

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 11th MARCH 2026

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[9:30]

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

The Greffier of the States (in the Chair):

As it is a matter for the Assembly to decide whether or not a Member is excused in their absence, we will return to the situation with Deputy Warr, if you can offer no more information. He is dealing with a Parish matter and will arrive when he can.

Deputy K.M. Wilson of St. Clement:

I think what he said is that it was to do with the Roads Committee, but he did not give any detail about that.

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

I know the Constable is here, Ma'am.

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

I believe that maybe the Roads Committee is actually at 9.30 a.m. on a Wednesday morning and the Constable may be able to confirm that, but the rest of the State's St. Helier Deputies are here, so I personally do not think it is right that that is an excuse to not be here.

The Greffier of the States (in the Chair):

If Members would like to indicate then if they wish to mark the Deputy as excusé.

Female Speaker:

Can we have the appel, please?

The Greffier of the States (in the Chair):

The appel has been called for. Members are invited to their seats.

Deputy M. Tadier of St. Brelade:

Before we do that, can I ask for the défaut on Deputy Porée to be raised?

The Greffier of the States (in the Chair):

Yes, indeed.

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

And Deputy Moore, as she has walked in as well.

The Greffier of the States (in the Chair):

And Deputy Moore. So, if Members are in their seats, the vote is whether or not to mark Deputy Warr as excusé, and I ask the Greffier to open the voting. If you are in favour, then vote pour. 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 proposition has been rejected.

POUR: 10		CONTRE: 32		ABSTAINED: 1
Connétable of St. Helier		Connétable of St. Peter		Deputy M. Tadier
Deputy I.J. Gorst		Connétable of St. Brelade		
Deputy L.J. Farnham		Connétable of Trinity		
Deputy K.L. Moore		Connétable of St. Peter		
Deputy M.R. Scott		Connétable of St. Martin		

Deputy R.E. Binet		Connétable of St. John		
Deputy M.E. Millar		Connétable of St. Clement		
Deputy A. Howell		Connétable of Grouville		
Deputy T.J.A. Binet		Connétable of St. Ouen		
Deputy K.M. Wilson		Connétable of St. Mary		
		Connétable of St. Saviour		
		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 S.Y. Mézec		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy B.B.de S.V.M. Porée		
		Deputy H.M. Miles		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy H.L. Jeune		
		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

The Greffier of the States (in the Chair):

Deputy Warr is marked en défaut. We return to the agenda and the first item, this morning is the Draft ...

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

Ma'am, if I may interject. As of yesterday, I did forewarn Members.

The Greffier of the States (in the Chair):

Yes, sorry, Chair, I completely forgot.

Deputy S.M. Ahier:

Yes, I forewarned Members that I would be proposing an extension to the sitting tomorrow evening from 6.00 p.m. until 8.00 p.m., with a break between 5.30 p.m. and 6.00 p.m. I know that Deputy Bailhache has withdrawn P.40, but I still believe that it will be necessary to have that extension, and I would like Member's support.

The Greffier of the States (in the Chair):

Is that proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition that we stay late tomorrow?

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

I am not opposed to staying late on Thursday, but can I suggest that if we are staying late, it is on the basis that we are going to finish on Thursday? Because if we are likely to go into Friday, then there is not much point in staying on Thursday night, and we will aim to finish on Friday.

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

I was just going to suggest if we are going to stay on Friday, I would rather be late on Thursday and still have to do a bit more on Friday - I do not know - rather than to stay behind on Friday evening.

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

I hate to pour cold water on things, but I think if we are going to finish on Friday we are going to need to sit Thursday evening, looking at the Order Paper, so I support it.

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

I just wanted to reiterate that. Fridays are our normal continuation days and the reason for sitting later on a Thursday would be to ensure that we got everything done. Ideally, we would like to finish early on a Friday, but that is not the reason for sitting later. Friday is a normal continuation date in our diaries.

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

Can I suggest we cut our lunchbreaks down to an hour?

Deputy M. Tadier of St. Brelade:

If it is helpful, I will be moving my P.48 Use of cash in Jersey to the sitting of the 24th. It is currently listed for the end of the Order Paper, so that may help Members in their considerations. But I think sitting on Thursday late would be probably sufficient time to get through all the business, given the fact that the big debate perhaps that is coming up has also been deferred.

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

I just want to concur with Deputy Binet. I think, before we start impinging on Members' evening time, we are all in town for States sittings and we should be shortening lunch breaks before we extend into the evening.

Connétable K.C. Lewis of St. Saviour:

As the old saying goes, work expands to fill the time available. May I suggest respectfully that we request that Members reduce their speeches from 15 minutes to 10.

The Greffier of the States (in the Chair):

There are plenty of alternative suggestions on the table but the proposal by the chair of P.P.C. (Privileges and Procedures Committee) was to stay late until Thursday. Does any other Member wish to speak on that proposition?

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

I think it is a sensible decision to stay late on Thursday. If we have time, as Deputy Alves has said, on a Friday to finish them we will need to finish them. Looking at the Order Paper, even with those things not on the Order Paper, there is an awful lot to cover. I am just wondering whether the chair of P.P.C. can give us the odds on us finishing on a Friday. He has some knowledge of that.

Deputy A.F. Curtis of St. Clement:

Could the chair, after this vote I am supporting, maybe also propose what Deputy Tom Binet said, and propose another vote on one-hour lunches?

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the proposal to stay late on Thursday? If not, I close the debate and I call upon the chair to reply.

Deputy S.M. Ahier:

Interesting debate. Obviously, on the lunch breaks which were mentioned by Deputy Binet and Deputy Curtis, we have sent out a survey and I hope that most Members have managed to respond to it for the last sitting, where there is the possibility of reducing the lunch breaks to avoid any late sittings. But in this instance, we only have tomorrow to go, and I think it would be the most sensible thing to stay late tomorrow, even accepting that Deputy Tadier has deferred P.48, and reducing speech times I think is inappropriate at this juncture. I maintain my proposition and call for the appel.

The Greffier of the States (in the Chair):

The appel is called for. So Members in favour of staying late tomorrow evening should press pour.

Deputy M. Tadier:

The appel, please.

The Greffier of the States (in the Chair):

The appel has been called for. And ask the Greffier to open the voting. If all Members have now cast their vote, I will ask the Greffier to close the voting. The proposition to stay late has been adopted:

POUR: 36		CONTRE: 4		ABSTAINED: 1
Connétable of St. Peter		Deputy S.G. Luce		Deputy S.Y. Mézec
Connétable of St. Brelade		Deputy L.M.C. Doublet		
Connétable of St. Peter		Deputy I. Gardiner		
Connétable of St. Martin		Deputy K.L. Moore		
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy M.R. Le Hegarat				

Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy 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):

Chair, did you want to make a second proposition about the lunch hours?

Deputy S.M. Ahier:

No, ma'am, not at this juncture.

PUBLIC BUSINESS - resumption

1. Draft Sexual Offences (Jersey) Amendment Law 202- (P.5/2026)

The Greffier of the States (in the Chair):

Then we resume Public Business. The first item is the Draft Sexual Offences (Jersey) Amendment Law 202-, P.5/2026, lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Sexual Offences (Jersey) Amendment Law 202-. A law to amend the Sexual Offences (Jersey) Law 2018 to include additional offences committed using technology, to amend the offence of sexual

grooming of a child and to make other amendments related to sexual offences. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

[9:45]

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

In 2023, when the Violence Against Women and Girls Taskforce published their report, they shone light on the experience of victims and survivors. Their findings highlighted that more can be done to protect victims of crime and bring perpetrators to justice. I know that the testimonies of the women who contributed to this work moved many Members of the Assembly. That is why we decided to make the delivery of the taskforce's recommendations a core priority for this term of Government. A crucial part of this work is reforming our legislation. We need to introduce new powers for the police and courts, so that they can provide a meaningful protection for victims. Where there are gaps in a statute book, we need to create new offences that better capture the harmful behaviours we are seeing. To this end, I have lodged 5 laws with the Assembly. This package of legislation aims to improve the ability of the criminal justice system to address the crimes associated with violence against women and girls. They create a robust framework for responding to intimate image abuse, harassment and stalking, domestic abuse, strangulation and threats of sexual harm. My proposal to introduce these new laws comes at a time when the criminal justice system is under significant pressure. It would therefore be irresponsible to introduce this legislation without considering its financial impact. In an effort to support States Members to make an informed decision, I have reissued each of the propositions with updated estimates of the anticipated costs of this legislation. It is important that Members understand these figures in the right context. These costs may seem to some to be particularly high. That is not because these laws are unusually expensive, rather it is because introducing new legislation is a very expensive exercise and the cost of doing so has rarely been set out as plainly, as it is here, and it is because these laws are coming at a time when the criminal justice system is already under significant strain. Historically, Governments have pushed through new legislation with an expectation that the justice system will be able to absorb the resulting cost, with little clarity on the financial and resourcing impact this has. The system cannot continue in this way. This approach is precisely why we have reached absorption capacity. We cannot expect our justice system to effectively operate new legislation without proper funding. That is why I have sought to be more transparent about the actual resource and cost implications of these new laws, because our system will not be able to operate these laws effectively unless it is resourced to do so. In total, this package of legislation is estimated to cost between £3 million and £5 million per year. That is the cost of all 5 laws. To put these costs into context, I have asked officers to provide some indication of how much it costs to operate other pieces of legislation. Analysis by the States of Jersey Police has indicated the implementation of the Misuse of Drugs Law costs the force on average £530,000 per year. But the main cost from this legislation is to the prison. The housing of prisoners convicted under the Misuse of Drugs Law costs the prison service approximately £2 million per year. Therefore, it costs the police and the prison over £2.5 million per year to implement the Misuse of Drugs Law. If I had been able to include the costs of the Law Officers' Department and the courts, this figure would undoubtedly be even larger. This is all to say that this new package of legislation is not particularly expensive. Rather, Members are not usually exposed to such a robust level of financial impact analysis when they consider proposals to introduce new law. Now that the cost of this legislation has been put into context, I will turn to the principles of the proposed legislation. The first of these laws is the amendment to the Sexual Offences Law. This law is designed to address different forms of intimate image abuse and strengthen the existing offence of sexual grooming of a child. The term "intimate image abuse" refers to forms of abuse that make use of images where a person is depicted as engaging in sexual activity or in the nude. Unfortunately, this form of abuse is becoming increasingly common. We have all seen the news stories of so-called revenge porn, where a person has shared an intimate image of their ex-partner online out of malice. We have heard the testimonies of young people who participated in the Violence Against Women and Girls Taskforce

research, who described nudes being spread around school. Some of us will know victims of cyber-flashing, where a person has been sent a pornographic photo against their wishes. Increasingly, we are hearing about how deepfake A.I. (artificial intelligence) technology is being used to fake extremely lifelike images that show a person engaging in sexual activity or in a state of undress. Members may have seen the recent story in the media that raised concerns about nudification websites that allow you to upload a photo of any person and then digitally undress them. Sextortion scams are also becoming increasingly common. Often this takes the form of a blackmailer that poses as a teenager and convinces another young person to send them an intimate image, only to then threaten to post these images online unless they comply with their demands. These are all examples of the types of intimate image abuse that this law has been designed to address. This law will afford everyone on the Island protection from intimate image abuse, regardless of their age, sex or gender. It will protect the young people who are growing up in a new digital age. It will protect women whose ex-boyfriend has threatened to share intimate photos of her on social media. It will protect the teenage boy who has fallen victim to a sextortion scam. It would also protect politicians and public figures whose pictures are particularly vulnerable to misuse. People from many walks of life can be affected by intimate image abuse, and this law provides protection for all of them. Intimate image abuse continues to grow as a problem, in part because the technology that assists people in perpetrating this abuse is widespread and easy to use. In 2023 alone, research shows that there was a fivefold increase in the number of deepfake pornographic videos found online compared to 2022. This problem is not going away. That is why so many jurisdictions have introduced new robust laws that are specifically designed to address intimate image abuse. In the last 10 years, England, Wales, Scotland, Northern Ireland, Canada and Australia have all introduced new specific intimate image abuse offences. The result is that among its Commonwealth counterparts, Jersey is now unusual in not having introduced any such specific legislation. This means that our criminal justice system has been left to rely on the Article 51 offence of improper use of a telecommunications system, an outdated offence that sits under the Telecommunications Law, to prosecute perpetrators of intimate image abuse. This law was introduced in 2002, at a time when social media was in its infancy. Facebook and Twitter had not even been created yet, and when many of the tools that are now used to perpetrate intimate image abuse had not yet been conceptualised. It is no wonder then that this offence is unable to satisfactorily address the forms of abuse we are seeing today. A key issue is that this offence does not sit under the Sexual Offences Law. This means that the victims of intimate image abuse do not have the same rights to automatic anonymity, as other victims of sexual harm. We know that this discourages people from reporting. Another issue is that the perpetrators of intimate image abuse who are convicted of this offence are not recognised as sex offenders under the Offenders Law. This means that they are not subject to the same restrictions or penalties as perpetrators of other sexual harms. Our legislation has not kept pace with technological development, and I want to fix that by introducing new offences that have been designed to stand the test of time. To that end, this law inserts 7 new intimate image abuse offences into the Sexual Offences Law. I have ensured that these offences capture both cases of intimate image abuse that use authentic images, and those forms of abuse that make use of deepfake A.I. technology. The first new offence relates to the possession of an intimate recording without the consent of the person pictured. The second is a new offence of making an intimate recording without consent. The third is a specific offence of making a sexually-explicit deep fake of a person without their consent. This will criminalise the use of nudification websites and apps. The fourth is a specific offence of sharing an intimate image of someone without their consent. That makes instances of so-called revenge porn, a standalone crime. The fifth is an offence of threatening to share an intimate image. This captures sextortion scams and cases of coercive and controlling behaviour, where a partner or ex-partner threatens to share an image unless the victim complies with their demands. The sixth is a cyber-flashing offence, which makes the sending of unsolicited pornographic images a crime. The final offence makes forcing another person to create or share an intimate recording a crime. Again, this offence captures cases where intimate image abuse is used as part of a wider strategy of coercive and controlling behaviour. There

is also an issue with the way that the voyeurism offence in the Sexual Offences Law is constructed. This offence is intended to criminalise the act of taking non-consensual photos or videos underneath a person's clothing or of a person engaging in sexual activity. To satisfy the elements of the offence, the prosecution must prove that a perpetrator did this because they were motivated by sexual gratification. This can make prosecuting cases of voyeurism unnecessarily complicated. Firstly, it can be very difficult to prove that a person's actions had a specific motivation. Secondly, perpetrators can have a range of motivations. Some want to cause a victim to stress, others want to feel powerful. In cases where there are difficulties in proving a sexual motivation, there is a risk that the actions of the perpetrator may not be found to satisfy the elements of the voyeurism offence. That means that there is a very real danger that a perpetrator could avoid justice on a technicality. We saw this exact issue play out in our courts in the recent *A.G. v Balassini* 2026 case where the defendant, who was on trial for 9 counts of voyeurism, tried to argue that he was motivated by disgust and loathing rather than sexual gratification. Taking an intimate image of a person without their consent is wrong, regardless of the reason behind the perpetrator's actions. I think our laws should reflect that fact. This law reforms the voyeurism offence so that it rests in the absence of consent, instead of specific motivations. In the course of consulting with senior members of the criminal justice system on this law, additional issues with the Sexual Offences Law and the protection of children were brought to my attention. The final aim of this law has been to resolve these issues. The first issue relates to the sexual grooming of a child offence in the Sexual Offences Law. As it stands, the offence captures cases where a person meets a child of 15 or younger for the purpose of carrying out a sexual offence. The offence also captures cases where a person travels for this reason. However, the offence is narrowly defined, and this creates issues for law enforcement when an offender's behaviour falls outside of these boundaries. For example, if the child travels to meet the perpetrator as opposed to the other way round, this does not actually meet the elements of the offence. Again, in cases where a perpetrator has made plans to carry out this offence but has not yet acted on those plans, this does not meet the elements of the offence. This law amends this offence so that the police can intervene with perpetrators at an earlier stage and therefore prevent further harm to the child. The second issue concerns proceedings relating to indecent photographs of children. Under the existing Protection of Children Law, in proceedings relating to any indecent photograph of a child, Article A states that a person should be considered to be a child if they appear to be under the age of 16. This does not align with international standards in this space. Children between the age of 16 and 18 also need protection. That is why the legislation in England and Wales recognises a person as a child if they are under the age of 18.

[10:00]

Digital forensic teams in the U.K. (United Kingdom) have developed age recognition software that identifies indecent photographs of children under 18 without the need for manual review. Unfortunately, because of this peculiarity in Jersey legislation, our own Digital Forensics Unit cannot use this software. Instead, these professionals must manually review the material and decide whether it meets the Jersey definition. This unpleasant task, quite understandably, takes a significant unnecessary toll on the well-being of staff. This law brings the Jersey definition back into line with international standards. It will also allow the police in Jersey to make use of the same software that is used in England, and completes recommendation 18 of the Scrutiny Panel Report on what protecting children in Jersey have from online harms. In summary, this law introduces 7 new offences to address the growing issue of intimate abuse and strengthens existing legislation in respect of the voyeurism offence, the sexual grooming of a child offence and provisions relating to indecent photographs of children. It is time that we modernise our legislation so that we can protect our Islanders from the new sexual harms that have emerged from the digital world. This law provides that protection by introducing new offences and strengthening our existing laws. I therefore ask the Assembly to give their wholehearted support for the introduction of this new law. **[Approbation]**

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

Can I ask a point of clarification, if that is OK, for the Minister?

The Greffier of the States (in the Chair):

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

Deputy M.R. Le Hegarat:

Yes, Ma'am.

Deputy R.J. Ward:

I read through this and I thought I knew the answer, but I am not sure. These offences that are being - which I completely support - if somebody is found guilty of these offences, do they appear on the Sex Offenders Register? I was confused by something that was said, and I may have misheard, because, as the Minister knows, my hearing is not great.

Deputy M.R. Le Hegarat:

The point that the Deputy is making, is the fact that under the current law, in relation to some of these offences, they are prosecuted under the Telecommunications Law, which means that that is not classed as a sexual offence, which means that the perpetrator therefore is not put on the Sex Offence Register.

The Greffier of the States (in the Chair):

Deputy Scott and Deputy Miles, I saw your lights on. Were those for points of clarification or to make a speech? To make speech, OK. And Deputy Farnham. Are the principles seconded? **[Seconded]** Then the first speaker is Deputy Scott.

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

I congratulate the Minister for bringing this work. As Members may be aware, I was asked to take some Ministerial responsibility in the area of online harms. and there is a cross-Ministerial group that is chaired on behalf of the Minister for Children and Families in response to Scrutiny recommendations. But I would also like to point out, and particularly in terms of my delegated Ministerial responsibility in data protection, that online harms reaches much more beyond that. I believe that the nature of bullying and of rights to privacy need to be much better understood in this community, and the legislation deals with the use of imagery to abuse and bully people in a very specific situation. But as the Minister says, there is also a line of thinking that taking an image of a person without consent is generally wrong. Then that leads to a whole discussion about, well, what about if people are in public places and all these things? Many of these matters have been considered as the Government carries on working on this area. Most recently, there was a consultation on online harms, looking in connection with another piece of work, because sometimes the perpetrator cannot be found. They are hiding behind an identity. I acknowledge that there can seem a danger if this legislation is seeming piecemeal. We all are dealing with it in our different areas. I also very much welcome a bit more clarification even about the nature of stalking. People just sometimes do not understand that their behaviour is not acceptable and it is wrong, and it is important to make that clear. So I will be supporting the proposition, of course.

Deputy H.M. Miles of St. Brelade:

May I raise the défaut on Deputy Warr, please?

The Greffier of the States (in the Chair):

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

1.1.2 Deputy H.M. Miles:

I thank the Minister for bringing these pieces of legislation. No one in this Assembly disputes the seriousness of violence against women and girls, and no one questions the importance of strengthening our laws to protect victims and hold offenders to account. I was delighted to be able to establish the V.A.W.G. (Violence Against Women and Girls) Taskforce during my time as Minister, in response to a proposition from the Connétable of St Martin. The objectives of this legislation are important and, in many respects, commendable. They come about as a result of the V.A.W.G. Taskforce recommendation. Good legislation must be matched by credible, sustainable resourcing and guided by a coherent strategy. I just want to point out that I only intend to speak once, as my comments cover this and the next 4 laws, and I specifically want to address the details contained in the financial and staffing implications of the report, which are actually replicated across all the draft laws. As we have heard from the Minister, this legislation arrives at a time when the criminal justice system is already under considerable strain. We are told that reported V.A.W.G.-related crimes have increased by 27 per cent in the last 3 years. That increase is, in many ways, a positive thing. It reflects greater public awareness, increased confidence in the system, and a willingness by victims to come forward and report crimes that historically have always gone unreported. But increased reporting brings increased demand. Every report requires investigation. Every investigation requires police time and expertise. Cases must be prepared for prosecution, heard by the courts and supported by a range of specialist victim services. Where offenders are convicted, they must be managed by the Probation Service or accommodated safely within the prison estate. Every stage of that process requires capacity, and we know that capacity is already under pressure. The report tells us that victim support services have already indicated that they require additional clinical leadership to ensure that the Sexual Assault Referral Centre can operate safely and in line with recognised standards. National standards may not concern our current interim chief executive officer, but they concern me and they should concern us. These services sit at the very heart of how we operate to support the victims of the serious offences that these laws will create. At the same time, we are told that La Moye Prison is operating at approximately 92 per cent of overall occupancy. The Vulnerable Prisoner Unit, which houses most individuals convicted of sexual offences, reached full capacity earlier this year, and has required temporary expansion simply to cope with demand. Even with that expansion, the unit is operating at around 95 per cent occupancy. In practical terms, that would suggest that the system has no spare capacity. Against that backdrop, against that context, the Government's own analysis estimates that the introduction of these laws could lead to between 199 and 369 additional crimes being recorded each year by the second year of implementation. The associate cost of managing that demand is estimated to fall somewhere between £3 million and £7 million annually. I noticed that the Minister referred to £5 million but the report is quite clear; £7.9, it is nearly £8 million. These are significant operational and financial implications yet despite recognising these pressures, the funding model proposed does not commit resources up front. Instead the Minister is proposing a demand-led approach in which funding will potentially be released from the central reserve once additional demand materialises. It is this that makes me very uncomfortable. In other words, we legislate now and worry about the money later. That approach might raise questions in any circumstances, but it raises particular concern in the context of Jersey's current fiscal environment. We have heard repeatedly from Ministers that the Island faces a challenging financial outlook. We are told that public expenditure must be carefully controlled, that the growth of the public sector must be curbed and that Government departments must improve productivity and identify efficiencies. Across the public service, we know that teams are being asked to do more with less, recruitment is frozen, new posts are challenged, departments are being instructed to restrain workforce growth. These pressures are real and they are shaping the decisions we make across Government, but that is precisely why I think the funding approach proposed here feels so problematic. We debated the Budget at the end of last year, none of this funding was included. So what the Minister is effectively doing is offering for sale something we do not currently have in stock. We are being asked to approve legislation that we are told will increase demand on policing, the courts, on victim support services and on the prison system. Yet the resources required to meet that

demand are not being committed today. Instead they are being deferred to some future process, subject to future budgets, future priorities and future financial pressures. That creates uncertainty at exactly the point where certainty is needed. The police cannot recruit experienced investigators overnight once caseloads rise. Specialist victim services cannot suddenly expand clinical expertise once they are already overwhelmed. Prison services cannot rapidly create extra accommodation when population pressures exceed capacity. Where is the Probation and After Care Service in all this? They are a service who specialise in working with violent offenders and sex offenders. There is nothing in any of these laws that explains the pressures on that important service or allocates resources. These systems rely on long-term planning, steady workforce development, and stable funding commitments. A reactive funding model risks creating a cycle in which services only receive additional resources once they are already under severe strain, and they are already under severe strain. I know the Minister acknowledges that. But by that point, the consequences are already being felt in delayed investigations, longer waiting times for court hearings, and increased pressure on staff who are already working at the limits of their capacity. I have spent my academic career studying crime, punishment and justice. I am a criminologist, so for me there is a deeper issue here. What is missing from all of these propositions is a clear philosophical approach to criminal justice policy. We are being asked to consider legislation that will inevitably increase demand across the criminal justice system and potentially increase the prison population. Yet these proposals do not sit within a clearly articulated penal policy or a wider criminal justice strategy. There is no clear explanation of how these changes fit within a broader vision for our justice system? What is our long-term approach to sentencing policy? How do we intend to manage prison population pressures over the coming decade? Why are we not seeking to reduce the prison population? Where is our equal focus on safeguarding, prevention and early intervention? What balance do we wish to strike between punishment, rehabilitation and prevention? How do these new offences interact with our wider efforts to reduce reoffending and support victims? These are not abstract questions, they are very fundamental questions about the direction of our justice system. I found out last week that the Criminal Justice Systems Board, a body who are charged with setting the strategic direction of criminal justice, have not met for a number of years. So without that strategic oversight, these laws are being created in a vacuum and we risk creating a patchwork of legislative responses, each addressing a very important issue but collectively lacking coherence. When legislation is introduced in this way, the operational consequences tend to fall on the institutions that must implement it. The police, the courts, the Prison Service, the Probation and After Care Service and the support organisations that assist victims. These institutions need clarity, they need strategy and they need certainty about resources.

