a fixed commencement date, as I had currently put in the regulations, could risk an unrealistic timetable and that it could place undue pressure on both the department and businesses as well, and that it should be removed. I was pleased to agree with them and do that. It is only right that we proceed with this when both sides of this, the department and the businesses, are ready to move forward. I very much hope we will be able to progress quickly with this in the autumn, but we will only do so when we are ready. With that, I think I can call for the appel.

The Greffier of the States (in the Chair):

The appel has been called for. If Members are already in their seats, I will ask the Greffier to open the voting. If all Members have had an opportunity to cast their votes, I will ask the Greffier to close the voting. I can announce that Regulations 57 to 66 as amended have been adopted:

POUR: 44		CONTRE: 0		ABSTAINED: 2
Connétable of St. Lawrence				Connétable of St. Clement
Connétable of St. Brelade				Connétable of Grouville
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
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 T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States (in the Chair):

We turn to Third Reading, Minister.

5.7 Deputy S.G. Luce:

Could I propose in the Third Reading?

The Greffier of the States (in the Chair):

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

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

It would be remiss of me not to thank the businesses that have responded to our survey and those who submitted more detailed evidence to the panel. Their engagement has helped us to develop our response to this draft law and our proposed amendments, and engaging with Scrutiny helps to develop better laws. I would like to make really that point. I know sometimes from the outside it looks like there are lots of requests to review and to do surveys. I know the Minister had already done a survey on the draft regulation and we have that consultation put to the Scrutiny Panel. But I think it is also really important that the Scrutiny Panels are able to put their own surveys out and also ask specifically organisations for their feedback on what is the draft law in front of us to help develop the comments or the scrutiny that is needed to help provide the Assembly with further information on how one would vote. So, I want to thank them and show that those surveys and their inputs are not put to waste. They are very important for us in our Scrutiny role to do that as much as it is when they are engaging with the Government side of these discussions when we are developing law together. I would also like to thank the Minister and his officers for the briefings and the discussions under the draft law. But most importantly, I would like to thank my panel for working together on this. I think we work very well together and come to those conclusions where we put together amendments. But I would like to underline that it is our panel officer and her team who support us substantially within this work. So, I would like to thank them as well.

The Greffier of the States (in the Chair):

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

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

Although it has taken a little longer here this afternoon than I would have liked. I am delighted that the Assembly has passed the important regulations. I would like to thank all the members of the public and the food business owners who have taken the time to let us know their views, particularly those who responded to our consultation last summer. My thanks also go to the Scrutiny Panel for their input, and to the officers in my department and in the Law Drafting Office who have worked so hard on these regulations so they could be considered by the Assembly today. These regulations have taken time because they are comprehensive. The risks they address are real and can occur every day. They protect health, uphold consumer rights, and strengthen our reputation as a safe and attractive food destination. The integrated approach that is central to these regulations recognises that food safety is not just about individual measures, but about a coherent system where accurate labelling, safe preparation, and effective oversight work so they all work together to protect the health of the public. I hope that the next Minister, whoever that is, we will complete the task and make sure that the momentum continues, and these important regulations are not forgotten or overlooked. We need them in place as soon as possible. Thank you, and I ask for the appel in the Third Reading.

The Greffier of the States (in the Chair):

The appel has been called for. I ask the Greffier to open the voting. If all Members have had an opportunity to cast their vote, I will ask the Greffier to close the voting. I can announce that the regulations have been adopted in Third Reading:

POUR: 44		CONTRE: 0		ABSTAINED: 3
Connétable of St. Lawrence				Connétable of St. Clement
Connétable of St. Brelade				Connétable of Grouville
Connétable of Trinity				Deputy A. Howell
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
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 T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States (in the Chair):

I have got an eye on the time. It falls to me under Standing Order 47 to ask you whether you wish to continue or to adjourn.

Deputy S.G. Luce:

Can we do the Commencement Act?

The Greffier of the States (in the Chair):

Very well, we can do that.

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

May I please take this opportunity, particularly as it may be helpful to Members in whether to decide or not to sit late on Thursday, to advise the Assembly that I would like to postpone the debate on P.14, Treating Children as Children, until 24th March.

6. Draft Food (Jersey) Commencement Act 202- (P.114/2025)

The Greffier of the States (in the Chair):

The next item is the Draft Food (Jersey) Commencement Act 202-, P.114/2026, lodged by the Minister for the Environment, and the main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

Draft Food (Jersey) Commencement Act 202-. The States make this Act under Article 63 of the Food (Jersey) Law 2023.

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

Following the adoption just now of the Draft Food (Jersey) Regulations, it is now appropriate for me to come here to the Assembly with the Commencement Act, the Food (Jersey) Law 2023, that was passed unanimously, 43 votes, in the Assembly in December 2022. This Act is a key step in modernising our food safety framework and ensuring that Jersey aligns with best practices adopted in the United Kingdom and the European Union, and it replaces a law dating back to 1966. The new law introduces clear obligations on food business operators to ensure that food is safe and fit for human consumption, places increased importance on the traceability of food to aid product recalls, introduces the new concept of hazard analysis at critical points in the food production process - that is the hassle that we spoke about earlier - and introduces a more graduated and proportionate approach to regulations in the use of formal notices. Improvement of prohibitive notices, persuasive compliance remains the watchword. I would like to thank at this stage my predecessor, Deputy Renouf, who brought the law to the Assembly, and I will repeat his concluding remarks on the day, if I might: "This draft law is good for our food businesses, good for public health, and will give our officers the necessary tools to continue to protect us. It is a Jersey law to regulate food matters in the 21st century for the benefit of Jersey." The law will come into force 7 days after this Act is passed. It ensures that the law is operational and ready to support the regulatory framework that has been agreed and that will follow. I commend this proposition to Members and ask for their support.

The Greffier of the States (in the Chair):

Is the matter seconded? **[Seconded]** Does anyone wish to speak on this Commencement Act?

6.1.1 Deputy J. Renouf of St. Brelade:

Can I just thank the Minister for his kind words, and I hope very much that we can pass this now?

The Greffier of the States (in the Chair):

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

6.1.2 Deputy S.G. Luce:

I thank Members for their support, and ask for the appel.

The Greffier of the States (in the Chair):

The appel has been called for. If all Members are in their seats, I ask the Greffier to open the voting.

[17:30]

If all Members have now had the opportunity to vote, I ask the Greffier to close the voting. I can announce that the Draft Food Commencement Act has been adopted:

POUR: 46		CONTRE: 0		ABSTAINED: 1
Connétable of St. Lawrence				Connétable of St. Clement
Connétable of St. Brelade				
Connétable of Trinity				

Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 M.B. Andrews				

The Greffier of the States (in the Chair):

The adjournment has been proposed. Could those in favour kindly show? Those against? The adjournment has been adopted. We adjourn until tomorrow morning at 9.30 a.m.

ADJOURNMENT

[17:30]