[10:15]

Legislation on its own does not deliver justice. Justice emerges from the combined operation of laws, just institutions, ethical values and proper enforcement. Legislation provides only the structure. Justice depends on how these laws are interpreted, implemented, co-ordinated and maintained. Justice is delivered through functioning institutions. Investigators who have the time and expertise to pursue cases properly. Courts that can hear these cases without unacceptable delay. Support services that can assist victims through what is often an extremely difficult process. Probation services that can manage offenders safely and effectively. And custodial services that can accommodate dangerous offenders who cannot be managed safely in the community. Without the resources and planning to support these institutions we risk creating a gap between what these laws promise and what the system can realistically deliver. When that gap emerges, I fear that it will be the victims who will ultimately pay the price. If we are serious about tackling violence against women and girls, and I believe everybody in this Assembly is, then our response must be more than legislative. It must be strategic, it must be properly resourced, and it must be grounded in a clear and coherent vision for how we want our criminal justice system to function in the years ahead. I will of course be supporting the legislation today. How can anybody not support legislation that protects

not only women and girls but men and boys. But until I see that strategic clarity and until I see a funding model that provides real certainty rather than reactive promises, I will continue to question whether the approach being proposed today is the right one. So in her summing up, I would be pleased if the Minister could explain how these laws fit within a clear long-term strategy for our criminal justice system about her penal policy and how the Government will guarantee that the police, courts, Probation Service, prisons and victim support services will have the capacity, capability and resources required to deliver them.

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

We all respect Deputy Miles's knowledge and background in this area. I am slightly disappointed at what she said because this Assembly, this Government, the previous Government has done so much to bring forward the work, I think that was ultimately started by the Connétable of St. Martin. One of the problems we have, I think we tend to often get caught up in the spiral of chicken and egg legislation or funding which one first, but you have to make a start. That is why the Minister for Justice and Home Affairs is bringing forward this legislation, because it is urgent, because it is about protecting some of those vulnerable people in our society. I shall let the Minister for Treasury and Resources respond to some of the concerns she has raised, to hopefully provide reassurance because we are prioritising this work. We will, or the next Assembly I am sure, will prioritise the funding. The funding is actually a continued growing investment in the Home Affairs estate and the criminal justice system. We have to reprioritise and we will be doing further reprioritisation in public expenditure because in one side of the argument we are being heavily criticised at the level of expenditure and then the next breath we are being told we are not spending enough money. But I remain confident that we will find the right solution, and what is happening today is an important very big step towards that. As Deputy Miles, I am going to speak once on all legislation before us. There are a number of pieces being presented by the Minister for Justice and Home Affairs this morning, aimed at strengthening our response to violence against women and girls in Jersey. Each of these laws addresses a gap that has been identified through the work of the Violence Against Women and Girls Taskforce, and through listening to the experience of victims and survivors in our community. Taken together, these measures represent practical steps to improve protection and accountability. They include new law on harassment, stalking, new offences for intimate image abuse, emergency barring orders that allow someone at risk to be protected quickly, a specific offence of non-fatal strangulation and stronger laws covering threats of sexual harm. None of this legislation on its own will end violence against women and girls, but each piece makes a clear improvement to how our justice system responds. The Harassment and Stalking Law recognises patterns of behaviour that can cause serious fear and harm. New offences for intimate image abuse respond to forms of abuse that are increasingly carried out online. Emergency barring orders will allow police and the courts to create space and safety for victims in the immediate aftermath of abuse. The offence of strangulation reflects a serious risk that this form of violence poses, and stronger laws around threats of sexual harm send a clear signal that such behaviour is not acceptable and will no longer be tolerated. These changes are grounded in evidence and the voices of those who experienced abuse. The taskforce heard directly from women and girls in Jersey, many of whom described how gaps in the law and in the system made it harder to seek protection for justice. Our responsibility as an Assembly is to respond to that evidence carefully and constructively. The measures before us are measured and carefully thought-out reforms. They are designed to improve protection for victims, ensure that harmful behaviour is properly recognised in law and help our justice system keep pace with the ways abuse can occur today. Just as importantly, these laws are part of the wider programme of work across Government, the police, support services and community organisations. Legislation is just one part of a response, but it is a necessary foundation and I am pleased we are laying that foundation today. I hope Members across the Assembly will support this package of laws. They are practical, considered steps that will help make our Island safer and ensure that those who experience abuse are better protected by the law.

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

As we begin the series of debates on legislation addressing violence against women and girls, the comments that I make now in my role as the Minister for Treasury and Resources will apply across the suite of legislation, and I ask Members to take them as relevant to each of the individual debates that follows. I may express my own personal views on a later piece of those laws. These laws represent an important step forward in strengthening protections for all those at risk of harm, particularly women and girls who continue to be disproportionately affected by acts of violence and unwanted behaviour or contact short of violence. They introduce important new offences that better reflect the realities of modern life and close gaps in our legislative framework. Together, they will provide front line services with stronger tools and help ensure that those who report harm can have confidence that the system is able to respond effectively. As with any significant development in criminal legislation, we should expect these measures to lead to increased reporting and, in turn, additional demand on the police and the whole of the wider criminal justice system. The level of new demand and the resource needed to respond to it is inherently uncertain. We have already seen increases in reporting linked to the Violence Against Women and Girls programme, which we hope reflects greater confidence among women to come forward. Nonetheless, it is clear that additional resources will be required to meet the likely increased demand. Deputy Miles has recognised the work being done to reduce Government spending. Treasury officials have worked closely with colleagues across the criminal justice system to identify the cost estimates provided to Members. While we expect costs to fall within that range, the actual level of funding will ultimately depend on the incidence and severity of cases reported once those laws take effect. Additional funding was allocated to police in the 2026 Budget, but it was clear that further funding would be needed, and we completely anticipated a growth bid coming forward for next year. The budget for 2027-29 will need to make provision for further funding, based on a demand-linked model. This will likely involve holding some resources in the central reserve and releasing them as needed, ensuring that services can respond proportionately to real pressures while avoiding committing funds beyond the amount that proves necessary. The next Assembly will need to decide what it wants to prioritise and whether the response to V.A.W.G. is more important than other services. While the measures will require careful financial planning and monitoring, they represent an important and necessary investment in the safety and confidence of Islanders. I will just add one comment now. Deputy Miles says law does not deliver justice - I think if I am paraphrasing - and she is absolutely right. This creates laws that identify behaviour. Law does not change behaviour, and the criminal justice system is only one part of the picture. Criminal justice system will deter, it will identify and it will punish, it hopefully will rehabilitate. But what we need is education and behavioural change, and this law may not do that. We need to recognise the impact of online harms, and these laws provide an important mechanism to deal with the behaviour as it arises. We really now need to think much more carefully on how we address and eradicate the behaviour.

1.1.5 Connétable K. Shenton-Stone of St. Martin

I would like to begin by saying how pleased I am that we have such significant improvements to our legislation before us in this Assembly. The draft laws we have before us today are a vital part of making Jersey a far safer place for women and girls, and both the Assembly and this Government's willingness to engage on the issue has been a major success over the last few years. When I secured the £200,000 funding to investigate violence against women and girls in the 2022 Government Plan, it was my hope that we could keep the conversation about the safety of women and girls at the heart of our Government and politics. It is a credit to the countless people who saw the opportunity from the resulting V.A.W.G. taskforce that we have this legislation before us today. That we make people safer, that we protect women and girls from harm, is a fundamental principle that we must continue to work towards. Even with this legislation strengthening these laws, it is clear that it is not the end of the road. As we heard last week from Joyce Watson M.S. (Member of the Senedd), Welsh Labour politician and chair of the Senedd Women's Caucus, and Anna Whitehouse, best-selling author,

presenter, podcaster and well-known flexible working campaigner, at the inaugural Women's Parliamentary Caucus, there is still so much to be done to eliminate structural and gender inequalities, be it in health, in work, or in life in general. I am very grateful to the present Minister for Justice and Home Affairs, Deputy Mary Le Hegaret, and her team for prioritising this legislation, and to the 2 former Ministers for Home Affairs, Deputy Helen Miles and Deputy Guida, and all who have helped, including the taskforce, Law Officers, police, and those who have given evidence to get us to where we are today. We know the challenges that the next Assembly will face, and sadly, we know all too well that the world has become a more reactive, more dangerous place, especially for women and girls. Even the U.S. (United States) have been looking for ways to deny voting to married women. As I have said before, it is critical that Jersey proves an exception to this rule. We do not just have an opportunity to continue to progress and improve the lives of women and girls in Jersey. We have an international duty. I thank all those involved over the years, and I will be voting for this legislation and I urge this Assembly to also vote for it.

1.1.6 Connétable R. Vibert of St. Peter:

I would like to express my strong support for this law as it strengthens the laws in respect of young people and online harms. Just like other jurisdictions, our legislation has struggled to keep pace with the new and emerging threats presented online and the digital world, particularly in the space of intimate imaging.

[10:30]

The Greffier of the States (in the Chair):

Connétable, sorry if you could turn your fan off when you are speaking. I noticed it yesterday with some Members that it is interfering with their ...

The Connétable of St. Peter:

Yes, you are quite right. Sorry about that. Particularly in the space of intimate images, abuse in particular, it is clear legislation has fallen behind and requires reform. There is so much work to be done to tackle issues surrounding young people's use of smartphones, social media and ensuring the online world is a safe and positive space for our young people. The recent Scrutiny review on this subject was helpful, and I thank them for their work. These collective concerns have led me to set up a cross-Ministerial group to provide direction and alignment to ensure a co-ordinated, balanced, sustainable and proportional Government policy in relation to online safety, and to monitor and look for consistent improvements to those policies. The group will also have oversight and responsibility for the delivery of our actions set out in the Government response to the Children, Education and Home Affairs Scrutiny route on online harms for children. The group will receive advice, analysis and statistics, monitor progress and co-ordinate decision-making across Government to oversee online safety strategic policy development and implementation of Ministerial directions. As Members would see from the terms of reference for the group that I have set out, introducing intimate image abuse offences is an important part of this work. It allows us to send a very clear message that these forms of abuse are unacceptable and will not be tolerated. These new criminal offences will act as a powerful deterrent to would-be perpetrators providing Islanders with an additional layer of protection and creating these new mechanisms to bring perpetrators of this abuse to justice. I hope the rest of the Assembly will join me in giving their support for this crucial law.

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

I welcome this legislation and echo some of the previous thanks to the various people involved. I think it is a credit to the Assembly that the collaborative working has got us to this point. Again, I think we should be proud of that. Some of the previous speeches have raised some questions and concerns, and I think that it is OK to do so. I think we can be proud and pleased that a law is being brought forward, and we can also point out where structures around that law need to be improved in

order to make it work. I have some questions in that vein, which relate mostly to children and education. I note the Minister for Education and Lifelong Learning has not spoken yet, and he might wish to reflect on some of this. He may already be doing some of this and might be able to respond to it. I read the comments from the Scrutiny Panel. They were very helpful and Deputy Miles's speech contained some of the content from the panel comments. I also read the C.R.I.A. (Children's Right Impact Assessment) with interest. I am grateful to the Minister that a full and detailed C.R.I.A. is attached to these pieces of legislation, and really helped me forming some of my thoughts. One of these submissions to the Scrutiny Panel was from the Children's Commissioner and the Children's Commissioner has recognised these draft laws as a major advancement in Jersey's approach to preventing V.A.W.G., and she has also said children. I think Deputy Miles mentioned men and boys as well because, of course, it is not just women and girls. She also concluded in her submission that V.A.W.G. is unequivocally a children's rights issue. I wanted to help Members reflect and, indeed, hopefully to get some information from the Minister in her summing up about whether thought has gone into what sits around this legislation in order to help children understand it, in order to help teachers and schools understand it, and to deliver the necessary education around it to children so that they know about these new laws and that they are aware of appropriate behaviour online and how to protect themselves. I know that significant improvements have already been made in this area because of a project started by Deputy Gardiner and myself, which took all of the recommendations from the Youth Assembly in regard to P.S.H.E. (Personal, Social, Health and Economic). That was carried forward by the current Government, and I know that that is being embedded in schools. I would welcome some comments from the Minister for Education and Lifelong Learning on how that is going and whether he thinks that there needs to be further updates to that, given this new legislation that we are hopefully going to be putting in place today. Does he think that the P.S.H.E. curriculum needs to further flex to take that into account? Something that was highlighted in the Minister's report to this legislation which relates to children, and I am not sure that the term "post separation abuse" was used, but the report did describe how, for example, possession of intimate images can be used to coerce an ex-partner after separation, and that there is evidence that that can be used to coerce the partner into allowing contact with children in abusive situations. That, for me, I felt that. That is a deeply serious situation, is it not, that is probably going on in our Island at the moment. I hope that that can be addressed with this new legislation. I note that one of the new offences that is being created is making possession of intimate images without consent a crime. Could the Minister just confirm that if those images were given with consent in the first instance, if the individual then withdraws a consent, say, upon a separation and the other partner does not delete them and continues to possess them, does that constitute an offence? Can consent be withdrawn in that instance? I think that is probably the most common scenario, is it not, where somebody would hold images without consent. In terms of P.S.H.E., I was looking at the U.K. and Jersey and trying to compare what was the case in terms of what is compulsory in schools. It is quite hard to understand because in the U.K., they do have compulsory sex and relationships education, and in Jersey there are, I think, topic areas within that that schools must teach, but I am not sure that the content is compulsory. Again, I would just be interested to hear some reflections on that and whether that needs to evolve further. What support do we need to give to parents to understand what is being taught in schools? Obviously, we need to support teachers to do that and make sure that the resources are there. Potentially maybe outside resources going into schools to help them teach these subjects might be welcomed in the same way that we did after the Care Inquiry when I asked the Chief Minister at the time for funding for the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) P.A.N.T.S. campaign, which is a primary school education programme that teaches children about bodily autonomy and boundaries and consent in an age-appropriate way. That was embedded in our primary schools at the time to great effect. It is very effective. I think I would like to see that carried out again because obviously the time has passed since then. I think that would be a really effective complement to this suite of legislation because when we look at the research on what age children need to be learning about consent and learning about appropriate behaviour, it is a

lot younger than we think. Some of the most robust datasets are for England. We do have some data in Jersey but in the U.K., the Office of the Children's Commissioner there has found that the average age of first exposure to pornography is 13 years old, but nearly a third of children had seen pornography before they left primary school and 10 per cent by age 9. We must not be scared of having conversations with children in an age-appropriate way to help protect them from these things that are ... it is the culture that we are swimming around in, is it not? The technology is there and we can protect children as much as we can, but we cannot always prevent some of these things happening. It is really important that we empower our children that they can understand how they can get help, how they can protect themselves and, ultimately, we should be protecting them, should we not, with our policies and with the education we give them? If we look at older children, again, some of the datasets talk about girls feeling pressured to send sexual images of themselves. It is not just the accidental exposure or the viewing online pornography. Children are being pressured, sometimes by peers, sometimes by adults, into making explicit images of themselves. I think as an Assembly we are learning about coercion, are we not, and emotional abuse and the hidden ways that people can be influenced and emotionally forced to behave in a certain way? We must continue having those conversations in schools, in the Assembly and in the Island as to where that occurs, why it occurs and how to prevent it and bring those issues out into the light, as it were, so that they are not so hidden. The Children's Commissioner's submission recommended child-centred guidance for the criminal justice system, and I wondered if the Minister had had a chance to reflect on that and if she could respond to that. In the same way that the funding and the resources that Deputy Miles talked about need to be there, I think it is really important that the guidance for the criminal justice system is there from the beginning so that children are genuinely being served and that a trauma-informed approach is being taken. That involves the appropriate training as well for individuals within the criminal justice system. I note that at the most recent V.A.W.G. update, I think training around coercion still had not been carried out. That is a concern of mine, which I would like the Minister to address. If it is still an outstanding issue, how does she think that the next Government could address that and make sure the correct training and the correct guidelines and guidance are in place so that this legislation can be applied in a child-centred manner, which of course would tally up with the U.N.C.R.C. (United Nations Convention on the Rights of the Child)? I think that is everything I had to say, but I do welcome this legislation. I hope that it can be used in practice where necessary in a way that is child-centred but also, I hope that we can prevent the need to use it by the appropriate education in schools. I think that is more important, is it not, the prevention? This legislation that we are debating today is the worst-case scenario and I think we must not lose sight of the fact that prevention is really important, and that comes through schools. It also comes through cultural conversations, parents being able to talk to their children. Sorry, one final thing. If schools are being given resources, how also can parents be educated? Resources for parents are also important so that they do not feel they want to withdraw children and so that they know how to have those backup conversations at home, and culturally we can continue to evolve and move forwards and reduce, ultimately, rates of violence against women and girls and all individuals in Jersey. I am very grateful to the Minister. I will obviously be supporting the legislation.

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

I have asked for the panel's comments papers to be reissued in order to assist Members. Speaking on the Draft Sexual Offences (Jersey) Amendment Law specifically, the panel is very supportive of the new offences and other changes in this law. Firstly, as part of this law, there is the offence related to the sexual grooming of a child. There was a gap in the law which will now be covered, helping to ensure that perpetrators can be prosecuted. The panel also recommended in our review of online harms that the Protection of Children Law 1994 should be amended so that the age limit is changed from under the age of 16 years to under the age 18 years, which I remember the Minister referred to in her opening speech. As well as improving safeguarding, this change will bring Jersey into line with many other jurisdictions, such as the U.K. Currently the cutoff at 16 has meant that software

available to police forces in the U.K. that automatically scans images of under-18s cannot be used in Jersey, meaning images have to be individually looked at, which has been very time consuming. We are very pleased to hear this is one of the changes covered in the Draft Sexual Offences (Jersey) Amendment Law. Although these changes are part of the V.A.W.G. legislation, it applies to everyone, men, women and children. **[Approbation]** Children can be direct victims of these types of violence and behaviour or indirect victims as witnesses. As for intimate image abuse, I think it goes without saying that it is a good thing to try and make it more possible for the removal of intimate images, as is removing the motivational threshold relating to sexual gratification for the voyeurism offence.

[10:45]

Online harms are only going to increase unfortunately, and I am hopeful that the recommendations from the panel's Online Harms Review will be developed into the next Assembly. There is a lot more that can be said on this matter, but I think it is best to stay on subject. Some concerns remain. Firstly, the panel has requested that guidance, including a directive from the Attorney General, should be developed in relation to how children will be dealt with where they are subject to the draft laws. Secondly, and I acknowledge that the Minister had explained the costs of implementation and that there has been more said in previous speeches, but the panel remains unsure about the readiness of services, bearing in mind the extra resource required. The police already have an enormous amount of work to do in the Digital Forensics Unit. Support services for victims will require more resource and the prison may well require some extra capacity. Therefore, we are concerned that there is not the necessary structure in place to support the implementation of the amendment law at this stage, and I ask the Minister to address this matter in her closing speech.

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

Given that the debate has ranged across the considerations of the wider justice system born of these provisions, it seems to me appropriate if I address the Assembly briefly. In terms of pressure on the Royal Court, in fact the Royal Court is responding very well and will, I am confident, respond very well to the workload that these new laws bring about. As matters presently stand, cases appearing for the first time now for first hearing in the Royal Court are being listed for trial within this year. No one, whether that is a defendant or complainant, is waiting more than a year, and often they are waiting rather less than that from first appearance in the Royal Court until trial. That compares with in England a wait of something now in the order of 4 years between first appearance and trial. The criminal justice system's board has been mentioned. It has met under the new Bailiff. It has agreed to a programme to implement the proposals in the law's review and is fully committed to that, as indeed is my department. Guidance about the treatment of children in the justice system in light of these laws is under consideration as well. I hope those observations are of some comfort and assistance to Members.

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

I will be supporting this proposition. I know an awful lot of work has gone into it and I really appreciate it. I just have a query regarding online images. I wonder if the Minister could help when she is summing up. I think people seem a bit lost and obviously very embarrassed and intimidated if something comes up online. It is, let us say, pretty unsavoury. How do they go? Where do they go? Many of these servers are off-Island and, indeed, in other counties. I think people would appreciate a flowchart to say: "If you find something online, this is where you go." Do people go to the police? Do people go to telecoms or the States? I think people would appreciate a simple flowchart and action that can be taken.

1.1.11 Deputy R.J. Ward:

Thank you, Deputy Doublet, because I was wondering what I was going to say. There is so much here that it has given me a bit of direction, which I will cover in a minute. I would start off when we talk about money. I will make one point on this. This is the dichotomy we have in this Assembly. For an Assembly that constantly talks about cutting back public service, constantly talks about austerity and spend, but wants these worldclass services which are invaluable to a society that we all want to live in. There is a dichotomy there and there is an election coming up. Perhaps we all need to address that dichotomy in the next election when we talk about our policies on collecting money and taxation, but we move on. Let me talk about education and I agree, I know about Personal, Social, Health and Economic education (P.S.H.E.). We were on the Curriculum Council. Also, for my sins, I have taught a number of P.S.H.E. lessons, always old students - I do not know why - and I really enjoyed them. They were astounding lessons, even if I say so myself. One of the issues around P.S.H.E. is exactly those things that we have talked about. What content ... and that word "content" is a really difficult word in P.S.H.E. because it is not the delivery of content. It is as much as anything the delivery of discussion and an open forum to discuss issues that are there. This is about a cultural change, and I will say this at the beginning, there are a number of responsibilities here. Men in their actions have responsibility. I, and every male on this Island and every man on this planet, have responsibility in the actions that we take towards women and girls on what we see as what is right and what is wrong. I do not just say that because I am the father of a daughter. I say that because I am also the father of a son and because I have taught for many years and because I am a member of our society, and I hope I am a decent member of our society. That is a really important point. There is responsibility in those who feed division in our society because it is division that feeds misogyny, and it is that division in our society that we must address whenever we see it. But to get back to the P.S.H.E. point, I absolutely agree with the Deputy when she talks about the importance of the U.N.C.R.C. that we have signed up to, and most importantly the voice of children. We must listen to the voices of children in this arena. What is the understanding of children? I will say, though, that we cannot leave this all to P.S.H.E. teachers. Of course, it is important. Of course, the delivery of education is important, but schools cannot be the solution to every single problem that we have. Indeed, when schools address these really difficult issues, they get thrust into the realms of the political and we end up discussing those issues in this Assembly, which can sometimes be extremely damaging for members of community, so we have to be incredibly careful when we do that. There is an issue that I think does need to be taught, and that word "taught" is a very strange word. When I say "taught" I am not talking about - I think it is called - didactic teaching when you stand in front and lecture. I am talking about that discussion, that modern education, which is about involving young people, for example, around toxic influencers, and particularly male toxic influencers that seem to be impinging upon our society and some young men, and we have to address those issues. When they are addressed, I say again, we cannot draw teachers into the world of politics and say: "You are responsible" for something they are not when all they are doing is discussing. One of the things in schools, for example, we talked about this, about roles in schools. Now it was mentioned, and I do not know whether people will agree with this, but I will make my point clear on this. It was suggested: "Perhaps what you need to give is a responsibility point for V.A.W.G. in every school." My answer to that is no, I do not think we should because this is not the responsibility of one individual in a school. This is a cultural change across all of our education system about the way in which we address violence against women and girls in our schools and in our society, and we have those difficult conversations. Calling a group of boys out in the corridor to say: "Your behaviour is inappropriate there towards that person", it should be done and if it causes conflict in schools, which it can do, it needs to be addressed. But then what do we do to support our staff when complaints are made about them calling these things out? Again, our staff in our education system get drawn into the world of politics. This is a very difficult thing. If you want educators to do this job and allowing children to have a voice, you need to allow them to do that job without interference. Some examples. I was very privileged to be invited to the Unleashed Voices event at J.C.G. (Jersey College for Girls), an evening a few weeks ago where our young women at J.C.G. with poetry, music,

recitals on exactly this issue, and I was genuinely privileged to be there. There were also boys from other schools there too who participated, which I was really pleased to see. No, they were young men from other schools. That is a better phrase, and they take their responsibility seriously about those relationships that they have, and that is a really important thing for us to do. I also think that the media has a responsibility, a huge responsibility here, in the way in which they behave. A question for the Minister perhaps. This is not ... no, it is an impossible thing for me to say now but it is not as serious as the offences in this law, which I fully support this law by the way. But I would think it would be a really, really positive move and support for this type of law and others if our media made very clear on their front pages and on their sites that they will not reproduce A.I. images that are fake images in order to sell newspapers or to sell to their websites. Recently that has happened and the power of our media saying: "We will not engage ourselves in fake A.I. images. We will report that it is happening. Fine. We will talk about the damage it does to people, but we will not show those images so they will not be fed by us." I would make a plea to the media outlets to do that. That is the type of cultural and society-wide responsibility that we all need to take. Do not share them. Do not look at them. Sometimes it might be, if you are looking at media from around the world at the moment, it is really quite scary and you do not know what is true and what is not because all of those images - and I take this from the law itself - have a level of humiliation, important impact on mental health, and emotional well-being. Any of those images do that, and I think we all have a responsibility. I am pleased to see the clear message of zero tolerance that these laws take. That is exactly what we need to have. There is zero-tolerance in the sharing of images of the types that we have said, of online abuse that we have said. I would say to Deputy Doublet, this law really does help the P.S.H.E. because it means there is a clarity in what can be delivered, perhaps for the first time ever. I think, as I have said before, you have to skirt around the issues: "What can I say and what can I not say in this?" This is clear. There is a clear law here which is welcome, like the Discrimination Law is welcome, so we can talk about that, and I think we can move forward. I welcome these laws. I thank the Minister and all the previous Ministers that have been involved in these. I know there is a general acceptance of these, but I will finish by saying, again, we all have a responsibility here to make cultural change. Unless we support that and we engage ourselves in that, it will not just be a law that does that, it will be the actions that we take. Yes, it will be needed to be paid for, like so many other things if you want the sort of society that we all want to live in.

Deputy L.M.C. Doublet:

Would the Minister give way for a point of clarification? I did ask a lot of questions. I wondered if the National Society for the Prevention of Cruelty to Children (N.S.P.C.C.) P.A.N.T.S. campaign, if there was any consideration of that being run again in schools?

Deputy R.J. Ward:

I am not sure it ever stopped. I will check. I am pretty sure, but the N.S.P.C.C. also have a new online campaign that is very good and, of course, the name of it has gone right out of my head immediately. But yes, absolutely, and the N.S.P.C.C. have been incredibly supportive of education. There is a really good relationship there so, yes, I am sure I can reassure the Deputy that those things will happen.

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

I just wanted to really pick up on some of the things that Deputy Miles said in her speech, which I thought was excellent because, as the Chief Minister said, sometimes we cannot do things because we do not have everything in order, we do not have every policy developed and we do not have every pound allocated. That, of course, would be a shame. The issues that she articulated so well in her speech were issues that were the subject of conversation around the Council of Ministers' table. The importance of bringing in the legislation but also the importance of the wider strategy. It is not just a criminal justice strategy, as other Members have started to talk about, it is a wider societal issue

that we will need to address and consider. I know the Minister for Education and Lifelong Learning thinks that his schools are an easy target to say the schools can solve all of our problems, and he is absolutely right to remind us that they cannot. They are an important partner with parents and the rest of society. I think we are, and I hope we are, getting to the point where we are seeing other jurisdictions make difficult decisions around child protection, about what happens with smart phones. Is it really feasible that a small jurisdiction like Jersey can impose regulation on some of the large tech companies?

[11:00]

The reason I raise these issues is because they are core to what is available in our society and whether for children they can accidentally fall upon images, even with the best controls. We have got to admit, as Deputy Curtis and her panel showed, we do not yet have the best controls available to us in Jersey. These are difficult technical issues, and they will require a wider societal conversation because we cannot get away from the fact that these crimes are being committed in our community. As much as we might like to think they are not, they are, and therefore as one part of our armoury we need to be able to challenge those crimes and prosecute them and see people brought to justice. Therefore, Council of Ministers, in its deliberation about: “Well, how much is it going to cost? Have we got all of the preventative work in place? Have we got enough resource?” The answer, as we sit here, is we know that we do not. We know that work is being undertaken, as the Attorney General reminded us, and as, no doubt, the Minister will remind us in her summing up. This is one part of a much wider picture which this Assembly will not be able to deal with but the next Assembly in the next parliamentary term will need to deal with, and I do not think there has ever been any indication that we would just have this legislation and that would be fine. No, it has got to be a joined-up strategy and policy and a wider societal conversation about how we protect the most vulnerable, which in this case is children or those being made to suffer these criminal actions. I support the Minister in bringing forward all of these pieces of legislation and, as the Minister for Treasury and Resources said in her comments, Treasury will work with the Department for Justice and Home Affairs into the future to make sure that there are appropriate resources in place so that we can have this wider strategy that is ultimately required.

The Greffier of the States (in the Chair):

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

1.1.13 Deputy M.R. Le Hegarat:

I thank all of those that have spoken within the Assembly on this matter. Firstly, I will try and address the issues that were raised by Deputy Miles, issues that it will be no surprise to most that I have highlighted over the last 2 years, as in there was already an increase in reporting of the violence against women and girls and clearly systems were under strain. That is why, in fact, I pushed hard and strong on bringing the financial package with this legislation because what I have watched over the last, nearly, 8 years now is that we have brought through legislation without any idea what it is all going to cost. What that has meant is that some departments have ended up with lots of rules and regulations, lots of laws, and then people say: “What have you done about implementing them? What are your staff doing?” We continue also to make savings and cut costs. Those things do not match up. When we accepted all of those recommendations for the violence against women and girls, there was legislation that was in that package. I started to have discussions very early doors within the staff in the Treasury about resourcing and the implications of that. They rightly said to me: “With new laws, this is the correct way to do it. This is the way that we should always be doing it.” When we bring legislation to the Assembly - it is the same as propositions in a way - we should always be saying: “What is the cost?” That is what we have done, and I am very grateful to the Treasury Team and to the various organisations about the amount of time which it has taken to try and analyse and

get a picture of how much this could potentially cost. There was talk about the probation and after services. There has been talk about the prison. All of those groups are and have been having some discussions with the Treasury. Obviously, the court processes, the legal advisers' department and probation come under what we call non-Ministerial, as opposed to having Ministers, but they are all part of the equation, and I think it will be important for Members in this Assembly to identify that things will cost money if we want to progress. That is why we are here. The question was: why was it not in the budget? It has taken 2 years, probably longer than I anticipated, but it has taken a long time to get the legislation together, alongside me continually asking for those financial costings to be made, and that has been a significant amount of work. That is why we were not really able to provide necessarily the costs and were not really able to within the previous budget. What is also critical here, this is not about necessarily being able to say that it is already the ... things are already up but this is about identifying what could happen in relation to the law that we are now looking to introduce, not what has happened in the past because we cannot fix all of that necessarily. What we need to do is when we move forward and hopefully approve all of this legislation, we need to know what we are going to do next. That is why it is on a phased approach. There is a significant cost to all of this. Make no bones about that, that is a fact. That is why it is being phased because we need to be sure as to how the increase is going to be. It is analysis based on other jurisdictions. It has been analysis based on what has happened in the last couple of years in Jersey, but it is important that we do not say: "We need this money and we need all of this now." Nobody in this room, I am sure, would think that we can suddenly recruit all the people that we need, make sufficient facilities at the prison and do all of this at once because, realistically, that is not possible. That is why we are in a phased approach. In relation to the other matters in relation to prevention, there are quite a lot of things that have already been done. There has been intervention in relation to training for professionals, education for young people, awareness campaigns for the public, *et cetera*, prevention and a huge part of work alongside the legislation and its support. In relation to the Probation Service, as I said, officers are working with the Probation Service in relation to a building healthy relationships programme for the prison, alongside of the prison. The other thing that Deputy Miles mentioned was the Criminal Justice Board. She will be pleased to know that the board did meet for the first time on 11th February and have agreed a programme to implement the recommendations of the law's review alongside other matters. That board has now started to meet under the new Bailiff. Deputy Ward has already mentioned about the education, but I would just like to run through that quickly for all of the other pieces of legislation. There is a toolkit for secondary schools in relation to the whole approach of violence against women and girls. The P.S.H.E. has been updated about sex and healthy relationships. Piloting and toolkit and education programme in relation to primary schools tailored for age-appropriate content. The training of the teachers. Bystander training for teachers to challenge inappropriate or problematic behaviours. Working with students to develop bills of rights on what behaviour is acceptable, understanding some secondary schools, such as J.C.G. and Victoria College have already done this work. Schools are now assessed on their delivery of V.A.W.G. education through the Schools Review Framework and the Annual Safeguarding Audit. A full review will be done, as requested by the Constable of St. Martin during the budget, so that whole report will be issued before the end of this term of office. The Attorney General has already mentioned about what their department is doing. In relation to the question asked by Constable Lewis, this is part of the broader piece of work that is going on across Ministerial. But in relation to what he said this morning, I think if somebody finds themselves on social media, which they have not consented to in relation to images, then that is a matter that I would suggest that they report to the police and from then on they can provide the necessary advice and guidance. In relation to the point made by Deputy Doublet, if there was something that previously had been consented to, if somebody withdraws that consent, then it is necessary for that to be removed. Anyone can remove consent even though they have previously acknowledged it. Hopefully, I have addressed all of the concerns that people may have. Maybe we could say: "Is it the cart before the horse?" However, we need to start somewhere, and I

think it is important that these laws get passed in order that we can maybe as well make sure that the law is fit for purpose as to what society is today. I move the proposition.

The Greffier of the States (in the Chair):

Do you ask for the appel, Minister?

Deputy M.R. Le Hegarat:

Yes, please.

The Greffier of the States (in the Chair):

Very well. The appel has been called for. I ask Members to return to their seats. I 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 the principles have been adopted: **[Approbation]**

POUR: 46		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy 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 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):

How do you wish to propose the Articles, Minister?

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

En bloc, please.

The Greffier of the States (in the Chair):

Do you wish to speak to them?

Deputy M.R. Le Hegarat:

I will not. I will ask Members if there is anything in particular that they have any concerns because there are quite a number of Articles. I think I have given quite a comprehensive speech, but if anybody wants me to outline anything or answer any questions, I am happy to do so.

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

I thank the Minister for bringing forward these 5 pieces of legislation. A couple of weeks ago, I took a bit of time out to read the 5 propositions and, in particular, I paid close attention to some of the Articles. Just looking at Article 33B, and also this has been mentioned several times in other Articles further down, under section (b), it states: "If the person does not reasonably believe that the other person consents to the possession." Immediately when I read that, I was a bit concerned because it is almost as if we are giving the perpetrator of a crime the opportunity to defend themselves. Just in terms of when I was looking at the wording, I thought it was probably more appropriate that we pay

more attention to the victim of the crime who should be given the opportunity to say: “Hang on a minute. I never consented to this and here I am raising a concern about somebody sharing potential videos or images of me.” I would really have liked to have seen that be incorporated in some of the Articles because I think we have really got to understand here some of the victims who go through something, such as videos or pictures being shared online, they go through an ordeal and it is something for some individuals they will probably never recover from.

[11:15]

They are probably in this position where in some cases they did not even realise that they were being filmed or photos were being taken of them. To all of a sudden face this situation where they may have been informed that images or videos have been uploaded is something that I really would struggle to comprehend how people would contend with that because it really is a violation of a person’s rights to maintain their dignity. That section, section B, has been quite consistent throughout the law and I would just really like the Minister to comment on why the wording is as it is. Also looking at Article 33C, making intimate recording without consent. Under section (2): “A person commits an offence if the person operates equipment with the intent of using that equipment to commit an offence under paragraph (1).” Now I think that is quite an important area because somebody potentially could be informed that another person has the intention to share or create images of another person. So when Deputy Miles was speaking about interventions, probably what would form part of a decent strategy is making people aware of some of the potentialities that could happen. It is also important to make sure that the appropriate things are reported at the right time. That is a very good area within that specific Article because it strengthens it. I also am pleased to see that there is coverage for medical professionals. Once, I had a medical issue and I had medical staff who unfortunately had to take pictures of me. They had to share it with colleagues because they had to update one another. So it is important that those medical professionals are protected. The other thing that is also mentioned, of law enforcement also being covered. Obviously, it is a front line service and sometimes police officers might have to do things that could be very unpleasant. But of course, if they have to gather evidence, sometimes they could find themselves in a very compromised position. So I am very pleased to see there is coverage with this in the law.

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

Just a point to do with the nature of ... much of this discussion is very much, as it should be, on the victims of these offences. It gives them a certain amount of power. I will just put it out there that one thing that also needs to be protected is that potential of power being abused in another way. We often come across people who are in relationships, they go wrong. There can be an element at times of retaliation, which is a form of bullying and indeed another form of abuse. So the point I wish to make here is that administrative justice and how it is administered, how it is performed, how investigations are done, are really important from both sides. It is again an area that as an Assembly we are exploring. We have explored in terms of administrative justice and of the ombudsman. I just want to say it is also an area that I may have been exploring in this area. In response to the previous speakers, that the matters that he has raised, yes, all matters need to be investigated in a way that is fair to all parties.

The Greffier of the States (in the Chair):

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

1.2.3 Deputy M.R. Le Hegarat:

I take the point that Deputy Andrews makes but reasonableness is obviously a test for the court. Defendants in a criminal case do get the right to defend themselves. If the victim says that they did not consent, that is evidence in the case that will be tested by the court and treated in that manner. I

wonder whether it would be appropriate at this stage if I could ask the A.G. (Attorney General) to explain the defences and how they work, in order that that may help other Members within the Assembly.

The Greffier of the States (in the Chair):

Mr. Attorney, are you able to assist?

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

If we look at 33(b) of this law, the Crown would have to prove under 1(a) that the defendant knowingly possesses an intimate recording or deepfake. In other words, they are aware of the fact that they have possession of the image. That defendant, we would then have to show, did not reasonably believe that the other person consented to that possession. The belief to be reasonable would have to be objectively reasonable. In other words, it would have to be a belief which a reasonable person could have held in all the circumstances. If the Crown prove those things, then it is on the balance of probabilities for the defendant to establish that as soon as practicable - this is under paragraph 2 - becoming aware that the recording was in their possession, they took all reasonable steps to delete or otherwise dispose of the recording. I have not looked necessarily at the other offences but the 33(b) offence divides into those 2 sections. What the Crown have to prove, and if they prove that, what the defendant has to establish in their own defence in order to be entitled to be acquitted.

Deputy M.R. Le Hegarat:

I thank the Attorney General for making that clarification. This law strengthens our existing law so that we are able to appropriately respond to incidents of intimate image abuse and manage perpetrators of these harms. It provides a much needed framework of protection for all Islanders in the face of this new and evolving threat. I thank Members and I call for the appel in relation to the second reading.

The Greffier of the States (in the Chair):

The appel has been called for in relation to Articles 1 to 8. I ask Members to return to their seats and I ask the Greffier to open the voting. All Members have had the opportunity of casting their votes. I will ask the Greffier to close the voting. I can announce that the Articles have been adopted:

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

Deputy 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 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 wish to take the matter in Third Reading?

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

Yes, please, Ma'am.

The Greffier of the States (in the Chair):

Again, do you wish to say ...

Deputy M.R. Le Hegarat:

No, Ma'am. I have nothing further to say and I would ask Members if they wish to speak.

The Greffier of the States (in the Chair):

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

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

Very briefly, the thing I could not remember the name of was the N.S.P.C.C. with the Safeguarding Partnership Board is called "Be the First Filter" for younger children in online harms. If any Members have not looked it up, it is a very useful resource for any of your constituents.

The Greffier of the States (in the Chair):

Does any other Member wish to speak in Third Reading? If not, I close the debate and call on the Minister to reply.

1.3.2 Deputy M.R. Le Hegarat:

I thank Members for their support so far. I will wait until the end for doing all of the necessary rounds of thanks, otherwise we will be here for a very long time.

The Greffier of the States (in the Chair):

Well, this is your opportunity.

Deputy M.R. Le Hegarat:

I meant at the end of my 5 pieces of legislation. Otherwise, as I said, it will be a very long day. I just ask for the appel please.

The Greffier of the States (in the Chair):

The appel has been called for. Members are in their seats so I will ask the Greffier to open the voting. All Members have cast their vote, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading:

POUR: 46		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				

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

2. Draft Harassment and Stalking (Jersey) Law 202- (P.6/2026)

The Greffier of the States (in the Chair):

We then move to the next item, which is the Draft Harassment and Stalking (Jersey) Law 202-P.6/2026, lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the citation.

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

Before we do that, just to let the Assembly know in about 20 minutes I have to leave the Assembly to attend a medical appointment with a family member.

The Greffier of the States (in the Chair):

Thank you, I am sure the Members have noted that. Greffier, if you could read the citation.

The Deputy Greffier of the States:

Draft Harassment and Stalking (Jersey) Law 202-. A Law to create offences of aggravated harassment, stalking and aggravated stalking, to consolidate the new offences with the existing offence of harassment and to provide for stalking protection orders. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

I thank Members for their support and acceptance of the Sexual Offences Amendment Law. We will now move on to the second law in this package of legislation: the new Harassment and Stalking Law. The purpose of this law is to improve the way our criminal justice system responds to perpetrators of harassment and stalking, and to provide better protection for victims of these crimes. Stalking is a pattern of fixated, obsessive and persistent behaviour that interferes and intrudes into persons' lives. It can take many forms, like repeatedly sending unwanted messages, spying on a person, damaging a person's property or even repeatedly sending a person unwanted gifts. Taken alone, each of these behaviours might not seem serious. But taken together, these acts add up to a pattern of intimidating and obsessive behaviour that can cause a victim very serious distress. Ninety-five per cent of stalking victims in the U.K. report poor mental health impacts like P.T.S.D. (Post-Traumatic Stress Disorder) and depression. In Jersey, victims of stalking have shared their experiences of receiving non-stop phone calls and messages of perpetrators watching them from outside their homes and places of work, and even damaging their cars or breaking into their homes. Their experiences of stalking have had a profound impact on their sense of safety, their mental health and their ability to go freely about their lives. When I talk about stalking, tabloid stories about obsessive and ill-adjusted strangers might come to mind. But the reality is that you are much more likely to be stalked by someone you know, and most likely, by an ex-partner. In the U.K., the majority of stalking offences are actually committed by ex-partners. There is a strong link between domestic abuse and stalking. A perpetrator of domestic abuse is much more likely to stalk their ex-partner after the breakdown of a relationship. That is because stalking is a way for them to continue to exert power and control after the relationship has ended. Stalking in this context is usually more dangerous than stalking that is carried out by a stranger. These perpetrators are more likely to threaten, sexually assault and physically assault, injure their victims. The statistics are shocking. Eight out of 10 women who are stalked by an ex-partner are physically assaulted. Three out of 10 are sexually assaulted. Stalking is a factor in 90 per cent of cases where a woman is killed by a partner or ex-partner in the U.K. Stalking is involved in 94 per cent of homicide cases in the U.K. Stalking increases the risk of intimate partner homicide by 3 times. Stalking is very clear preamble to serious physical and sexual violence. The link between stalking and homicide is evident. That is why campaigners have likened stalking to murder in slow motion. It is why our justice system needs to be able to respond to perpetrators of stalking before their behaviour escalates into something more serious. Under our existing laws, stalking can be prosecuted under Article 6, Harassment offence, under the Public Order Law. There is no specific offence of stalking because this offence is supposed to capture both harassment and stalking

behaviours. But there are a number of reasons why this arrangement does not work. Our existing harassment offence is designed to capture a broad range of harassment behaviours but it does not recognise the uniquely harmful nature of stalking.

[11:30]

The harms created by harassment and the harms created by stalking are not equal. But the penalty for perpetrators of these harms are the same because our legislation does not recognise that stalking is more serious. The evidential test for proving this offence is also particularly high, meaning that there have been cases where stalking behaviours have not been found to satisfy the elements of the existing harassment offence. That means we have cases where perpetrators who are guilty of stalking are avoiding conviction. This problem has had a very real impact on criminal justice outcomes for stalking cases in Jersey. Between 2016 and 2021, 192 reports of stalking were made to the police but only 2 of those reports resulted in a conviction. This is why professionals across the justice system have been calling for the introduction of a specific stalking offence for some time. Under the existing law, the law enforcement are also very limited in what they are able to do to intervene with stalkers and protect victims. Restraining orders can be used to curb the behaviour of a perpetrator. But the courts are only able to use these orders when a person has been convicted of a relevant offence. Without a relevant conviction a restraining order cannot be issued against a perpetrator. Difficulties in prosecuting stalkers under the existing harassment offence only compound this problem. We have a system where it is extremely difficult to obtain a conviction against a perpetrator of stalking but our ability to protect a victim from that perpetrator is reliant on obtaining a conviction against them. Legislation in the U.K. used to be subject to these same weaknesses. A harassment offence that did not properly recognise stalking behaviours and a limited ability to protect victims without a stalking conviction. They have since reformed their legislation to fix these problems by introducing specific stalking offences and protective orders that do not rely on a prior conviction. Following the introduction of this new legislation stalking and harassment now counts for nearly ½ of police-recorded crime in the U.K. but falls within the definition of violence against women and girls. In Jersey, these offences only account for 10 per cent to 15 per cent of police recorded violence against women and girls' offences. That is not because there is a higher proportion of stalking taking place in the U.K. That is because the U.K. has legislation that is able to properly respond to, and address, cases of stalking, and we do not. I believe that victims of stalking in Jersey should have the same rights to safety and the same access to protection as victims of stalking in the U.K. That is why I have brought this law before the Assembly. The law serves 2 functions. Firstly, it introduces 4 new offences that more effectively capture harassment and stalking behaviours, making us better able to respond to perpetrators. The first is the new harassment offence. A person commits this offence if they, on more than one occasion, engage in behaviour which causes a victim to feel anxiety, alarm or distress. This offence lays the foundation for the other 3 offences. The second is the aggravated harassment offence. This is the harassment offence plus fear of violence. The third is the stalking offence. This is the harassment offence plus stalking behaviour. In this law stalking has been understood as a particularly dangerous subset of harassment that involves behaviours like carrying out surveillance of a victim, intruding into a victim's personal life or interfering in a victim's life by disrupting or sabotaging their reputation or livelihood, or endangering their safety. The final offence is the aggravated stalking offence. This is the stalking offence plus fear of violence. Now, recently this law was criticised in the media by drawing the criminal boundaries of the new harassment offence too broadly. It is important for Members' understanding that this criticism is properly addressed. Our existing offence of harassment is being widely criticised for making the threshold for prosecution too high. This point was highlighted by the Violence Against Women and Girls Taskforce and has been shared by professionals working within the justice system time and time again. The key rationale for introducing a new harassment offence is to lower the threshold for the prosecution of this offence, and it is correct to recognise that this is what this law does. This law lowers the threshold for prosecution because the threshold needed to be lowered but it still draws very clear lines between

what behaviour constitutes harassment and should be prosecuted, and what does not. There are 2 measures of protection against the inappropriate use of this offence. Firstly, we have included a reasonable person standard. This is a legal test that is already well-established in English and Jersey law. It guards against subjective or excessive interpretations of stress and anxiety by creating an objective way to examine the accused's behaviour and asking: "Would a reasonable person have known that this behaviour would cause anxiety and distress?" The second measure of protection comes from the inclusion of a defence for the harassment and stalking offences, that the person's behaviour was reasonable in the circumstances. Recent critique in the media has raised concerns as to whether the investigative journalists determining campaigners or frustrated parents could become criminally liable as a result of this law. I find it highly unlikely that the behaviour of any of these well-meaning individuals would be misinterpreted as unreasonable. I will now move to the second function of this law, which is to introduce a new system for earlier intervention with perpetrators of stalking and the protection of victims. To this end this law introduces stalking protection orders. These orders grant the courts new powers to protect victims of stalking by imposing a variety of restrictions on the behaviour of a perpetrator. The purpose of these restrictions is to prevent them from engaging in further stalking behaviour and causing the victim further harm. Under a stalking protection order the court prohibits a perpetrator from contacting a victim or coming within a specified distance of them, engaging in further surveillance, referring to the victim on social media, alongside many other necessary measures. Such protection measures will mean the world to stalking victims. They will mean the difference between being able to move freely in their daily life and living in fear. Unlike restraining orders, these orders do not require prior conviction so they offer much more immediate protection. The introduction of these powers will bring our courts into line with courts in the U.K. who have had these powers since January 2020. Victims and survivors of stalking have called on our Government to introduce stronger powers for the criminal justice system so that law enforcement is able to protect them before the behaviour of a perpetrator escalates. This law does exactly that. Their testimonies tell of incidents where they felt their stalker acted with impunity. They felt powerless as a lack of accountability acted on emboldened their stalker further. These orders create a clear pathway where victims are protected and perpetrators are held to account. The court will be able to order a perpetrator to stop stalking a victim. The consequences of breaching this order are severe. It is an offence that carries a penalty of up to 5 years in prison. This in itself should be enough to make perpetrators think twice about continuing their behaviour to invade the lives of their victims. I do not believe we should wait for perpetrators to cause serious harm to their victims before we can intervene. We should be able to respond at the earliest sign of stalking behaviour and provide victims with the protections they need. This is what this law is designed to help us do. I therefore ask the Assembly gives their support for the introduction of this important law so our criminal justice system is better able to respond to perpetrators of harassment and stalking, and law enforcement can offer victims of stalking the protections they need.

The Greffier of the States (in the Chair):

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

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

I will just speak briefly on this. The panel is supportive of the draft law. The current offence of harassment will be moved into this draft law with new offences, aggravated harassment, stalking and aggravated stalking added. Stalking protection orders will allow for early police intervention and provide increased protection for victims. The stalking offence also includes cyber-stalking. Some concerns have been raised about the inclusion of anxiety as a potential harm resulting from a harassment offence. When the panel asked the Minister about this, the Minister's response was that: "The interpretation of the legislation is a matter for the courts and the ongoing reporting cycle for V.A.W.G. legislation will allow this aspect to be examined further in future if necessary." While supporting of the legislation, the panel raised concerns, firstly, about any criminalisation of children

under various aspects of the draft law, and secondly, about the impact on services: the prison, the police, for example with stalking protection orders, and the impact on support services and the Law Officers' Department. The panel is still not confident that sufficient resources are in place for the implementation of this law and asked the Minister to address this matter, as I asked in the previous debate.

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

I had a brief point that I wished to make around the way that individuals can interact with the police in regards to this legislation, and I wondered if the Minister would agree with me that women, or anyone who is a victim of stalking behaviour, should not feel hesitant to report these incidents and that they should be encouraged to do so where it is causing harm, and could she confirm that the police are able to keep a record of incidents, perhaps at early stages, so that if it does escalate that there is evidence already there so that they can act quicker?

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If not, then I close the debate and I call on the Minister to reply.

2.1.3 Deputy M.R. Le Hegarat:

In relation to the matter raised by the chair of the Scrutiny Panel, I fully accept that there are new pieces of legislation coming through and that there will be an impact on both resources for the police and the courts. However, I think it is important that our laws are changed in the way that is recommended in relation to both harassment and stalking and that stalking is a separate offence and can be dealt with more severely. As I said, resources will be brought in as we move forward. But I think what is also important to identify here is that by early intervention by the courts in relation to stalking orders, this could have a significant impact on the results of offences further down the line. I think if we have early intervention, that is far better than not having that facility. So from that point of view, I think it could almost be the reverse in relation to it will stop more serious offences coming forward if we are able to deal with this at an earlier stage. In relation to Deputy Doublet's comment, I would say that I would encourage any victim of stalking or harassment - but stalking is a new piece of legislation - I would encourage anybody that is a victim of stalking to report it to the police because, as we have said, with a lot of these offences we need to have a clear picture, we need positive action and it is only by people reporting these offences and positive action being taken that we will be able to hopefully change the way that society is and that we can move forward, and I propose this legislation.

The Greffier of the States (in the Chair):

Those Members who are in favour of the principles kindly show. The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the principles have been adopted:

POUR: 34		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
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 S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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 T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States (in the Chair):

Does the chair of the Children Education and Home Affairs Scrutiny Panel wish to scrutinise this matter?

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

That is OK.

[11:45]

The Greffier of the States (in the Chair):

How do you wish to propose the Articles in Second Reading then, Minister?

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

En bloc please, Ma'am.

The Greffier of the States (in the Chair):

Do you wish to speak?

Deputy M.R. Le Hegarat:

No. As I said as in the previous piece of legislation, I am happy to take questions from Members.

The Greffier of the States (in the Chair):

Do any Members wish to speak on Articles 1 to 17? No Members wish to speak then we close the debate. Members in favour of the Articles kindly show. The appel has been called for. I will ask the Greffier to open the voting on the Articles. I applaud your enthusiasm, Deputy Porée. **[Laughter]** If all Members have had an opportunity of voting may I ask the Greffier to close the vote. The Articles have been adopted:

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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 A.F. Curtis				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States (in the Chair):

Move Third Reading?

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

Yes, please, Ma'am.

The Greffier of the States (in the Chair):

Do you wish to say anything in Third Reading?

Deputy M.R. Le Hegarat:

I have nothing further to say other than, as I said, I am happy to answer any questions.

The Greffier of the States (in the Chair):

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

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

Sorry, just tapping away at the button as though it was a drum. I thank you and I just wanted to thank the Minister for Justice and Home Affairs. As I mentioned, I have to leave the Assembly to help a family member so I will not likely be able to vote or speak on the next set of legislation, but I wanted to thank the Minister for Justice and Home Affairs and the Scrutiny Panel for their work on this, as well as the Minister for Children and Families, the Assistant Minister, Deputy Scott and all the officers who have worked on this legislation in different ways. So I am talking across a suite of 5 or 6 pieces of legislation. But I just wanted to say as well, I wanted to reiterate my concern that the one thing that appears to be missing at the moment is a full strategic approach to these offences. One of the things that keeps coming back to my mind is ... and I know we discussed funding, I will not go there. I agree with all those who have raised concerns about ongoing funding. But I also agree with the Chief Minister that let us get these laws in place and let us not wait for the perfect package, let us

start. But we do need a holistic approach, a strategic approach. I think one thing that needs to be part of that is mental health and resources for mental health to ensure ... because a lot of these crimes I think in many ways are driven by people who find themselves in difficult places personally within their own minds, and I just think that there is one thing that does not seem to be mentioned so far is the need to invest in our mental health services so that we can try to prevent, effectively, these offences happening in the first place. Or if they have happened, then try to make sure that recidivism is not a result of our lack of a strategic approach to that. So I just really want to push forward in that sense that, for the next Government, a full strategy around violence against women and girls, but also the whole online space and the artificial intelligence space, which I know is exactly what we are dealing with here. But these are places that no one Minister or one Scrutiny Panel or anything can solve. It needs to be the whole community coming together. We have got to decide things like appropriate measures around the impact of devices on our mental health, and these also are part of the same conversation. They are different branches of exactly the same tree basically. So, it was just that sense that there is a lot more work to do, but I congratulate the Minister for Justice and Home Affairs and all those who have helped her and other Ministers in bringing all of these pieces of legislation forward.

The Greffier of the States (in the Chair):

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

2.3.2 Deputy M.R. Le Hegarat:

I thank Deputy Morel for his contribution. I fully agree with him in relation to mental health, and it will be no surprise having chaired the Mental Health Scrutiny Panel for 4 years and the amount of work that was done in relation to that. But I think sometimes we do something, and then we have done something, and then we forget about it. Whereas I think we need to, as the Deputy rightly said, have a holistic approach, and there is a lot more work that needs to be done in this space. This was started in 2021 with the agreement in the Budget, the violence against women and girls, but there is a lot more that we need to be doing and I think, as the Deputy rightly said, the next Government will need to sit down and work out how the deck chairs then all fit together. I thank everyone for their contributions and call for the appel.

The Greffier of the States (in the Chair):

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

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				

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

3. Draft Domestic Abuse (Jersey) Amendment Law 202- (P.7/2026)

The Greffier of the States (in the Chair):

So, the next item is the Draft Domestic Abuse (Jersey) Amendment Law 202-, P.7/2026, launched by the Minister for Justice and Home Affairs. The main respondent is, again, the chair of the Children, Education and Home Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Domestic Abuse (Jersey) Amendment Law 202-. A Law to amend the Domestic Abuse (Jersey) Law 2022 to provide for emergency barring notices and emergency barring orders. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

I would now like to move into the third piece of legislation which amends the existing Domestic Abuse Law. The purpose of this amendment is to create new powers for the police and courts so that they are able to protect victims of domestic abuse in cases where a perpetrator has not yet been charged or convicted. In 2025, 93 victims of domestic abuse in Jersey were assessed at being at high and immediate risk of being murdered or seriously injured. In 28 of these cases, children were living in the household where domestic abuse was taking place. In this context of immediate danger, the most practical and effective way to protect a victim of domestic abuse is by creating physical distance between the victim and the abuser. Emergency barring powers give the police and the courts the authority they need to create this distance. They allow them to place restrictions on the behaviour of suspects for the purposes of protecting the victim from further abuse. In a similar vein to the stalking protection orders that the Assembly has already voted through, emergency barring notices and orders can prevent a perpetrator from contacting a victim, coming within a specified distance of them or entering the victim's home. These measures are crucial for the protection of victims because they offer a cooling down period to de-escalate an abuser's behaviour and ensures that victims are not in danger while the police collect the evidence they need to make an arrest. That is why so many jurisdictions have, in the last 10 years, introduced emergency barring orders. It is also why Article 52 of the Istanbul Convention on eliminating violence against women and girls and domestic abuse requires jurisdictions to introduce these powers. Many jurisdictions across Europe, Australia, North America have introduced barring orders that allow for the immediate removal of an abuser from a home and can prohibit contact but do not require previous criminal conviction. They are an essential tool in the wider arsenal of any jurisdiction seeking to address the crimes associated with violence against women and girls. Members will already be aware that under the current Domestic Abuse Law we have domestic abuse protection orders. The purpose of these orders is to prevent victims of domestic abuse from further abuse. The problem is, the courts are only able to issue these orders if a perpetrator has already been convicted of a relevant offence. This means that in cases where a perpetrator does not have a prior conviction, the police and the courts cannot use domestic abuse protection orders to protect victims. Only once a perpetrator's behaviour has become more dangerous, the justice process has taken its course and a perpetrator has been successfully convicted, are the courts able to offer victims protection by issuing a domestic abuse protection order. Is this not backwards? Surely we should be offering protection to victims when they need it most, when the perpetrator is still free and poses a considerable threat to their safety. Should we not be preventing domestic abuse? Should we not be offering protection before the abuse gets worse instead of after the abuse has escalated? Under our current system, law enforcement must wait for the abuse to reach a certain level before they are able to provide victims with this protection. This is wrong. The threshold for protection is too high. Not only does this place vulnerable victims at an unnecessary risk of harm, it also makes the prosecution of perpetrators of domestic abuse more difficult. Members will be aware that our conviction rate for domestic abuse in Jersey is not where we would like it to be. I have worked with the police to understand why that is. In many cases a failure to take an initial report of domestic abuse all the way through to a successful conviction is due to victims withdrawing from the prosecution process. Although the police can still pursue a prosecution without the victim's support, it is drastically more difficult to obtain a conviction without the victim's evidence. I want

to make it clear. I am not blaming the victims and I am not saying it is their fault. One of the key reasons why victims withdraw from the prosecution process is because they are pressured to do so by the perpetrator. When living under a constant threat of abuse many do not feel they have any other choice. Under this new law we would be able to offer a new level of protection for victims while they are going through the justice process. We would be able to prohibit the perpetrator from contacting them and trying to pressure them to withdraw from the process and, more importantly, we would be able to protect victims from the threat of further abuse. If a perpetrator does not comply with the conditions of such an order, we would have the power to arrest them and therefore provide protection through that mechanism. I want to amend the Domestic Abuse Law to fix these problems. By creating new powers for law enforcement that allow them to effectively respond to perpetrators of domestic abuse and provide meaningful protection to victims. This amendment does this by introducing new powers for the police called “Emergency barring notices” and new powers for the courts called “Emergency barring orders”. Emergency barring notices are new powers that allow the police to intervene with perpetrators of domestic abuse and shield victims from the risk of further abuse. Under this law, the police will be able to issue an emergency barring notice in cases where they suspect that a person has committed domestic abuse and they consider that a notice is necessary to protect that victim. Under this notice the police are able to prohibit a suspect from a number of activities such as contacting the victim, coming within a specified distance of the victim or entering the victim’s residence for up to 72 hours. The police can issue these notices regardless of whether the suspect has a previous criminal conviction. Importantly, these powers will grant the police the authority to bar a perpetrator from entering their own residence if they share that residence with a victim. Some Members might consider this ability to bar a suspect from their own home to be extreme but, in reality, all this does is ensure that this burden falls on a perpetrator, rather than a victim. Under our current arrangement it is usually the victim who is forced to flee from their home, often with their children, because it is no longer safe to stay there. These new powers reverse the situation so that vulnerable victims and children are able to stay in the comfort and safety of their own home while the perpetrator is the one who is inconvenienced and must find somewhere else to stay. In cases where a perpetrator breaches the conditions of their emergency barring notice, the police have the power to arrest them and then apply to the court for an emergency barring order. Obviously, domestic abuse investigations are complex and will often take longer than 72 hours. In many cases, victims will still be at risk after the notice period has lapsed and require further protection. This is why we also introduce new, long-term powers for the courts called emergency barring orders. Under these orders the courts will also have the power to impose a number of restrictions and conditions on a perpetrator of domestic abuse, like prohibiting contact with the victim or entry into the victim’s residence. But these orders can last for up to 3 months, and breaching the order is an offence that carries a penalty of up to 5 years. Again, these orders do not require a prior conviction. Because these orders consist of a more serious and long-term restriction on a person’s liberty, they are rightly subject to a more serious evidential test. Unlike notices where a police officer need only suspect a person has perpetrated domestic abuse, only the courts have the power to issue an emergency barring order, and even then, only once they are satisfied on the balance of probabilities that a person is engaged in domestic abuse.

[12:00]

These powers are not controversial. They have been in place in the U.K. since 2024. The purpose of this amendment is to ensure that the police in Jersey are able to offer victims of domestic abuse the same protections that have been available on the mainland for more than 10 years. Addressing domestic abuse is not a simple task. It is important that we come at this work from a number of angles to ensure that we are prioritising the prevention of this abuse in the future, while also ensuring that we have the right support, protection and legislation in place to respond to domestic abuse when it does happen. We have already introduced an offence of domestic abuse to ensure the effective prosecution of perpetrators. We have helped to remove financial barriers to escaping abuse by

introducing exceptional financial support for victims of domestic abuse who would not ordinarily be able to access income support. We are in the process of rolling out an important education programme for children and young people so that they can enter into new relations with a strong understanding of what is safe, respectful and healthy. Introducing new measures to effectively manage perpetrators and protect victims is another very important piece of the puzzle. It is time that we bring our legislation into line with best practice and remove unnecessary obstacles to the safety of victims of domestic abuse and their children. This law provides our police service and our courts with the powers they need to provide them with immediate protection. I therefore ask the Assembly to give their support to this amendment to the existing Domestic Abuse Law.

The Greffier of the States (in the Chair):

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

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

There is not much to say about this, but I will make this observation in the context of protection of victims of domestic abuse. It seems extraordinary that we have had tree protection orders, emergency tree protection orders in place, but not this. I will support the proposition.

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

I will, of course, be supporting this. Many years ago I worked in an establishment that there was a young lady there who was in her early 20s, married and had a black eye on quite numerous occasions and in her own words: “I am so dippy, I keep walking into the cupboard door in the kitchen.” This sadly does go on quite a lot to this day that some women are so browbeaten that they are convinced that somehow it is their fault, which is a great shame, and obviously a lot of people have young children and they do not want to disrupt the household. The Minister has more or less answered my next question. If the victim withdraws a complaint, can the police now pursue it anyway or do they need the victim to press charges? Because often as not, the victim may be persuaded or coerced or whatever to drop charges by the husband and so it goes on. I wonder if the Minister could answer that question in her summing up.

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

So the draft law is to introduce emergency barring notices and emergency barring orders. Emergency barring notices can last up to 72 hours or longer if an emergency barring order has been determined. Emergency barring orders can be imposed for up to 3 months at a time. Both notices and orders can be issued prior to a conviction. The panel suggested that the Attorney General should develop and issue a directive to accompany guidance detailing how children should be dealt with when they are subject to the draft law in order to ensure a child-centred approach. I thank the Attorney-General for his earlier comments. The panel also recognises the devastating impact on children of domestic abuse and welcomes this amendment law in reducing this impact on women and children. Concerns remain, though, about the impact on police resource. Detailed training will be required in order to assist officers in making difficult decisions around emergency barring notices, for example, whether a claim is vexatious or in instances of complexities around property use, *et cetera*. However, these measures could well prevent more serious harm occurring and are welcomed by the panel.

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 call on the Minister to reply.

3.1.4 Deputy M.R. Le Hegarat:

As I think I did mention, yes, the police can still continue with a prosecution, but there are all sorts of different factors as to whether that would continue. It would be based probably on the level of injury sustained to a victim along with other matters. But, of course, not having support of a victim

will always make the case more challenging, so it is better that there is that support. This is why these barring notices are quite important and the barring orders as well issued by the courts, because that means that there is a space between the 2 parties, which hopefully will start to address some of the concerns that may lead to victims actually withdrawing their complaints. These barring orders and these things have been in the U.K. and other countries for a number of years, and I just think we, as an Island, need to move forward with this legislation in order that we make ourselves fit for purpose. In relation to the Scrutiny Panel chair's comments, with any new piece of legislation, regardless of what that is, that has an impact on the training implications for the police and other agencies, whatever legislation is brought in through this Assembly, whether it is police, environment, anywhere, then training implications will also always follow. It will be part and parcel of continual development of all police officers, as happens with everything. There will be costs in relation to the courts, because obviously this is an introduction but, again, I said before, I do feel that by introducing these, what I would say are necessary preventative measures, early on in any situation will hopefully change the dynamic of what the actual end remit is. So by having orders with the police and the courts early, then hopefully victims will continue with the prosecutions because they will feel supported a lot more than maybe they do now, but also as well that will prevent further harm to those victims. I appreciate that there is a cost to this, but it is for me a cost we have to have. Thank you, and I ask for the appel.

The Greffier of the States (in the Chair):

The appel has been called for. I invite Members to return to their seats if they are in the vicinity. If Members are in their seats, then I will ask the Greffier to open the voting. If everyone has had an opportunity now to cast their votes, I will ask the Greffier to close the voting. I can announce that the principles have been adopted:

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy 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 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):

Does the chair of the Children, Education and Home Affairs Scrutiny Panel wish to scrutinise the matter? No. How do you wish to propose the Articles, Minister?

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

I would like to propose them *en bloc*, please.

The Greffier of the States (in the Chair):

Do you wish to speak to them at all?

Deputy M.R. Le Hegarat:

No, thank you, ma'am. I will do the same as I have done with the previous 2. If anybody has any questions, I am happy to answer them.

The Greffier of the States (in the Chair):

There are 6 Articles. Does any Member wish to speak on those Articles? If no Members wish to speak, then I close the debate. Members are in favour of adopting ... the appel has been called for. I think Members are already in their seats, so I will ask the Greffier to please open the voting on Articles 1 to 6. If everyone has cast their votes, I will ask the Greffier to close the voting. I can announce the articles have been adopted:

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy 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 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):

Shall we move to Third Reading, Minister?

3.3 Deputy M.R. Le Hegarat:

Yes, please, ma'am.

The Greffier of the States (in the Chair):

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak? If no Member wishes to speak, those Members who are in favour of adopting the law in Third Reading, kindly show. The appel has been called for. I will ask the Greffier to open the voting on Third Reading. If everyone has had an opportunity to cast their vote, I will ask Greffier to close the voting. I can announce that the Draft Domestic Abuse (Jersey) (Amendment) Law has been adopted in Third Reading:

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy 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 A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

4. Draft Crime (Strangulation) (Jersey) Law 202- (P.8/2026)

The Greffier of the States (in the Chair):

So we move to the next item which is the Draft Crime (Strangulation) (Jersey) Law 202-, P.8, lodged by the Minister for Justice and Home Affairs. The main respondent is again the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Crime (Strangulation) (Jersey) Law 202- A law to introduce a statutory offence of strangulation. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

The purpose of this law is to improve the way our criminal justice system responds to perpetrators of strangulation by introducing a new standalone strangulation offence. In recent years, there has been a growing awareness that strangulation is a common feature of the abuse suffered by domestic abuse victims. In the context of domestic abuse, an incident of strangulation is a critical indicator that the abuse is escalating to very dangerous violence. The statistics are distressing. When a perpetrator strangles a partner, they are over 7 times more likely to go on to kill that partner. Strangulation is an indicator of the deadly abuse that is to come. It is well evidenced that perpetrators who strangle their intimate partners are among the most dangerous offenders, because they are far more likely to engage in extreme violence. Strangulation represents an ultimate form of control, wherein the perpetrator literally takes the life of the victim in their hands. Engaging in this form of violence says a lot about the mindset of an abuser and how far they are willing to go. When a perpetrator strangles, they are demonstrating a willingness to kill, while the victim is subjected to a terrifying and painful experience. In addition to being a strong risk factor for lethal violence, strangulation can also cause severe and lasting physical harm to a victim. That is because strangulation causes blood clots and the prolonged reduction of blood flow to the brain. The resulting brain injury can have significant long-term consequences, impacting a survivor's memory, attention and concentration, speech and language skills, and vulnerability to mental health difficulties. Strangulation also significantly increases the risk of stroke because of the damage done to the blood vessels in the victim's neck. This is now thought to be one of the leading causes of strokes in women under 40. Despite the clear dangers associated with strangulation, it is an act that has become increasingly normalised. We know the depictions of strangulation in pornography have become so commonplace that many young people think that is normal sexual behaviour. Indeed teachers are reporting repeated cases of teenage boys asking how they can safely strangle their sexual partners. This is what we are up against. Strangulation can never be safe. We need to realise just how serious this is. Under our existing legislation, strangulation can be prosecuted under the customary offences of common law assault or grave and criminal assault. Up until now there has never been a specific offence of strangulation in Jersey. There are a number of reasons why this arrangement needs to change. Under these assault offences, strangulation is treated as one example of a much wider range of physical assaults. The seriousness of strangulation is not appropriately recognised. Instead, strangulation is treated like other forms of assault and the severity and danger of this Act is not appreciated. Moreover, because these offences are designed to capture a wide range of violent acts, a wide range of penalties are available for those who are found guilty.

[12:15]

Such a large range of sentences should not be available for perpetrators of strangulation. There is a real risk that perpetrators will receive sentences that are far too low. The strangulation is an acute form of violence that should be met with a long sentence that appropriately reflects the severity of the act. Under the existing law there are very minor limits on using the consent of the victim as a defence. A person can claim the defence against the charge of common assault with no restriction. In many cases they can even claim this defence against the charge of grave and criminal assault. It only becomes unavailable if the victim has lost consciousness. Strangulation is such a severe form of violence but because it is prosecuted under these offences there is very real risk that perpetrators will be able to use the consent defence without suitable restriction. Introducing a new standalone offence of strangulation fixes these problems. That is why so many other jurisdictions, including England and Wales, Northern Ireland, Australia, have introduced specific strangulation offences. Introducing a standalone strangulation offence allows the seriousness and severity of this act to be properly recognised in law. In the absence of a standalone offence, non-fatal strangulation may be misidentified, misrecorded or prosecuted only as a lower-level assault, particularly due to the absence of visible injuries and the absence of a weapon. This standalone offence provides a statutory basis for strangulation as distinct from the customary offences of common, grave and criminal assault. This allows us to provide a very clear definition of what strangulation actually is. We have defined

the act of strangling to include suffocating, choking and restriction of a person's breathing or blood flow to their brain by any means. It also allows us to introduce specified sentences for this offence that more appropriately recognise the seriousness of the form of violence under this new law. The offence of strangulation will carry a penalty of up to 10 years' imprisonment and a fine. A sentence that is proportionate to the harm caused by these offenders. Finally, the introduction of a specified strangulation offence has also allowed us to place more stringent restrictions around the use of the defence of consent. Now there has been some criticism of the decision to include a consent defence at all and a feeling that this is at odds with our wider aim of supporting victims of violence against women and girls. I had the same concerns during the process of the law development, wherein I received earlier drafts of a law that included a consent defence, so I want to address this head-on. First of all, it is important to explain why we have included a defence of consent. Under the European Convention on Human Rights, Jersey has a series of obligations relating to upholding our Island's human rights. Article 8 of the Convention, the rights to a private life, protects the right of personal development and autonomy. Sexual activity is of course associated with an individual's exercise of free choice and the question of consent to strangulation is typically discussed in the context of sexual relations. The inclusion of a strangulation offence as a consent defence allows us to strike a balance between deterring Islanders from this harmful behaviour and respecting their personal autonomy. That is why the consent defence has been included in this law. Now, quite rightly, the inclusion of this defence has created concern that it will be used as a fallback defence for perpetrators who will rely on alleged consent, when in fact no consent was given, and place victims in the unfair position of having to prove they did not consent. This concern is misplaced. I can assure Members that strong safeguards have been put in place to restrict the misuse of this defence. Let me explain how. Under this law, a person has a defence if they can prove that, on the balance of probabilities, the victim consented to the act of strangulation, and either the victim did not suffer serious harm, or if the victim did suffer serious harm the defendant did not intend to and was not reckless in causing it. This does not place victims in the position of having to prove consent was not given. Quite the opposite, a defendant wants to use this defence, this law places the burden on them to prove each element of the defence. The law also places very clear limitations on the use of this defence in cases where a victim of strangulation suffers harm. In such cases the defence will only be available to the defendant if they can prove on the balance of probabilities that he or she did not intend to cause that harm and was not reckless as to whether the victim would suffer that harm. Under this law, a person cannot consent to serious harm. Therefore, where serious harm is intentionally or recklessly caused, the consent defence is not available. We know that in almost every case of strangulation, serious harm is caused. This law aligns with the defence provision in the U.K. The experience on the mainland has already demonstrated that these limitations on the consent defence make it extremely difficult for the defence to successfully argue consent, as it requires that no serious harm has been done, a standard that is rarely met in cases of actual strangulation. I want to be clear. The introduction of strangulation offence allows us to recognise the severity of strangulation in law, hand down higher sentences to dangerous offenders, and place proper limitations on the use of consent defence. Under this new law, we estimate that roughly 45 strangulation offences will be recorded in the second year of implementation. As strangulation is already recorded under our existing assault offences this does not translate into 45 additional crimes going through our justice system. As many of the reports that would have been classified under an assault offence will now be classified under our new strangulation offence instead. The impact of introducing strangulation offences is far-reaching. Following the lodging of this law, academics from the University of Exeter shared findings from their recent study, *Disrupting Violence, Protecting Lives: Strangulation Laws and Intimate Partner Homicides*. Their research shows that introducing standalone offences of non-fatal strangulation can substantially reduce incidences of intimate partner homicide. They found that in U.S. states where specific strangulation offences had been introduced, intimate partner homicides fell between 14 per cent and 27 per cent. This is because strangulation offences empower earlier, stronger intervention with perpetrators in interrupting the pathway from strangulation to homicide. Why do these laws

prevent intimate partner homicides? Because they enable law enforcement to appropriately recognise incidents of strangulation as high-risk abuse, intervene with perpetrators and disrupt the cycle of violence before it turns lethal. Strangulation is a severe form of violence. We know that when standalone strangulation offences are introduced they work. It is time that we introduce our own strangulation offence in Jersey so that we can intervene with dangerous perpetrators before their behaviour can escalate further and so that we can provide victims with the protections they need. I therefore ask Members to support the introduction of this vital new offence.

The Greffier of the States (in the Chair):

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

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

Sorry, it is more of a question for the A.G., if that is possible. Just wanted to make sure he was ready. Would the A.G. please clarify that the loss of consciousness would also be at the point where consent is withdrawn?

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

I am not sure that would arise from the criminal law as an issue, because if consciousness is lost, that is serious harm and it cannot then be a defence to say: "Well, the person consented." So the fact of serious harm, and that includes loss of consciousness, means there is no consent defence.

The Greffier of the States (in the Chair):

Deputy Scott, do you have a question for the Attorney General as well?

Deputy M.R. Scott of St. Brelade:

Yes, I just wanted to explore this statement that under the current legal ... and this is actually the way that Scrutiny put it. Under the current legal framework in Jersey, incidents of strangulation or prosecutions of common assault or grave and criminal assault, and the panel were advised that this position did not fully capture the severity of the offence. I am just trying to understand where customary law is inadequate. In particular because there has been a distinction made between certain types of assault, and I am thinking of unfortunately a manner of horrific ways in which people can assault people whether it is ... I do not even want to suggest them actually. But what is it that the customary law is deficient ... I just would like that advice, please.

The Attorney General:

I do not think the customary law is deficient, and I think that those of us who work in the criminal justice system that has been our position, but we recognise that the review suggested that a separate offence of non-fatal strangulation was desirable. That has certainly been the political view and the offence that appears in this proposition fits the bill.

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

I had certainly taken the view that the decision to introduce a separate offence of strangulation was a politically-motivated decision, because I confess that I have some reservations about the wisdom of creating a new statutory offence of strangulation when this is essentially already an offence at customary law as an offence of grave and criminal assault, even if the characteristics of grave and criminal assault may be slightly different from the characteristics of the proposed statutory offence. I do not want to go into those technical details, but I would ask the Attorney General to reflect upon the exchange of correspondence that we have had this morning. I make the point also that the maximum penalty under the customary law offence is one of life imprisonment, whereas the statutory offence contains a rather shorter maximum penalty. In addition, the statutory offence limits the right of the defendant to a jury trial. A statutory offence will be tried before the jurors, whereas a customary law offence is tried before a jury, and so a person prosecuted under this statutory offence will not

have a right to trial by jury. More importantly, I think I would like to say that I absolutely agree with the Minister that strangulation is a highly dangerous practice and that we ought to structure our law in such a way as to ensure that perpetrators are brought to justice. There was an interesting article in the *Economist* just over a year ago, which stated, among other things, that a meta-study in 2020 suggested that strangulation may be the second most common cause of stroke in British women under 40. It also recorded a survey in Australia which found that most first encountered such strangulation in online porn. I think that the practice has undoubtedly been normalised by people watching online porn, and I would have liked to have seen a slightly different approach to the solution to this really toxic problem. Among other things, I would like to see the Education Department ensuring that, in appropriate classes in schools, children are informed of the dangers of this practice.

[12:30]

But I would also like consideration to be given, and this again is something that may perhaps be considered in the Law Officers' Department, as to whether it is possible to create an offence of creating an electronic image of an act of strangulation in the context of consensual sexual intercourse. If a man downloaded such an image he would be guilty of an offence. After a few prosecutions, men might get the idea that this was a highly dangerous practice which ought not to be engaged in. I, as I say, have reservations about the law but I am not going to oppose it because I think that this is a dangerous practice and it certainly ought to be dealt with appropriately.

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

Thank you, sorry about that. I said earlier that I would speak only once during this suite of legislation, and while I absolutely support the Minister in bringing these laws together, I cannot help but feel that the whole subject matter is deeply depressing. That we are having to introduce these types of offences into our laws to address these types of behaviours. This, I think, is the one that I find most distressing because, to some degree, I share Deputy Bailhache's confusion, shall we say, about this because I simply do not understand when this became a thing, when strangulation in any form of relationship, particularly in the context of a sexual relationship, has become something that people do. I had a bit of a lightbulb moment on this. I think last year or the year before, Sarah Champion M.P. (Member of Parliament) was in the Island and someone hosted a talk with her. Sarah Champion has done a lot of work in the child sexual exploitation and also in highlighting the problem of grooming gangs. I asked her about the accessibility of porn and how much of an issue that was and she said, yes, it absolutely was. The lightbulb moment for me was that I have always, in a massive gender stereotyping of my own, assumed that it is boys looking at porn. But it is not. She said all young people are looking at porn. It is not just a thing that men do or boys do. Young girls are looking at it as well. As others have said, it is becoming normalised. She spoke about being with a class of 11 year-olds and an 11 year-old girl saying: "Well, yes, I would quite like to have a boyfriend but I do not want to be strangled." That is what they are learning. They are learning at a very early age that that is something. The irony of it, and I do hesitate to go down this path because I am sure someone would correct me, but my understanding from training courses I have been on in a previous role, is that semi-asphyxiation does do something for men in the sexual context. It does, but it does not do the same for women. Women do not have a physiological pleasure response from being in a state of semi-asphyxiation, so there is no point in doing this. It is dangerous and we really need to do more. I think the whole question of online accessibility to porn and other information online for young children is something that the Assembly, like everybody else, really has to get to grips with. I will just make one final observation in terms of this whole series of debates. A few of the propositions that have been before us or may be before us this week have caused me to reflect on how very fortunate I have been in many aspects of my life. One of them is that I have never, ever encountered violence. I have met women who have, including life-threatening violence and coercive control. I have also met a man who has been subject to violence. I have seen, or certainly suspected it, in same-sex partnerships. It is all round and we have to do something more to stop it. I think it starts really

from what we tell children at a very young age. I remember my dad telling my brothers consistently throughout childhood, they must never, ever hit a woman. That was just not something that was ever to be done. By hearing that, I grew up with the view that no one should ever, ever hit me. I am fortunate never to have had to deal with it, but people do, and we really need to do everything we can to stop violence in all its forms, particularly in the home, regardless of who is the victim.

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

Something that has stayed with me for some time was when a victim of domestic abuse told me that they would wake up in the morning with their partner's hands around their throat, not as an act of sexual gratification or attempt at that but as a form of coercive control. Non-fatal strangulation, as the Minister has said, is one of the clearest warning signs of escalating domestic abuse and a strong predictor of future homicide. It is a life-threatening act, yet often leaves little or no visible injury, which means it can be difficult to prosecute under existing assault laws. Creating a specific offence ensures the law properly recognises the seriousness of this behaviour and allows the police and the courts to intervene to protect victims.

4.1.4 Deputy M.R. Scott:

I thank Deputy Millar and Deputy Bailhache on addressing this issue of how porn has normalised certain behaviours. I think, though, that there is a general education that also has to go on, and I am sure the Minister will speak to that, just about what porn is, that it objectifies people and that, in a sense, can be built on and built on until you do not actually see those people as human beings at all. Then it encourages this whole pattern where you get rather more extreme forms of porn called snuff. I guess this is all part of the conversation. So I just would request the Minister speak a bit more about this when we are talking about resourcing.

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

Firstly, Deputy Bailhache raised concerns around strangulation on porn sites. I will just remind Members that, unlike the U.K., Jersey children are not required to prove age verification for accessing porn, and although the panel's online harms review recommended measures to stop children accessing porn, there is no evidence to show that age verification will be brought into Jersey. Children in Jersey of any age can just click on to a porn site and will see many images and recordings of strangulation. The panel very much welcomes this law against strangulation, considering that non-fatal strangulation can cause lasting harm and is much more serious than the current prosecution under common assault or grave and criminal assault allows. Figures in the U.K. show that victims of non-fatal strangulation are 7 times more likely to be killed by their abuser later. Strangulation is the second most frequent method of killing women in the U.K. after stabbing, and we welcome the amendment to include suffocation and choking. The importance of this new law cannot be overstated. A previous speaker questioned whether this new law is necessary. I think it is clear when the evidence is studied that it certainly is necessary and is a growing problem. The panel's main concern with this law is around the impact on the prison. Longer prison sentences will require more prison capacity. It will not be possible to commit a sexual or violent offender to a prison sentence if there is no space in the prison. We are also concerned about operational preparedness around a clearly defined medical pathway for assessing evidential arrangements. While the panel is very supportive, we ask the Minister to respond to these concerns on prison capacity and on the medical pathway for assessing evidential arrangements.

The Attorney General:

Can I correct an observation I made earlier? Because I am quite rightly reminded, by those who perhaps have more daily involvement than I have been able to have in recent months, that where non-fatal strangulation is prosecuted as a grave and criminal assault, it has been noticed that there is a tendency for juries to acquit of that more serious assault, often because the strangulation will not

have resulted in any visible or serious injury. They will instead convict of the much lesser offence of common assault, which will usually attract a much lower sentence. I am reminded that one of the benefits of a specifically tailored new offence of non-fatal strangulation is that the tribunal would be focused on the act of strangulation and, given that it would attract or carries a maximum of 10 years' imprisonment, there will be, in the event of conviction, great escape for courts to pass more meaningful sentences. So I apologise to the Assembly that I slightly shot from the hip earlier, but I am rightly reminded that I should have made those points, and I have done so.

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

I wanted to pick up on something that was mentioned in the Scrutiny Panel comments about operational preparedness, some of which the chair has touched upon. I wanted to understand specifically about the medical pathways for assessing evidential arrangements if there is evidence of non-fatal strangulation. I wondered if the Minister for Health and Social Services or one of his Assistant Ministers would be able to inform the Assembly, because at the public hearing with the Minister for Justice and Home Affairs the panel were informed that they could not receive an update on that at the time because it was with the Minister for Health and Social Services. So if the Minister or one of his Assistant Ministers is able to update the Assembly about what training will be provided to practitioners. Are they confident that medical practitioners will be able to spot whether this has happened, and if they do spot it will they be able to support the victim and be able to collect evidence around this that any potential case has that evidence behind it?

The Greffier of the States (in the Chair):

In accordance with Standing Order 44 and the time, it falls to me to put the question to the Assembly ...

LUNCHEON ADJOURNMENT PROPOSED

The Greffier of the States (in the Chair):

The adjournment is proposed. Those in favour wish to show; those against? The adjournment is approved and the Assembly stands adjourned until 2.15 p.m.

[12:44]

LUNCHEON ADJOURNMENT

[14:15]

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

Before we begin this, I am wondering if it would be possible to just raise a matter that I emailed to States Members this morning, to be helpful and try to lighten the load at the next sitting, that I ask if I can bring forward P.50 - which is the proposition relating to appointing the members of the Rent Tribunal - to the end of this sitting. It is OK in terms of the work we are doing there to propose that a bit earlier. If it helps Members to not have to deal with that at what is going to be a very busy sitting next time round, I would be happy to do that. Most Members who responded said they were happy with that. Could I propose that?

The Greffier of the States (in the Chair):

I have not seen the email, and I do not have the item in front of me, but am I right to assume that it has been lodged for the sufficient amount of time, or are we going to need to reduce the lodging period for it to be taken at this sitting?

Deputy S.Y. Mézec:

I cannot recall off the top of my head, but I will propose reducing the lodging period if it requires that.

The Greffier of the States (in the Chair):

Well I think this is the best moment to deal with that. The proposal is to bring forward P.50 from the Order Paper for 24th March to this meeting. Is that proposal seconded? **[Seconded]** Does any Member wish to speak? If no Member wishes to speak, then we close the debate. If Members would be in favour of that proposal, kindly show. Those against? I think that is fine, we will add it to the end of the Order Paper for this sitting then, Deputy. Thank you. So we return to P.8, the Draft Crime (Strangulation) (Jersey) Law and the principles. I do not have anyone listed at the moment to speak. Does any other Member wish to speak on the principles?

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

If I could just have a clarification from the A.G.

The Greffier of the States (in the Chair):

Yes, do you want to ask him a question?

Deputy S.M. Ahier:

Yes. It is just that before lunch the A.G. mentioned that there was up to a maximum imprisonment term, but I noticed that Article 1(1) says: "A person commits an offence and is liable to imprisonment for a term of 10 years" and I wondered if I had misinterpreted that.

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

That currently is modern drafting practice, that it means up to a term maximum for 10 years.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the principles? In which case I close the debate and I call on the Minister to reply.

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

Firstly, while it is in my memory, I would just like to address the matter raised by Deputy Bailhache as to why this needs to be a standalone offence. Introducing a standalone offence of strangulation allows the severity of this form of violence to be appropriately recognised in legislation as a distinct and often more serious form of violence than other forms of violence that can be prosecuted under common law or grave and criminal. Because we do not have a specific offence of strangulation, we can only prosecute strangulation under existing assault offences. Because these offences are intended to capture a range of violent acts, they hold a range of sentence lengths. By creating a separate specific offence of strangulation, we place the act of strangulation on its own statutory footing. This means that we are able to specify a penalty of up to 10 years' imprisonment and a fine for this offence. This ensures that the penalty for the offence appropriately reflects the seriousness of the act. It is also worth mentioning that offences under grave and criminal assault that have been prosecuted within the courts, there are some that have been found not guilty. Therefore, the offence then drops to the offence of common assault, which of course is a significantly lesser offence, mostly because of course injuries are not always so notable in relation to strangulation because some of those can be long term. I just wanted to make that point; that is why it was considered a good idea to have a separate offence. In relation to the other matters arising from the questions asked, we are planning and preparing to introduce a training package on the strangulation and its harms for health workers, the police and for teachers. We are also introducing, as I have said, and have already started speaking to young people about the content tailored into the understanding and the needs of these offences. A working group has been set up within Health and Care to establish a forensic medical pathway for responding to victims of strangulation so that they can get the treatment and care they need and the correct evidence to support prosecution can be collected. This will of course need funding and should be considered in the 2027 Budget. There are clear standards outlined by the Institute of Strangulation

in the U.K. on how to respond to this in relation to the forensic pathways. The relevant training again will be provided to deliver that to hospital staff, police, forensic, medical examiners and prosecutors. With any new offence, particularly in relation to where medical evidence is required, quite often there will be training. Rest assured, our forensic examiners are already very experienced individuals in the field of domestic violence and a range of offences, and can pick those offences out. I think any of those of you who were at the F.R.E. E. D.A (Free from Domestic Abuse) will have heard the speech from Lady Kyd. I think it is quite evident that these things are identified by medical practitioners. I think that is an essential part of all of this but the training will need to be given. I know that again the Scrutiny Panel talked about funding. As I said from the outset in relation to this law and these laws, my view was quite straightforward from the start of my term of office, that there was underfunding in certain areas, and we need to address that. These laws are a way of putting a price tag on something, if you like, and saying: “We need to address this; we need to make sure that people are trained properly.” This is something that should happen all the time. It is not something that should just happen because we have done a review of something and we suddenly realise that we are falling behind. I think people need to remember that when we do this there are implications. When we bring forward laws, we need to make sure that those implications are identified and well addressed. As I said, it was not able or appropriate to be able to bring the money into this Budget because we have to see how things pan out, as the Minister for Treasury and Resources said. I think from that aspect, I thank people for their comments and I continue with the proposition.

The Greffier of the States (in the Chair):

Those Members who are in favour of the principles, kindly show.

Deputy M.R. Le Hegarat:

The appel, please.

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 their seats, and I 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 principles have been adopted:

POUR: 40		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy M. Tadier				
Deputy S.G. Luce				

Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
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):

Deputy Catherine Curtis, does your Scrutiny Panel wish to scrutinise this matter?

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

No, thank you.

The Greffier of the States (in the Chair):

We come to the Articles and there is an amendment to Article 1 from the Minister. Minister, do you wish to propose the Articles as amended?

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

Yes, please.

The Greffier of the States (in the Chair):

Are Members content for the Articles to be proposed as amended? How do you wish to propose them then, Minister?

4.2 Deputy M.R. Le Hegarat:

En bloc, please.

The Greffier of the States (in the Chair):

Are the Articles seconded? [Seconded] Does any Member wish to speak on the 3 Articles?

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

I must say, I still feel very uncomfortable with the inclusion of consensual strangulation. There will be some women out there who are in relationships and their partners are the ones who are very domineering. They are the ones who hold a great deal of control in the relationship and they could potentially be quite forceful in wanting certain things sexually. The partners are in a very susceptible position and they feel that they have got no choice but to do things that they feel very uncomfortable with. That is something that has not so far been mentioned in the debate. I think it is important that I do raise it because I think there are many women who have unfortunately gone through ordeals, and it is bound to have a profound effect on them. I think we need to also recognise the significance that has, and the impact on those individuals. So, I will be supporting the Articles; however, I would not be surprised if there are refinements in the future. That potentially could be due to things arising as a matter of concern because incidents are being reported to the police; therefore, further consideration may need to be given to the law in future.

4.2.2 Connétable M.A. Labey of Grouville:

I was not rising as the vice-chair of the Scrutiny Panel, I am rising as a parent to give the Assembly a practical example of how this can affect somebody's life. My son performed a musical in the Opera House at the end of January. He stated in that wonderful piece that he had been strangled as a boy at school and my wife and I had no idea, which meant it left no marks at all on his throat. He was strangled to the point at which he passed out, he shook visibly for 3 weeks after that, and went through a bout of depression as a result. It affected him quite deeply for many years, and he still has flashbacks 18 years later, but that could have affected his career as well. Because, of course, as you may or may not know, he is a performer and a singer, and it dropped his voice by an entire tone, so that could have affected his way of making a living as well. I just thought it might be good to voice an actual example of how these things can affect somebody's life and how tragic it could have been.

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

I was asked before lunch by Deputy Doublet if I could say what was going on. I think the Minister has already indicated what is happening. The G.P.s (general practitioners) are receiving mandatory I.R.I.S. (Identification and Referral to Improve Safety) training, so they have to do that. There is other training for other professionals, but it is ongoing, and I am sure there is always more to do. I think we need the first responders to really be aware. I just thought I would say that it is recorded that 50 per cent of adults have no visible injuries but there are other signs: loss of consciousness, incontinence, hoarse voice, as the Constable has said, pain on swallowing, *et cetera*. It is really important that all our health staff are trained. Thank you so much.

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

I would like to add to that list. Strangulation, even in a playful sense, I will say - let us not go into details - can cause extreme bloodshot eyes, and in certain cases, permanent eye damage.

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 call upon the Minister to reply.

4.2.5 Deputy M.R. Le Hegarat:

Consent is defined as free agreement in the Sexual Offences Law, Article 2. If it is coerced, then it is not free agreement as it does not meet the legal standard of consent. As I explained earlier, as a statutory of the European Convention on Human Rights, Jersey has a series of obligations relating to upholding our Islanders' human rights. Article 8 of the Convention, Rights to Private Life, protects the right to personal development and autonomy. Sexual activity of course associated with an individual's exercise of free choice and the question of consent to strangulation is typically discussed in the context of sexual relations. The inclusion of a strangulation offence as a consent defence allows us to strike a balance between deterring Islanders from harmful behaviour and respecting their personal autonomy. That is why the consent defence has been included in this law. Including the consent defence in this law has also allowed us to place clear restrictions on the use of this defence to protect against the misuse of the provision.

[14:30]

It is quite clear within the law that it is very limited where the defence would be able to be used. I ask if the Attorney General may assist with giving Members the legal perspective as opposed to just mine.

The Greffier of the States (in the Chair):

Mr. Attorney, are you able to assist?

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

Well I think the Minister has comprehensively explained the legal position, which is that the defence is there to safeguard those who engage in certain forms of conduct, and do so by consent, where that conduct does not cause injury or serious harm. The thinking behind that is, in part, engaging the Article 8 right to a private life. I think the Minister has really explained it.

Deputy M.R. Le Hegarat:

I call for the appel.

The Greffier of the States (in the Chair):

The appel is called for. If Members are already in their seats, I 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: 43		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				

Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 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 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 wish to propose the matter in Third Reading?

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

Yes, please. I have nothing further to say but obviously await others.

The Greffier of the States (in the Chair):

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak? If no Members wish to speak, we close the debate. Those in favour of adopting the law in Third Reading ...

Deputy M.R. Le Hegarat:

Can I call for the appel, please?

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 cast their vote, I ask the Greffier to close the voting. I can announce that the Draft Crime (Strangulation) (Jersey) Law has been adopted in Third Reading:

POUR: 43		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 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 A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

5. Draft Crime (Public Order) (Jersey) Amendment Law 202- (P.9/2026)

The Greffier of the States (in the Chair):

The next item is the Draft Crime (Public Order) (Jersey) Amendment Law 202-, P.9, lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel, and I ask the Greffier to read the citation

The Deputy Greffier of the States:

Draft Crime (Public Order) (Jersey) Amendment Law 202-. A Law to amend the Crime (Public Order) (Jersey) Law 2024 to amend the offence of threatening to kill, rape or cause serious physical injury. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

This is the final law which is an amendment to the existing Public Order Law. It is a simple amendment that seeks to ensure that our justice system is better able to respond to threats to commit the most serious sexual offences. Under the current Public Order Law, we have the Article 4 offence of threats to kill, rape or cause serious physical injury. In the course of my work to introduce the new package of legislation, our existing legislation was reviewed in detail and key criminal justice stakeholders were consulted at length. During this process, concerns were raised around whether threats to commit sexual offences other than rape might fall outside the boundaries of our existing threats offence. Threats of sexual harm and physical violence are unfortunately a very big part of the violence that women and girls experience. In 2025, more than 30 per cent of the people that Jersey

Domestic and Sexual Abuse Support service supported reported that their abuser threatened to kill them or someone else. Following the United Nations declaration on the elimination of violence against women and girls in the 1990s, violence against women and girls has been internationally recognised as comprising of both acts of violence and threats of such violence. This has resulted in a gap between how our threats offence is constructed and the international understanding of what constitutes violence against women and girls. I have sought to fix that through this amendment by expanding the existing offence to include threats to commit other forms of sexual harm. This will ensure that threats to commit sexual offences that fall outside the legal definition of rape, and might not meet the alternative threshold of serious physical harm, are also captured within this offence. While this amendment does not relate to a specific Violence Against Women and Girls Taskforce recommendation, it certainly aligns with my commitment to update our legislative framework so that our criminal justice system is better able to respond to perpetrators of violence against women and girls. I therefore ask that Members give their support to this final law, concluding that adoption of 5 pieces of legislation designed to address the crimes associated with violence against women and girls. This is a significant moment for our Island. These 5 laws will make unprecedented protective measures available to victims and ensure that our criminal justice system is able to intervene with perpetrators earlier so that we can prevent violence against women and girls, not just respond to it.

The Greffier of the States (in the Chair):

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

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

The purpose of this law is to include threats to commit sexual offences as part of the Crime (Public Order) Law 2024. Currently threats to rape, kill or cause serious injury to a person are covered but threats to commit a sexual offence, for example, a threat to sexually harm a child, are not covered under the Crime (Public Order) Law. The panel recognises that this was something that should have been in place and is pleased to see this development. The panel had asked again that a directive from the Attorney General be developed in relation to how children will be dealt with when they are subject to the draft laws, and I acknowledge the Attorney General's earlier comments. To sum up on this suite of laws, the panel thanks the Minister and her team and all contributors to getting these laws to this point. We do still remain concerned that structures may not be in place, considering that extra resource is required. There is no suggestion from the panel that the rollout of these laws should not be resourced. The concern is that the necessary structures may not be in place for the measures to be implemented. I ask the Minister to explain how these laws will be implemented and whether some may require a phased approach and, if so, how this phased approach will work for the different laws.

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

It is just a quick point, hopefully, really to raise some awareness and probably just speak to one of the points that were raised earlier about the need for education, particularly with how we engage with our young people following new laws such as this, and as laws change. Really, it is the use of the word "rape" because I recently was enlightened to this, shall we say, with some conversations that had gone on at a primary school; so we are talking about primary school level. In the online gaming world at the moment, the word "rape" is sometimes used by people in gaming. I am going to quote from what I have got in front of me, that it is used to describe a powerful and dominating victory in a game. You sometimes hear people say in the gaming world - and bear in mind that people use headsets and talk to each other, people they do not always know as well around the world - they may say things like: "I am going to rape you in this game" or: "I am going to rape this person." Really, it is an awareness-raising thing. I am not sure if the Minister has any comment to make on how something like that ... would this offence require somebody to truly understand what the meaning of the word "rape" is? I also attended an event last year at which a case was discussed where somebody had threatened to rape somebody and that person, I think, had special needs and had no

understanding; they thought it to mean something else. So I would be interested to know if there needs to be proven understanding of what the word means, but also I just share that to raise awareness and, particularly when we are talking about education, young people, what people have access to online as well, what our young people are talking about and coming into contact with.

The Greffier of the States (in the Chair):

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

5.1.3 Deputy M.R. Le Hegarat:

I thank Members that have spoken in relation to this particular offence, and the chair of the panel. There obviously, as we have already said, will be a phased approach. This can only really be in consultation with operational services, including all of those services, so that things can be brought in order that they can be implemented effectively. What of course happens is, if you look at a number of these things, as in the cases in relation to strangulation, stalking and some of the other pieces of legislation, these are already being looked at and are already being investigated. What we feel is, is that there will likely be an increase in that. Some of those offences, people will already be trained and have an understanding of, but there is a full programme that will be required in relation to training to ensure that all of those agencies are all up to speed. As I said, this will be something that will need to be discussed within the next Government. What I would like to point out at this stage, is the fact that - from the point of view of funding because it has been spoken about again - it was made quite clear to me at the start of my tenure in this role, that in order to gain additional resources to be able to deal with things, the law needed to be lodged, and the law needed to be in place, so one has to come before the other. That is why as soon as I decided to lodge these 5 pieces of legislation - or the Council of Ministers did - that I was going to make sure that I would not bring all of this legislation with nothing attached to it. As I said before, significant law over the last few years has had no price tag, so therefore that is why I worked in this way. It was significant work that was done by all of the agencies in order to be able to analyse and work out what that cost was going to be. Therefore, I would like to thank the Treasury, as I said, and all of those other groups for the significant work that has been done to try and ensure that when these laws come in, that the funding streams can come in with it. I think that is imperative to understand that. I cannot change what has happened in the past but what I have done in relation to these laws is provide the Assembly with a knowledge and understanding of what all this means. In relation to what Deputy Stephenson asks about rape, I think it is a significant point. That is what I would hope, that any education that is provided to children and young people in schools will clearly identify exactly what that all means, because of course rape is sexual intercourse without consent. I think we already do provide that within our schools. However, in relation to what Deputy Stephenson was saying about people who may have some form of disability, those things would obviously be taken into consideration if that person was making those comments and their understanding of it. The people who deal with those individuals would obviously know and be prepared to be able to make and adjust their thinking in relation to it. I think that is all I would like to say in relation to the First Reading, and I ask for the appel.

[14:45]

The Greffier of the States (in the Chair):

The appel has been called for. If Members are in their seats, 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 principles have been adopted:

POUR: 44		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				

Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy 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 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):

Does the Chair of the Children, Education and Home Affairs Scrutiny Panel wish to scrutinise this matter.

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

No, thank you.

The Greffier of the States (in the Chair):

How do you wish to propose the Articles, Minister?

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

En bloc, please.

The Greffier of the States (in the Chair):

Are the Articles seconded? [**Seconded**] Does any Member wish to speak on the Articles? If no Members wish to speak, then I ask those in favour of adopting Articles 1 to 3, if they could kindly ... the appel has been called for. I ask the Greffier to open the voting. If all Members have had an opportunity of casting their vote, I ask the Greffier to close the voting. I can announce the Articles have been adopted:

POUR: 44		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy S.G. Luce				

Deputy L.M.C. Doublet				
Deputy 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 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 now move to Third Reading, Minister. Do you wish to propose the matter?

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

Yes, please, I would like to propose the matter in Third Reading.

The Greffier of the States (in the Chair):

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

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

Just quickly, in schools one of the things that really has developed over time is dealing with the notion of consent, which I think is crucial in this area and teaching. Not just in P.S.H.E. - I think I should say that, it is not just P.S.H.E. where these things happen - but in form times where those relationships with form teachers are built up, and times, and assemblies, *et cetera*. I think that issue of consent is one of the key things that all of us have to talk to our young people about because that is vital in dealing with these issues.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the law in Third Reading? If no other Members wish to speak, then I close the debate, and call on the Minister to reply.

5.3.2 Deputy M.R. Le Hegarat:

I thank the Minister for Education and Lifelong Learning for his contribution in relation to what young people are taught in schools. At this point, I would like to just say that I would like to thank all of the agencies and individuals who supported the development of this important package of legislation from the start with the money that was given, through to 3 Ministers for Justice and Home Affairs, as it is an important package of legislation. The specialist victim support services, the police, the Law Officers' Department, the courts and, of course, the Violence Against Women and Girls Taskforce, and in particular their chair, who has kept my feet to the fire but shone a light on the need for these important legislative changes. I would also like to thank the Law Drafters, because this is a significant piece of work and they have continued to work with the team. Also the policy officers. We do not have lots of policy officers, as people know, but they have worked tirelessly in relation to this legislation. Not only the legislation, the other recommendations, of which there were a significant amount. It is not only about the legislation that those staff have been working, they have been working significantly hard to be able to make sure that we will be able to present a good report and be able to have a good amount of work that has been done during this term of office. Alongside, as I say, we have had one review of the legal system which has been completed and was delivered on 11th February, and we have now got the Criminal Justice Review as well. That is quite a significant amount of work, so I would like to say thank you to all of those that have played that crucial role in bringing these laws in front of the Assembly today and for Members' support.

[Approbation]

The Greffier of the States (in the Chair):

Do you call for the appel?

Deputy M.R. Le Hegarat:

Obviously, Ma'am.

The Greffier of the States (in the Chair):

Very well, the appel is called for. Members in the vicinity should return to their seats, and I ask the Greffier to open the voting. If all Members have now had the opportunity to cast their vote, I ask the Greffier to close the voting. I can announce that the legislation has been adopted in Third Reading:

[Approbation]

POUR: 44		CONTRE: 0		ABSTAINED: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				

Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy 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 A.F. Curtis				
Deputy B. Ward				

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

6. Draft Sanctions and Asset-Freezing Law (Jersey) Amendment Regulations 202-(P.10/2026)

The Greffier of the States (in the Chair):

The next item is the Draft Sanctions and Asset-Freezing Law (Jersey) Amendment Regulations, P.10, lodged by the Minister for External Relations and the main respondent is the chair of the Economic and International Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Sanctions and Asset-Freezing Law (Jersey) Amendment Regulations 202-. The States make these regulations under Articles 39 and 47A of the Sanctions and Asset-Freezing (Jersey) Law 2019.

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

These amendments help keep Jersey sanctions framework aligned with the U.K. which is important because Jersey implements both U.N. (United Nations) sanctions and U.K. autonomous sanctions. Staying aligned ensures our system remains clear, consistent and meets our international obligations. Regulations 2 and 4 amend Article 1 to clarify the meaning of making economic or financial resources available indirectly to a designated person. This removes any doubt as to whether or not entities which are indirectly controlled by a designated person are covered by the meaning of “making available to”. These changes reflect equivalent updates made in the United Kingdom. Regulation 3 amends Article 32(1) by removing the requirement for financial institutions to have a direct connection with an individual before reporting knowledge or suspicion relating to designation or sanctions-related offences. This ensures that any relevant information arising during normal business must now be reported to the Minister. Regulation 5 amends Article 36, expanding the categories of information the Minister may disclose, the bodies to whom the disclosure may be made, where appropriate. This supports more effective co-operation with both domestic and international partners. I commend the amendments to the Assembly.

The Bailiff:

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

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

I am responding on behalf of the Economic and International Affairs Panel; Deputy Tadier sends his apologies. I would direct Members to the comments paper that we have already prepared, but also to say that we are content with the Minister’s approach to this. The panel understands that these regulations aim to ensure that sanctions implementations in Jersey remain appropriately aligned with the U.K. and that the Minister continues to meet international obligations. Based on the information provided in briefings, written correspondence, and during the hearings with the Minister, the panel is satisfied that the proposed amendments strengthen the existing framework, clarify reporting duties for financial institutions, and support Jersey’s commitment to international standards. Accordingly, the panel is content and supports the proposals as proceeded.

The Bailiff:

Does any other Member wish to speak on the principles of the regulations? Minister.

6.1.2 Deputy I.J. Gorst:

As ever, I am grateful to the Economic and International Affairs Scrutiny Panel for the work that they do in engaging with all of the legislation that the department brings forward. I am grateful for their challenging but constructive approach to this legislation. I maintain the principles of the amendment and call for the appel.

The Bailiff:

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

POUR: 43		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Deputy Wilson, can you confirm that your panel do not wish to scrutinise the matter any further?

Deputy K.M. Wilson of St. Clement (Vice-Chair, Economic and International Affairs Scrutiny Panel):

I can confirm that, yes.

The Bailiff:

Minister, how do you propose the regulations in Second Reading?

6.2 Deputy I.J. Gorst:

As I have just been through the regulations in my comments on the principles of the amendment, I propose them *en bloc* and will endeavour to answer any questions accordingly.

The Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations in Second Reading? No? Those in favour, kindly show. Thank you very much; the regulations are adopted in Second Reading. Minister, do you propose the regulations as adopted in Third Reading?

6.3 Deputy I.J. Gorst:

I do, if I may, thank you.

The Bailiff:

Are the regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the regulations in Third Reading? Is the appel called for? No? Those in favour, kindly show. Thank you very much; the regulations are adopted in Third Reading.

7. Draft Comptroller and Auditor General (Jersey) Amendment Law 202- (P.11/2026)

The Bailiff:

The next item is the Draft Comptroller and Auditor General (Jersey) Amendment Law lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Comptroller and Auditor General (Jersey) Amendment Law 202-. A Law to amend the Comptroller and Auditor General (Jersey) Law 2014. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

This amendment law strengthens Jersey’s public audit arrangements by updating the Comptroller and Auditor General Law 2014 in targeted ways. Robust independent audit is one of the quiet foundations of public confidence. Islanders expect that spending is scrutinised impartially, that recommendations drive improvement and that the Assembly and the public have a line of sight from money voted to value delivered. These amendments clarify appointments, processes and governance arrangements for the C. and A.G. (Comptroller and Auditor General), enhanced reporting on findings and follow-up, and provide flexible tools so that the legal framework can evolve proportionately in the years ahead. The 2014 law established the modern public audit framework experience since then, including the C. and A.G.’s *Mid-Term Reflections* report of 2023. Stakeholder feedback indicated several areas where the law can be tightened to align with recognised international principles and to keep pace with best practice. This proposition consolidates that learning into a focused amendment. The amendment law has been developed in close consultation with the C. and A.G. Both she and the Jersey Audit Office Board of Governance have expressed their public support for the amendment law in the submission to the Corporate Services Scrutiny Panel. The draft law strengthens governance by requiring consultation with the Board of Governance on the appointment of the C. and A.G. Consultation will also be required when considering whether to revoke a C. and A.G.’s appointment. The statutory limitation of civil liability is extended to members of the Board of Governance, ensuring proportionate protection is in place consistent with their role. The draft law provides that those acting for the C. and A.G. are treated in law as the C. and A.G.’s staff, even where they hold States employment contracts. This clarifies responsibilities and safeguarding independence in day-to-day operations. The draft law also confirms that the C. and A.G. is not a States employee by amending the 2005 States Employment Law schedule, reinforcing institutional independence. Transparency is enhanced by requiring the C. and A.G. to produce an annual report of findings that tracks recommendations issued and progress made, ensuring that there is a clear view of the C. and A.G.’s impact over time. A regulation-making power has been created enabling the States Assembly when appropriate to provide for the appointment of auditors or independent examiners for specified arm’s-length bodies. In conclusion, these are careful and proportionate improvements that modernise our audit framework, while preserving the independence at its core. They will help the Assembly, Ministers and the public to see more clearly how recommendations are acted upon, and they provide flexible tools for future needs. I would like to thank the chair of the P.A.C. (Public Accounts Committee) for working collaboratively with the Government, and Scrutiny for their work as outlined in their report. I propose the principles of the amendment law.

The Bailiff:

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

[15:00]

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

I rise as chair of the Corporate Services Scrutiny Panel. Following a private briefing on the draft law back in January, the panel agreed to undertake scrutiny of the proposals within the draft law. We have presented a comprehensive comments paper, which is available for Members to read and which

reflects its observations on the draft law proposals. In terms of just some of the key observations from our panel, a key focus for the panel has been on the extent to which Government has implemented the recommendations made by the C. and A. G. in the *Mid-Term Reflections*. The panel notes that Government has not accepted and implemented recommendation 6 regarding the establishment of the Jersey Audit Office as a legal personality or recommendation 15 to allow the C. and A.G. to apply directly to the States Assembly in circumstances where the C. and A.G. and the P.A.C. chair might disagree on resourcing for the C. and A.G. However, the panel is assured that the draft law proposals implement all the recommendations relating to C. and A.G. powers and duties in full and that the regulation-making power within the draft law empowers a future States Assembly to fully implement the C. and A.G.'s recommendations in future, should that be their wish. In terms of independence, oversight and accountability, the panel focused on the extent to which the legislative changes proposed within the draft law have impacted on those arrangements for the C. and A.G. and the Jersey Audit Office. We highlight that the Draft Law proposals include updates to the appointment process, C. and A.G. staffing and employment arrangements, the limitation of civil liability of the Jersey Audit Office and audit practice and reporting. While the panel understands that the draft law does not currently have any financial or resource implications, these may be a consideration if in future the States Assembly chooses to invoke the regulation-making power, fully implementing the C. and A.G.'s recommendations. The panel is further assured from the C. and A.G.'s feedback on the draft law that the proposals implement all of the 7 recommendations relating to independence, oversight and accountability in full. The panel have considered the consultation and engagement that took place in relation to the recommendations published in the *Mid-Term Reflections* and the draft law. While the panel understands that consultees that engaged with the C. and A.G.'s consultation were generally not supportive of the proposals, the panel acknowledges that the C. and A.G. undertook a thorough process of consultation that highlighted main themes and key concerns raised by stakeholders. Additionally, the C. and A.G. has informed the panel that she believes the concerns raised by stakeholders during the consultation can be addressed with sufficient mitigations. In closing, the panel acknowledges that key steps have been taken by the Government to implement the recommendations in the C. and A.G.'s *Mid-Term Reflections* and that while not all of these recommendations have been accepted or implemented by Government, they represent an important step forward for the C. and A.G. and the Jersey Audit Office. The panel is assured that the draft law is supported by both the C. and A.G. and the P.A.C. As I have said before, the panel welcomes the inclusion of the regulation-making power within the draft as an additional step to empower a future Assembly. While the panel has considered the stakeholder feedback provided to the C. and A.G. during her consultations on the proposal, we are assured that sufficient mitigations highlighted will account for and address stakeholder concerns about the proposals.

7.1.2 Deputy I. Gardiner of St. Helier North:

I would like to speak in support of the proposed amendments to the C. and A. G. law, and I do so warmly. As the chair of the Public Accounts Committee, as a committee we work closely with C. and A.G. As the chair, I play a direct role in the appointments for the C. and A.G. post and Board of Governance members. Public audit is one of the most important mechanisms we have to ensure that public money is spent properly, efficiently and transparently. The Comptroller and Auditor General, as mentioned in previous speeches, plays a crucial role in that system. This is not a proposition that has arrived from nowhere. As we heard, it was almost a 2-year process, that we have had numerous conversations between myself and the Chief Minister discussing how the recommendations can be addressed. From the Public Accounts Committee perspective, we thought that it would be helpful to accept all recommendations but definitely I understand the concerns raised by the Government. I believe this is a really good way forward, even if it is not perfect. As mentioned, the *Mid-Term Reflections* that was published, the C. and A.G. very clearly stated what was working in practice but needed to be sealed in the law. Interestingly enough, in November we hosted here a Public Accounts Committee with auditors from the British and Mediterranean regions. When we had discussions

about the powers and what is in the law, what is outside of the law, interestingly enough, the C. and A.G. law of the Isle of Man was much more progressed than ours, even though it was developed obviously much later. So definitely post-legislative scrutiny on any legislation is important. We are updating the law after 12 years, and I hope we can continue to look at what will be a good practice. So, the question before us if it is not reform needed, if it moves us meaningfully into the right direction - and I believe it does - importantly, the committee understands that a proposal can be implemented within existing resources, as the chair of the Corporate Services Panel mentioned, with no additional cost anticipated at this stage. I would like to bring to the Assembly's attention that over the last 2 years when the budget proposals were debated, we did have a conversation with the C. and A.G. The office and Board of Governance always found a way to ensure that the budget remained and not increased and the necessary work was introduced. The office was very helpful with finding efficiencies in managing the budget that was allocated. Public audit matters, and it is really a mechanism that the Assembly holds the Executive to account on behalf of taxpayers. For all of us, I think, the C. and A.G. work, her latest 2 reports, her value for money reviews, her recommendations only show how the work that the office produce independently needs to be properly resourced and very transparently governed. This proposal does transit and it is not perfect, none of the legislation is perfect, but it is really, really strong and a good way forward. This is why I am pleased to support the current proposition and I ask Members to do the same.

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

I have been a lay member of the Public Accounts Committee and very much appreciate the work that is done by the Comptroller and Auditor General in terms of ensuring good governance and value for money within the organisation. I am also aware that there has been this change, or at least from an initial proposal, that the Comptroller and Auditor General could act as a corporation sole. It is incredibly important. I am aware that there is a lot of conversation about whether arm's-length organisations exist, and that they have become runaway trains. I am always going to remind Members that ultimately the C.E.O. (Chief Executive Officer) is the principal accountable officer for all these, and the Treasury has a role in controlling their expenses too. I nevertheless remain happy that there is a Board of Governance that remains in place. I believe that - and as I will be saying in my unpublished report for the public ombudsman - in fact this Board of Governance could perhaps play a dual role in terms of the governance of any future public ombudsman.

The Bailiff:

Does any other Member wish to speak on the principles? Chief Minister.

7.1.4 Deputy L.J. Farnham:

Can I thank the Members who spoke, and reiterate my thanks to the Corporate Services Panel and the P.A.C. for working with Government to achieve this position, which is a marked improvement on where we were. I have already highlighted the key features of the draft law but I would be pleased to field any questions, should Members have them, in summing up. I would like to propose the Articles *en bloc*.

The Bailiff:

We are doing the principles at the moment but we will get to the Articles soon.

Deputy L.J. Farnham:

Sorry, I beg your pardon, yes.

The Bailiff:

Do you ask for the appel or shall we just have a standing vote?

Deputy L.J. Farnham:

The appel, please.

The Bailiff:

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

POUR: 41		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 A. Howell				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Deputy Miles, do you want to confirm that your panel wishes to scrutinise the matter no further?

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

No, thank you.

The Bailiff:

Chief Minister, how do you propose the Articles in Second Reading?

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

May I now propose them *en bloc*, please?

The Bailiff:

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

7.3 Deputy L.J. Farnham:

I do. I am grateful to Members for their consideration and support. I commend the draft law to the Assembly in the Third Reading.

The Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Second Reading in Third Reading? Those in favour of adopting the Articles in Third Reading, kindly show. The appel has been called for. Members are invited to return to their seats, and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the draft law has been adopted unanimously in Third Reading:

POUR: 43		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				

Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				

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

8. Bailiff’s Consultative Panel - amendment to Terms of Office (P.13/2026)

The Bailiff:

The next item is Bailiff’s Consultative Panel - amendment to Terms of Office lodged by the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to refer to their Acts dated 7th July 1992, 4th February 2003 and 16th May 2006, in which they agreed to establish a Consultative Panel of elected Members of the States with whom the Bailiff would be able to meet in order to consult on a confidential basis in appropriate cases and, subsequently, to amend the constitution of the panel, and to agree that, after the elections to the States Assembly on 7th June 2026 (a) those Members elected to the panel by ballot shall be chosen at the same meeting as that at which (in accordance with Standing Order 112) the members of Scrutiny Panels are chosen; and (b) the term of office for Members elected to the panel by ballot shall align with the election cycle.

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

This proposition would make a minor change to the term of office for members of the Bailiff’s Consultative Panel. As Members are aware, this is a panel with which the Bailiff consults on matters such as Liberation Day. There are some Members who sit on the panel by virtue of their office: myself, as chair of P.P.C., the Chief Minister, the Minister for Treasury and Resources and the chair of the Comité. There are also 5 other Members who are selected by the Assembly through a secret ballot. Members will recall this taking place on our first meeting in January of this year. The constitution of the Assembly was agreed through the adoption of various propositions. As things stand, the term of office for those 5 Members who are selected is 3 years. This does not align with the current election cycle of 4 years, something which this proposition aims to address. Having a 3-year term when the election cycle is 4 years raises the possibility of appointments being missed and the panel being inquorate; indeed, that has happened.

[15:15]

It requires a decision of the Assembly through the adoption of a proposition to change the term of office. P.P.C. has no responsibility for the Bailiff’s Consultative Panel but the committee agreed to lodge the proposition in order that the Assembly can take a decision. Someone has to lodge it and it is P.P.C. who has brought such propositions in the past under Ministerial Government. If adopted the selection of the 5 Members would take place alongside all other appointments after the next election. Reference is made in the proposition to the meeting at which Scrutiny Panel members are selected but that is also the meeting where members are appointed to other bodies, including P.P.C. It is, therefore, an appropriate time for members of the Bailiff’s Consultative Panel to be chosen as well. The wording of the proposition means that the term of office on the panel would mirror the election cycle if any change to the election cycle were made in the future. I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does anyone wish to speak on the proposition? Those in favour of adopting the proposition, kindly show. 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 chance to cast their votes, I ask the Greffier to close the voting. The proposition has been adopted unanimously:

POUR: 42		CONTRE: 0		ABSTAINED: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy 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 A. Howell				

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

9. Draft Health and Social Care Professionals Register (Jersey) Law 202- (P.15/2026)

The Bailiff:

The next item on the Order Paper has been deferred. The next item after that is the Draft Health and Social Care Professionals Register Law lodged by the Minister for Health and Social Services. The main respondent is the chair of the Health and Social Security Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Health and Social Care Professionals Register (Jersey) Law 202-. A Law to provide for the registration in Jersey of health and social care professionals and specialist healthcare services. The States, subject to the sanction of His Most Excellency Majesty in Council, have adopted the following Law.

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

If accepted, this draft law would standardise professional registration in Jersey by creating a single consistent system of secondary local registration linked to the U.K. regulatory bodies. It will improve oversight, public protection and the accuracy of the Island's professional register. It follows our longstanding policy, which has been to anchor our system to the U.K. statutory regulators' bodies, such as the General Medical Council and the Nursing and Midwifery Council. Given our small scale, it is obvious that running our own system of regulation would be incredibly expensive and far less robust than that of a large jurisdiction. However, what the draft law will do is allow the J.C.C. (Jersey Care Commission) to maintain an up-to-date and comprehensive register here in Jersey of every professional practising in the Island. In short, the purpose of the local register is threefold; firstly, it improves assurance for Islanders, it also protects Islanders from risk and harm and, finally, it gives us a clear oversight of who is practising. The new draft law is necessary because the current registration system is both fragmented and outdated. At the moment 5 separate laws govern healthcare registration in Jersey, resulting in inconsistent registration requirements across many different professions. Some healthcare professionals have to pay fees and renew their registration every year while others do not. This is unfair and there is no logical reason for it. Some professionals still register with the Judicial Greffe and the Chief Pharmacist, while others register with the Jersey Care Commission. This is both confusing and inefficient. As a result of these inconsistencies, we have no single accurate record of all regulated healthcare professionals practising on the Island today. As a consequence, we lack oversight of exactly who is practising here, where they work and what their qualifications are. This increases the risk that unfit practitioners could practise unnoticed in Jersey, particularly those who work for themselves. This of course is not reassuring for Islanders who access services. The new law would repeal and replace the current piecemeal legislation with a single consolidated framework law, ensuring the registration processes in Jersey are both fair and consistent. It is also worth mentioning that the Commission will no longer have unilateral powers to cancel or suspend professional registrations, as they do now. This should and would be left to the U.K. regulators that have the requisite expertise and processes to do this. But the Jersey Care

Commission would finally have oversight of exactly who is practising in Jersey, their employment status and the qualifications they hold. It would also align us with the U.K., as far as that is possible. Going forward, if any profession becomes registerable in the U.K. it would also become registerable in Jersey. Before I conclude, I should add that following consultation I thought it best to ensure that no registration fees would be charged to any registrants. This ensures fairness across the board in a registration environment where many registration payment inconsistencies have evolved over the course of time. If we were to continue with local charges, it would involve many professionals having to pay to register in both Jersey and the U.K., and that is a pressure that the health service workers could well do without at this time. Some additional funding will be required to cover the marginal cost of implementing the charges and to cover the loss of the fee income. Those costs are estimated at £70,000 annually but it will be subject to further review during 2026. It was deemed sensible that this sum should be funded from the existing H.C.J. (Health and Care Jersey) budget, being a relatively small price to pay in order to deliver uniformity and parity to all concerned. During the course of 2026 a communications plan and guidance will be produced to support registrants with the transition to the new registration regime, and it is anticipated that the work will have been done in time for the draft law to come into force on 1st January 2027. In conclusion, the law is about promoting fairness and public safety. It does not reinvent the wheel, it simply creates a robust coherent registration system in Jersey based on legislation and processes that are already in place. I urge Members to support the law.

The Bailiff:

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

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

Members will be aware that I have an amendment in the Articles of this legislation. But I do want to just stand up and support the principles because I think what the Minister has produced here is good to consolidate everything into a single law. It will also be removing some gaps where some professions did not have to maintain a membership to a professional body where other people did. People like chiropractors, psychologists and physiotherapists now have to maintain memberships to professional bodies where previously they did not. I just wanted to say well done to the Minister for bringing in this law because I think this will tidy things up and make things a lot more fair and balanced to professionals around the Island.

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

I speak in this debate as the Minister with responsibility for the health and social care service regulation policy and the work of the Jersey Care Commission. This law fixes a longstanding problem. Jersey's registration system, as the Minister has said, is fragmented, outdated and inconsistent. The draft law will streamline administrative processes for the Care Commission and thus reduce costs overall. Today professionals register under 5 different laws; some register with the Judicial Greffe and the Chief Pharmacist, some are not required to renew their registration. Therefore, there is no single record or oversight of who is practising here, particularly in the private sector. This law closes that gap and puts public safety first. I am assured by the fact that the new framework creates one consolidated registration system, aligning Jersey with U.K. statutory regulators. It streamlines the process and reduces litigation risk for the Jersey Care Commission, whose role becomes clearer and more manageable under this law. The Minister for Health and Social Services has also listened to feedback and determined that no fees will be charged while the costs of the changes will be sourced from existing budgets within the H.C.J. For Islanders the benefits are immediate; a single public register showing exactly who is qualified, fit to practise and properly regulated. This assures Islanders and strengthens trust in our invaluable healthcare system. This is

a modern, fair, proportionate approach to registration that both protects the public and supports professionals working in Jersey. I support this law and urge Members to do the same.

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

My panel have scrutinised this piece of legislation and, in brief, we are supportive of it with a slight reservation, which I will come on to. We welcome the legislation because at the moment the registration laws are quite fragmented. There are, I think, 5 separate registration laws. There can be some confusion sometimes with those different legislations and this alignment with the U.K. qualification and fitness-to-practise standards is a good thing. Having a digital register would improve transparency and accessibility for Islanders. We consulted with the Jersey Care Commission and we have some concerns around this expanded regulatory workload and whether it is going to be adequately resourced in terms of staffing and digital capability. It would be helpful if the Minister could comment on that in his summing up and provide reassurances that the Care Commission will be adequately resourced in order to implement this legislation, and that any other resources needed for the law to be properly implemented will be made available. But, in summary, my panel are supportive of the principle of this legislation.

The Bailiff:

Does any other Member wish to speak on the principles of the draft law? I call upon the Minister to reply.

9.1.4 Deputy T.J.A. Binet:

Nothing to add, other than I can offer Deputy Doublet assurance that the J.C.C. are properly resourced, and that refers to the £70,000 that is going to be transferred that I mentioned.

The Bailiff:

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

POUR: 38		CONTRE: 0		ABSTAINED: 1
Connétable of St. Brelade				Deputy K.M. Wilson
Connétable of Trinity				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
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 A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Bailiff:

Deputy Doublet, can you confirm that your panel have scrutinised this matter?

Deputy L.M.C. Doublet:

We do not wish to call this in, Sir. Thank you.

The Bailiff:

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

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

Take them *en bloc*, Sir, if I may.

The Bailiff:

Thank you very much. There is an amendment from Deputy Coles, do you accept the amendment?

Deputy T.J.A. Binet:

Unfortunately not, for reasons which I will explain during the debate.

The Bailiff:

Are the Articles seconded? [Seconded]

**9.3 Draft Health and Social Care Professionals Register (Jersey) Law 202- (P.15/2026):
Amendment (P.25/2026 Amd.)**

The Bailiff:

We now come to the amendment of Deputy Coles, which is extensive. If Members are content, I will not ask the Greffier to read it all out. Members are content, thank you very much.

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

Before I begin I must declare an interest on the third part of my amendment, which concerns psychotherapists and counsellors, which is a profession in which my wife works and is recorded on my declaration on the States Assembly website.

The Bailiff:

Thank you.

Deputy T.A. Coles:

For clarity, I intend to take this amendment in 3 parts. The first part, removing the unnecessary U.K.-centric drafting, secondly, inserting the P.S.A. (Professional Standards Authority) accreditation voluntary register into schedule 1 and, thirdly, reinstating psychotherapists and also including counselling-related professions within the register. These 3 ...

The Bailiff:

At some stage will you tell us which Articles are reflected by those first, second and third things accordingly?

Deputy T.A. Coles:

Sir, it is all Articles in the amendment, other than the ones listed in paragraph 9 of my amendment. The U.K.-centric element.

The Bailiff:

That is your amendments 1 to 8 inclusive, yes?

Deputy T.A. Coles:

Yes, and then 10 onwards as part of that as well, Sir. Paragraph 9 deals with the schedule 1, which is interpretations and then items on the list of the schedule.

The Bailiff:

Right. If you just could you just repeat that. Your amendments 1 to 8 are the U.K. issue, yes?

Deputy T.A. Coles:

Sir, bear with me one second ...

The Bailiff:

Just so we know exactly where we are, you are proposing in ...

[15:30]

Deputy T.A. Coles:

Yes, Articles 1 to 8 and then 9 is the schedule, there is part 1 and 2 in that, but then there is at paragraphs 10, 11, 12 and 13 on the amendment page, Sir.

The Bailiff:

That is the third amendment to the third part.

Deputy T.A. Coles:

No, that is the first amendment. Then paragraph 9 in the amendment breaks down to 2 parts. There is a paragraph 1, which is the interpretations. Then there is the second paragraph of paragraph 9, which is the list of professions on schedule 1, Sir.

The Bailiff:

I see. It is everything, apart from your 9th amendment, and that is dealt with in 2 parts.

Deputy T.A. Coles:

Yes, Sir.

The Bailiff:

Thank you very much.

Deputy T.A. Coles:

I hope that is now clear as mud for all Members concerned, and if we go through it again we will do. These 3 elements work together to strengthen the law, modernise it and ensure that it reflects Jersey's constitutional position and practical needs. Let me be absolutely clear from the outset, this amendment does not lower standards, does not remove safeguards and does not prevent co-operation with U.K. regulators. What it does is futureproof legislation, preserves Jersey's autonomy and ensures a proportionate regulation for professionals already practising in our Island. As I have just explained, it is my intention to take this in the 3 parts, as just explained, and we will go back through that if Members require it. Just to be clear, on the third vote, just to add to the extra confusion, are a lot of individual professions to be introduced into the schedule, and if Members wish I can take those line by line. If there are professionals within there that Members want to include but do not, please indicate that to me and I will take it as a single vote line by line, and apologies for the extra delay that will cause to today. The Minister's comments paper suggests that: "Removing references to the United Kingdom would weaken alignment with the U.K. regulatory bodies and create uncertainty." That is not the case. The amendment removes the requirement to rely exclusively on U.K. registration. It does not prohibit reliance on the U.K. regulators. The Minister retains full power to use U.K. standards, U.K. bodies and U.K. qualifications. Nothing in this amendment prevents that. What it does is remove the structural requirement that Jersey's regulatory framework must for ever mirror whatever Westminster decides. We are a self-governing jurisdiction. Embedding the U.K. through our primary legislation unnecessarily ties our system to another legislature's future decisions; decisions which we have no influence over. If the U.K. changes its regulatory structures - and they do - Jersey should not need to amend its own primary legislation to simply maintain its functionality. This amendment increases flexibility, it does not reduce protection. The Minister's response appears to treat the U.K. as the only credible benchmark; I do not share this view. Healthcare standards are not exclusively preserved of one country. Highly-regulated professions exist in Europe, Australia, New Zealand, North America and elsewhere. Jersey already recognises qualifications from multiple jurisdictions in other contexts. We operate equivalency-based recognition systems in law, financial services and teaching. By removing the hard-coded reference to the United Kingdom, we will allow future Ministers and future Assemblies to consider other high-standard regulatory systems if they are in the interest of Jersey; that is the power of choice and not the rejection of the U.K. If U.K. remains the gold standard, it will continue to be used, but legislation should not unnecessarily restrict future policy discretion. The Minister suggests that recognising the P.S.A. accredited voluntary register -

that is the Professional Standards Authority - would mislead the public or equate voluntary regulation with statutory regulation. I believe this misunderstands the role of the P.S.A. The P.S.A. is the regulator of regulators. The P.S.A. accreditation is not casual. It involves independent assessment of governance, complaints procedures and standard settings and a public protection mechanism on top of this. These registers are already recognised across the British Isles as providing a proportionate oversight for professionals not subject to statutory regulation. The amendment simply allows that these accredited registers to form the basis of recognition in Jersey and on the Health and Social Care Professionals Register. Psychotherapists, professionals already practising in Jersey, all of them are currently regulated by the Care Commission, use the P.S.A.-accredited bodies to validate their qualifications and maintain their standards. The current drafting not only excludes them but removes them from current oversight. My amendment restores them into this structure in a standards-based way. This is not overburden, this is proportionate inclusion. The Minister raises 3 broad objections: inconsistency, public safety risk and regulatory burden, each is misplaced. Inconsistency, the Minister warns of a patchwork of regulators but the amendment does not require the Minister to accept any regulator. It simply allows the Minister to do so where appropriate. The Minister already has powers under the draft law, and it will be up to the Minister of the day to decide how those powers are used. It will be up to the Assembly of the day to challenge those orders should they stray too far. The public safety, the amendment does not remove the requirement for registration. It does not remove offences. It does not remove removal. It does not remove conditions or suspension powers. It does not weaken enforcement. It simply adjusts the gateway criteria so that Jersey law does not necessarily embed another country's legislative framework as the only qualifying standard. In fact it adds to public safety by requiring the maintenance of standards that this draft law seeks to remove in the terms of psychotherapists. It adds to public safety by requiring additional professionals to maintain their standards and add a level of accountability. Regulatory burden, the Minister warns that regulating psychotherapists could deter practitioners. But the amendment uses the P.S.A.-accredited bodies, the very bodies that many Jersey practitioners already belong to. This is not new regulation; it is continuity. Primary legislation should express Jersey's authority, not outsource it. We co-operate with the U.K., we align with the U.K., but we are not administratively subordinate to it. This amendment assures that our law reflects that constitutional reality. In closing, this amendment strengthens flexibility, preserves public protection, recognises legitimate accredited professional registers and futureproofs the law. It does not seek to weaken the framework, it refines it. For those reasons I make this amendment.

The Bailiff:

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

9.3.2 Deputy B. Ward of St. Clement:

I was not going to speak on this but, just listening, I am feeling very uncomfortable about the amendment that is being put in. I am really thinking I should express my objection. The U.K. governing bodies, they provide due diligence, as our registering bodies; it is for doctors, nurses, dentists. This is a huge range of governing bodies. It provides the confidence. The governing bodies are there to do investigations on complaints of professionals. They are a large organisation serving a large population. We have got their lawyers, *et cetera*. They make decisions on professionals, on their standards. They are the standards setting and they maintain the confidence and the protection on behalf of patients. For Jersey to ignore our U.K. governing bodies, in my view, is foolhardy. It is unsafe and, quite honestly, it is totally unaffordable, for Jersey to take on the role that our governing bodies do. We talk about trying to keep Jersey in line with £1 billion; to take on all the registering and all the work that they do would probably wipe out our income. I think we need to be really sensible. Jersey is equivalent to a small town. There is no town in the U.K. that would be wanting to do what is being proposed in this amendment. We have very safe governing registering bodies that look after our professions that we totally rely on for our healthcare and welfare, from the cradle

to the grave. We must have that litmus test. We must have that consistency with our governing bodies - I know that there are other governing bodies in America and whatever - but they have to come through one litmus test, and that is our governing bodies in the U.K. where it is enshrined in law; let us keep it that way.

Deputy T.A. Coles:

Sorry, Sir, can I ask a point of clarification?

The Bailiff:

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

Deputy B. Ward:

Yes, Sir.

The Bailiff:

Yes, Deputy Coles.

Deputy T.A. Coles:

The Member, I think, mentions that Jersey will be setting its own regulators up. I just wonder where she could point to in my amendment that I am suggesting that we are setting up our own regulators and not using the P.S.A., which is a governing body of the U.K. already?

Deputy B. Ward:

Just to give a bit of history, it was with the thanks of the Solicitor General back in the 1980s, Sir Philip Bailhache, that I went to see about setting up about having the word “nurse” protected in law. The easiest way would have been to have it on the United Kingdom Central Council, which was our nurses’ governing body at the time. All you had to do was put “and the Channel Islands”, so that would give us the protection and everything else; anyway, that did not happen. Then it changed to the N.M.C. (Nursing and Midwifery Council) and they still did not do it. Hence, we set up our healthcare registration body, and that is where it started. You can thank me and Sir Philip for that, with the Public Health Committee at that time, and dear Sir Peter Lambert; and that has evolved over time. A computer was set up, I am a nurse and I have to put in every year to the governing body here in Jersey and register every year at no cost. The computer is already there to cover the biggest group, which is the nurses. The next one in line is the G.P.s and the doctors and then the dentists, who still are responsible to our governing body. But we do register, so there is a computer list of those professionals already as we speak. I usually have a piece of paper that shows that I was registered as of last year until December this year. That is how it stands.

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

I rise again in my capacity as Minister responsible for the Jersey Care Commission. While I appreciate the intention, absolutely, behind Deputy Coles’s amendment, I am afraid I am unable to support it, as it would place responsibilities on the Care Commission that is not currently structured or resourced to fulfil. Adopting this amendment could create pressures that may unintentionally divert the Commission from its core role as a service regulator and lead to additional administrative and financial burdens. Although I fully recognise the Deputy’s commitment to public safety, the amendment introduces expectations that the Care Commission cannot realistically meet under its existing framework, and I will outline the reasons for this. The Care Commission is not a regulator of professional services. It provides a secondary registration system for professionals only. This amendment treats the Commission as if it were a professional regulatory body akin to the General Medical Council or the Nursing and Midwifery Council. Those bodies operate at scale nationally across the U.K. with large specialist teams, with statutory fitness-to-practise panels, detailed codes of professional conduct and legal infrastructure to investigate, sanction and strike off professionals.

By contrast, the Care Commission is a service regulator comparable to the U.K. Care Quality Commission, which inspects services, not individual professionals. That is what it was set up to do under the Regulation of Care Law. Expecting it to undertake full professional regulation would represent a fundamental expansion of its remit, requiring significant new resources and structural changes. Regulating psychotherapists, counsellors or other practitioners proposed will in fact have significant cost.

[15:45]

To regulate health and social care professionals meaningfully, the Commission would require proper professional regulatory infrastructure and specialist expertise with a significant increase in funding to cover those costs. The reason our longstanding policy in this area relies on the U.K. to do this work for us is that it costs a huge amount and exposes the taxpayer to great risks. To have effective local professional regulation we would need the following, that we do not currently have. First, the new regulatory infrastructure we would need to invest in to regulate these counselling professionals, effectively, includes codes of conduct and professional standards for each profession, clearly defined fitness-to-practise criteria, evidence-based assessment processes and a legal framework establishing powers and thresholds for sanctions. Among other things, that would also require the Minister for Health and Social Services to come back with further changes to this law to enable the Commission to regulate these professionals effectively in Jersey; that is more policy and legislative drafting time to pay for. This would all be bespoke and unique to Jersey because we would be the only place across the British Isles to do this. Secondly, we would need to invest in new specialist expertise for the Commission, including panels of professional peers, clinical and practice experts, legal advisers and investigators trained in regulatory casework. There are no existing staff on Island capable of performing these functions at a regulatory standard for psychotherapists and counsellors. Expertise would have to be imported, contracted or newly recruited. The establishment and operation costs would likely run into hundreds of thousands of pounds per year, where clearly there is no funding attached to the amendment. Without funding this exposes the Commission and, ultimately, the Jersey taxpayer to significant litigation risks. This is because complaints from the public would likely go unaddressed, fitness-to-practise processes could be easily challenged and the Commission would face legal liabilities for inadequate or flawed regulatory action. I also note the suggestion that accreditation bodies could carry out these functions. Last year in response to the Deputy's proposition on the same subject, officers considered this and approached organisations, including the British Association for Counselling and Psychotherapy, to ask if they would even be willing to act as a regulator for Jersey's counsellors; they said no. Accrediting bodies are not regulators; they have no statutory powers. They cannot strike off practitioners for practising in Jersey. They provide membership frameworks, not public protection. I emphasise Government has already explored this option and they cannot undertake the responsibilities proposed. Therefore, if the Care Commission does not receive funding to do this work itself, meaningful regulation simply will not exist. If the amendment were adopted without the necessary infrastructure, the public would, nevertheless, expect the Commission to take action on concerns about counsellors. However, without the appropriate powers or resources, the Commission would be unable to meet those expectations, which could undermine confidence in the regulator. Even if substantial new investment were made available, Members may wish to reflect on whether this is proportionate, given the wide range of health and care priorities facing Jersey. Without significant funding the proposal is, I am afraid, unworkable. Equally, I do not think that resourcing this would be proportionate. While I absolutely fully respect the intention behind the amendment, it introduces significant practical, legal and financial challenges that the current system is not equipped to manage. For these reasons I cannot support the amendment and encourage Members to reject it.

9.3.4 Deputy T.J.A. Binet:

With apologies for trying Members' patience, they may have to put up with me covering a few points that have already been covered by Deputy Ward and Deputy Luce. But I think such are the implications of accepting this amendment that I think it is right and proper that I go through the points of detail as coherently as I can, because there are real risks here. At the heart of this draft law is a single fundamental objective, to strengthen public protection by creating a clear, consistent and legally robust system regulating health and social care professionals in Jersey. Deputy Coles's amendment would, I regret to say, undermine that objective for 3 reasons. Firstly, it weakens the foundations of our regulatory system; secondly, it would grant sweeping new powers to the Minister for Health and Social Services on matters that should be decided by this Assembly; and, finally, proposing to include psychotherapists is premature, unsafe and it creates barriers to employment that exists nowhere else in the British Isles. I will address each of those points in turn. It weakens the foundations of our regulatory system because Jersey relies heavily on the U.K. workforce. Aligning with the U.K. is, therefore, logical, reliable and ensures that Islanders receive care from practitioners meeting clear and proven standards. However, Deputy Coles's amendment would break that link. It proposes that any regulator anywhere in the world, including non-statutory bodies, could become the basis for Jersey registration; that would introduce inconsistency, uncertainty and legal risk to our system. These are matters that cannot and must not be ignored. Public protection cannot be left to rely on a patchwork of global standard with no assurance or equivalence. My second point, the inappropriate increase in Ministerial power, is related to the first; it is concerned with the constitutional probity of what Deputy Coles proposes. Because, as I have outlined, allowing healthcare professionals who are not regulated by the U.K. regulator to register in Jersey would have such significant implications and alter decades of consistent policy. It must be taken on a case-by-case basis by the States Assembly. This amendment, however, would grant the Minister very broad powers to accept primary registration from any regulatory authority anywhere in the world or even from non-statutory bodies accredited by the U.K. Professional Standards Authority without reference to the States Assembly. To emphasise, if a Minister exercised these powers this could mean that 2 clinicians working side by side in Jersey could be subject to entirely different rules and levels of oversight. That level of inconsistency would weaken professional governance, undermine public confidence and risk Jersey's reputation, having moved away from the healthcare system previously aligned with the U.K. strong regulatory framework. If Jersey ever wishes to diverge from the U.K. regulation, that is a major policy decision and one that should be debated openly and approved by this Assembly, not made unilaterally by a Ministerial Order. For these reasons, it is clear that the Minister's powers should remain limited to including U.K. regulators only. Finally, Deputy Coles also proposes adding psychotherapists and an array or related titles, such as counsellors, play therapists and talking therapists, immediately into schedule 1. I think Members need to be clear on this matter. The proposition would only increase the risk to public safety because it would lead the public to believe that these professionals will be regulated, when in fact this regulation is entirely meaningless and ineffective. This is not a rejection of the importance of psychotherapy or counselling; far from it. But these professions are not currently subject to statutory regulation in the U.K., and the U.K. Government has been explicit that this area requires further consideration before regulation is introduced. Counsellors may be accredited to a body but those organisations are not regulators and could not be expected to act as such. In fact, the Government has already approached accrediting bodies for counsellors, including the British Association for Counselling and Psychotherapy, to ask if they would be willing in Jersey, and they are not. Therefore, the only way for us to regulate counsellors effectively would be to provide hundreds of thousands of pounds in funding to the Jersey Care Commission to run the system locally. If this amendment is adopted, Jersey would be attempting to regulate professionals that have no established statutory framework elsewhere, have no recognised or aligned set of protective standards, and have no statutory fitness-to-practise system in the U.K. with which we can safely align. It would also require significant further law changes to provide the Care Commission with the powers and the remit to act as a primary regulator for their professional practices. Those have not been provided for under this amendment,

so I am afraid it would be unworkable. As I have stated already, to implement effective local regulation would be hugely expensive and far less robust than relying on the U.K. statutory system, as we have done for decades. It is for this same reason that the Assembly rejected Deputy Coles's proposition to regulate therapeutic counsellors in P.21/2025 last year. In conclusion, this amendment does not strengthen the draft law; it weakens it. It does not enhance public protection, it exposes the public to risk and it does not improve our regulatory framework. It creates uncertainty and inconsistency at the very moment we are trying to bring uniformity, clarity and coherence. For those reasons I seriously urge Members to reject this amendment.

Deputy M.R. Scott of St. Brelade:

Could I please ask the Attorney General a quick question?

The Bailiff:

Yes.

Deputy M.R. Scott:

I just want to understand the definition of a regulatory body and if you have got a body that accredits people and it withdraws that, whether that could be interpreted as a regulatory function.

The Bailiff:

Is that a question you can answer, Mr. Attorney?

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

The Care Commission does not regulate individuals, it regulates services. It would be in doing that, but let us say for the sake of argument it did regulate individuals, it would be doing so in a public law sense. Its decisions may be susceptible to judicial review in the same way that I think the General Medical Council's decisions are. But the Care Commission, as presently formed, as I think Deputy Luce said, simply regulates overall services.

9.3.5 Deputy M. Tadier of St. Brelade:

I want to start by referencing an Oral Question that Deputy Coles asked the Minister on 3rd February this year. He asked the Minister: will he outline his reasoning for omitting psychotherapists from schedule 1 of the draft law?" What was the reason for omitting that? "The introduction of the new law was only ever intended to include those professions that are subject to statutory regulation in the U.K. Psychotherapists are not regulated by the Healthcare Professional Council and there is no statutory national standard qualification or fitness-to-practise requirements to which they could be aligned or against which they could be held to account. Local registration would not enhance public protection and to insist on it would create unnecessary red tape with no meaningful benefit to anyone. That said, should the U.K. introduce statutory regulation for psychotherapists in the future, the new law has been designed to allow them to be added very quickly and easily." What we are seeing here is, effectively, a circular argument being put forward by the Minister. On the one hand, he says that we must always align ourselves to the U.K. here, and I think this speaks to the first part of what Deputy Coles is asking for. Deputy Coles is not saying that the U.K. should not be used as the standard model to which this current Minister for Health and Social Services or future Minister for Health and Social Services should align Jersey's system. What he is saying is that if the U.K. is the gold standard that is fine, but if it happens in the future that the U.K. system becomes the silver standard or, should we say, even the bronze standard, any future Minister should be able to say: "There is a system in place in France, in Sweden, in Canada, in New Zealand, in Australia", because of course there are other countries in the world, other than the United Kingdom, which sometimes do things better, if we can imagine such a thing. If they were to have a model which was, in the future, better, the law would be drafted in such a way that would allow that flexibility for change. Even if it was not the case that the U.K. has slipped in its gold standard, it might be that another country like

Australia, like New Zealand, might have a platinum standard of healthcare regulation, which could be extended to psychotherapists. We get this strange argument being put forward again which refers to that circularity, is that we do not include psychotherapists in this list because the U.K. does not. But if the U.K. somehow decides automatically without any consultation with us that they are going to include that, then we will automatically include that as well. I do not think that washes and I do not think it is a reasonable explanation.

[16:00]

To say that Islanders would be somehow less safe if psychotherapists were not included in that requirement to sign up, that they would feel less safe because surely they could not be less safe. I thank Deputy Coles for providing the appendix that he did, with some very useful supplementary information in this regard. That it is very serious that if people are going to psychotherapists who purport to be providing counselling services, advice, whatever kind of therapy it is, that they should be subject to scrutiny and to those professional standards and their associations. I think that does provide a framework for doing that. I will simply refer back to what Deputy Coles says in his conclusion, so we know exactly what we are voting on: “This would remove unnecessary references to the United Kingdom to modernise this legislation and reinforce Jersey’s autonomy, while preserving the Minister’s ability to draw on the U.K. or other international standards where this is in the best interests of Islanders. It futureproofs the law and avoids the need for repeated primary legislative change as regulatory practice evolves.” How many times have we heard in this Assembly that we should not be slavishly following automatically what the U.K. is doing? I think we are being presented with a false dichotomy here by Ministers when they say this would divorce us from the U.K. in terms of the health practice system. It does not do that at all. It simply allows for this to be futureproofed, so that if in the future the U.K. is not moving fast enough, it does not include those extra areas that need regulation. Because of course we do not have control over U.K. budgets. Tomorrow, next year, the U.K. Chancellor of the Exchequer could decide that they are going to cut certain areas of the legislative programme or of the budget that funds healthcare, and we could see that we are being linked, if you like, in an unwilling 3-legged race with the U.K., when what we want to have is the ability to say: “You know what, I am going to uncouple myself from this and we are going to, in future if we need to, couple ourselves with other healthcare regimes, which might suit us better.” I reject that false dichotomy. I commend Deputy Coles for what he has put forward here. Certainly, for my part, I will be supporting the amendment.

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

It does appear that there are merits on both sides of the argument here. While I absolutely respect the Minister’s proposal to bring clarity and structure to what is an extremely important part of delivering health services, I also have some great sympathy for Deputy Coles’s argument. I find it, I am afraid, disappointing that the Minister is so focused on taking one track and not taking time to investigate how we could in fact deliver a better health service by looking to other nations and other practices. Those can offer different avenues of delivery and providing oversight to professionals that could assist in getting the budget under control, which of course, as we are all aware, he seems incapable of achieving. If I could provide one simple example, I am aware that in France senior nurses are also able to administer anaesthetics. I am aware that there was one such nurse who tried to seek a job in Jersey some years ago, and it took an incredible amount of time to find a role for that nurse. They were unable to deliver the very services that they were highly trained in delivering because of the rigidity of our structure. If we had been more open to seeking better practice from other places, there would have been a more cost-effective approach and solution for our health service. I am afraid I find this very difficult because clearly there are some technical issues with Deputy Coles’s amendment. However, I am deeply disappointed by the approach of our Minister.

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

I thank Deputy Moore for her comments. I would like to say there are advanced nurse practitioners in our health service who are stepping up to be at the top of their game. I would also like to say that Deputy Tadier seems to have ignored the important things that the Minister has said.

9.3.8 Deputy M.R. Scott:

Yes, I also sympathise with Deputy Coles. I do worry a lot about people practising poor psychotherapeutic practises in Jersey. I just think it is unfortunate because had this amendment been drafted a bit differently maybe I could have felt a bit differently about it. Because I think there is a difference between accredited bodies - and some are quite respected in the U.K. - as opposed to regulatory bodies, which have a more precise meaning. But this is expanding the net even outside the U.K. I think this merits much further thought but I am not tempted at this point to support the amendment.

The Bailiff:

Does anyone else wish to speak on the amendment? If no one else wishes to speak, then I call upon Deputy Coles to reply.

9.3.9 Deputy T.A. Coles:

I think there has been a lot of talk around different aspects of this but not pulling together where the differences and the parts lie. Maybe it would be good if I go back a little bit to the beginning in the sense that when this legislation was published I was on holiday at the time, still reading my Teams, looking for things as they are published because they are the points where we, as politicians, are always working. That started me on the journey with the legislative drafters to try to push forward what I was trying to deliver with these amendments. Of course my original objective was quite simple, that I wanted psychotherapists and counsellors to be regulated in Jersey because it is one of those practices that needs to be kept an eye on. We have issues over here with people with their mental health, and people need to make sure when they are going to these professionals that they have a standard of qualification behind them. But of course when you start that journey and you realise that to get that into the legislation you have to make a series of other amendments. This is where I really started with the drafters to make sure I was not going to compromise the legislation as it was drafted. But the main obstacle for getting psychotherapists and counsellors to be registered on this professional register was this intrinsic tie with the U.K. This is what I am saying with the first part of this amendment, the first vote is to remove that element of that rigid connection to the U.K. I said in my opening speech that by removing that rigid U.K.-centric drafting to the legislation, this does not stop the Minister still using U.K. regulatory bodies as the key centre of this. That is why I think it is really important when we consider this amendment, and removing the U.K.-centric part of this legislation, is what happens in an emergency situation? What happens if there is a scenario that we cannot foresee, say, another pandemic, where we are struggling for nurses, doctors but we can recruit them from France, our closest neighbour, somewhere where we can get a small boat across quite easily? This would allow the Minister to use the Ministerial power to recognise the French at that point to come in and work here. At the moment that would not be allowed. We would have to come back, change legislation and then work through that. This is just one example. Deputy Moore mentions the fact of a French nurse who could have been very well placed to help us over here. I am also aware of a professional within our health service at the moment who is a lot more qualified but just not in a body that we recognise. She meets the standards in one sense to become a G.M.C. (General Medical Council) member but not the standard to become a consultant in a particular field. I think that is a shame because this person is a very talented doctor, but this is where we are. I will reinforce the point for this. The first vote on this is that it is just to remove the U.K.-centric part. It does not mean that we cannot use the U.K. It does not mean that we are putting extra burdens on anybody. It is literally just the U.K.-centric part removed. It works exactly the same way; the Minister can provide standards. I am slightly concerned of how the Minister perceives this as well,

because he is talking about the order-making powers in the Assembly. But of course under the law, as drafted, the Minister has the order-making powers to put people into this register. If the U.K. decides that they are going to change the law and all of a sudden acupuncturists, for another example, have to be regulated, the Minister can straightaway say: "Right, acupuncturists in Jersey have to be regulated." I would happily support that because it is another profession I do believe needs to be regulated, with sticking needles into people. But it is not a decision of the Assembly, it is still a decision of the Minister. The Minister already has the powers and the law is drafted. The Assembly only has the power to annul. As Deputy Curtis mentioned yesterday, these powers are very specific for the Assembly and how the Minister does it. I do not want to confuse my second and third part of this amendment, which was my original objectives. Because the problem with being U.K.-centric ruins our autonomy. Let us give us the right to flex our own individual needs when we need them, when we foresee them. This does though lead me on to my second part, which is about the P.S.A., the Professional Standards Authority. The Professional Standards Authority was set up by the U.K. to provide oversight for the statutory regulators, people like the G.M.C., the Nursing and Midwifery Council and a number, to make sure that those statutory regulators comply with the statutory regulation that they are meant to, under U.K. law, deliver. The Professional Standards Authority - I am trying to remember which law it was now, N.H.S. (National Health Service) Reform Act - opened up their accredited register, where they do still require the professional standards to be there, a public protection mechanism, so that when a member loses their membership or does something that breaches the terms and conditions of their membership, they can be removed. Of course that is what happens with the G.M.C. and the Nursing and Midwifery Council. They call it being struck off under statutory powers, but you can lose your membership under one of these accredited registers. As this law works, they are not allowed to practise in Jersey. Both Deputy Ward and Deputy Luce were making out that this, as drafted, would make the Jersey Care Commission become the primary regulator. It is not, it is still that point of registering the service. The professional element of that would have to make sure they were a member of a body that complied and had the P.S.A. accreditation to verify their qualifications and standards. In the same way that previously the chiropractors and physiotherapists did not have to maintain their professional membership, and this law changes that so they do have to maintain that professional membership. It would put that responsibility on to psychotherapists and counsellors and anybody else from this list to maintain their register. It is not making the Care Commission set up as a primary regulator. They are still not doing that, and it is incorrect information. It then begs the question, when I had the Minister behind saying this amendment would make this meaningless but then the Minister for the Environment saying this would cost us millions. Which one is it? Is it meaningless or is it millions? Because I do not agree with either; I think it is proportionate and it is consistent with what is already there. It is creating the safeguarding. It is creating better public protection. Of course it was mentioned about my previous attempt for regulating counsellors and psychotherapists, and I know one of those other questions that came up in that debate was whether or not our consumer protection laws did enough to protect people from bad practise with counsellors. Because obviously psychotherapists, as it currently stands, are registered under the Care Commission. I seek now advice from the trading standards and the advice that came back from them is only retrospective. Someone would have to go to them and say: "I had a bad counselling service, I would like my money back" because that is all the trading standards can do. People have no recourse for bad practise when it comes under these unregulated services. Of course we talk about public confidence and the Minister mentions it in his comments as well. We know we have waiting times, especially mental health, which are longer than any of us would like. The reality of this is that it drives people to seek private services.

[16:15]

Islanders deserve certainty with those services. With counsellors and psychotherapists being maintained on this register having to show what their qualifications are before they are allowed to set up in practice and maintain those professional standards as the bodies that they can join as part of the

Professional Standards Authority, gives the public that certainty and those standards and those protections. I think that my amendments are appropriate. For clarity, the first vote again will be to remove the U.K.-centric part so Jersey can be flexible, or it can maintain what it is already proposing. It does not have to change it. That is a really important path for us to consider. Obviously, like I said, part 2 and 3 of this are my personal agenda, I am not holding that back, but I think the first part is really important so we can adapt in the future should we need to. I will call for the appel on my amendments.

The Bailiff:

The appel has been called for. The first vote is on parts 1 to 8 and 10 to 13 inclusive of the amendment, which remove references to the United Kingdom from the legislation. I invite Members to return to their seats, and I ask the Greffier to open the voting on that part of the amendment. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. I can announce the first part has been rejected:

POUR: 11		CONTRE: 29		ABSTAINED: 3
Connétable of St. Clement		Connétable of St. Helier		Deputy K.L. Moore
Connétable of St. Mary		Connétable of St. Brelade		Deputy D.J. Warr
Deputy G.P. Southern		Connétable of St. Peter		Deputy A.F. Curtis
Deputy M. Tadier		Connétable of St. Martin		
Deputy R.J. Ward		Connétable of St. John		
Deputy C.S. Alves		Connétable of Grouville		
Deputy S.Y. Mézec		Connétable of St. Ouen		
Deputy T.A. Coles		Connétable of St. Saviour		
Deputy B.B. de S.V.M. Porée		Deputy S.G. Luce		
Deputy C.D. Curtis		Deputy L.M.C. Doublet		
Deputy L.V. Feltham		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy I. Gardiner		
		Deputy I.J. Gorst		
		Deputy L.J. Farnham		
		Deputy Sir P.M. Bailhache		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		
		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 B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

The Bailiff:

I move on to the second matter ...

Deputy T.A. Coles:

Sir, I think beyond that the rest of it falls away because this then does not U.K. statutory provision without those bits being removed.

9.4 Draft Health and Social Care Professionals Register (Jersey) Law 202- (P.15/2026) - resumption

The Bailiff:

Understood. The rest of the amendment falls away so we return to the Second Reading. Does anyone else wish to speak in second reading in relation to the Articles? Deputy Bailhache.

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

I did share some of the concerns of Deputy Coles but I did not speak because I thought that his amendment was effectively blown out of the water by the speeches of Deputy Barbara Ward and the Minister for the Environment. It was just impractical to do what the Deputy wanted us to do. But there are concerns about the law, which I would like to share with the Assembly. In particular I am looking at Article 2 of the law: “References to United Kingdom Acts and subordinate legislation.” What Article 2 says is: “If this Law, or Regulations or an Order made under this Law refers to an Act or subordinate legislation of the United Kingdom - (b) Article 6 of the Legislation (Jersey) Law 2021 applies in relation to that Act or subordinate legislation of the United Kingdom ...” and what Article 6 of the 2021 Law says is: “If any Jersey legislation repeals any Jersey legislation and re-enacts any of its provisions ... references in any other Jersey legislation to the provisions so repealed ... are construed as references to the provisions so re-enacted.” Put in plain language what that means in relation to United Kingdom legislation is that if the Opticians Act 1989 of the United Kingdom is re-enacted by some other United Kingdom Act, then that re-enacted United Kingdom Act applies automatically in Jersey. That ought to give us some pause for thought, I think, because it may not be possible to do it in any other way. I would be interested to know in due course whether the Attorney General has any thoughts on this front. It is rather alarming that we should be subordinating ourselves to legislation of the United Kingdom in this way. That leads on to the second thought, which is that in Article 3 we apply a definition of scheduled occupation as meaning an occupation listed in column 1 of schedule 1. If we go to schedule 1, we see a whole list of scheduled occupations, far beyond the occupations which we at the moment have applied to Jersey under the existing laws relating to registered medical practitioners, opticians and so on. I just wonder whether - and this is a question for the Minister, not for anybody else - the Minister did give any consideration to the possibility of taking this step by step, by applying the Health and Social Care Professionals Register Law merely to those occupations which are subject to legislation in Jersey at the moment, taking it gradually, without necessarily bringing in the whole host of scheduled occupations which are dealt with in the first schedule. That in itself leads on to another point, which I think was considered by the Health Scrutiny Panel, which is the position of the Jersey Care Commission in relation to this legislation. My understanding - and I do not have the piece of the Scrutiny Panel in front of me at the moment, and I cannot recall whether in fact we mentioned this in our report or not - is the Care Commission was very concerned that it did not have the resources to deal with the wide range of scheduled occupations that are listed in the first schedule. There seemed to be a disputed between the Minister

and the Care Commission in that the Minister was saying: “Well, Care Commission, you have to deal with this under your existing resources” and the Care Commission was saying: “We do not have the resources to deal with this regulation.” This is a matter which I hope the Minister will deal with in his reply as well.

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

My comments are going to be very short but in a different direction to what many might expect. It could equally be in the First, Second or Third Reading but I will reference Article 41 in particular, and note that I think the Articles ultimately propose a new consolidated register, one that sits in the Care Commission is very good. Article 41 repeals a number of laws which would fall into this, and one that I want to highlight is the Opticians Registration 1962 Law. You may know that Article 4 of the Opticians Law requires that register, now to be repealed, to be affixed to the Lobby of the Royal Court. I tried inspecting it last year in an interest of registers in general, and not only was it not affixed to the Lobby of the Royal Court, it was not accessible as a paper copy at the Judicial Greffe’s reception. I am very happy that this is being repealed so data is kept up to date. I would make the wider comment, it is incumbent on all Ministers to make sure that the registers that are established under them in statute are published. Some of them are big, some of them are small, but currently clearly registers, and in the context of the discussion the Assistant Chief Minister had on Monday on the F.O.I. (Freedom of Information) Law and proactive publication of data, ensuring that this data is published in a central place is important. I give note to one example again; the Reservoirs (Registers and Records) (Jersey) Order sets up a register for reservoirs. Notwithstanding this being a statutory obligation, in 2025 the Government replies to an F.O.I. called “Reservoirs in use”, saying that they did not hold a register of reservoirs. So it is important that we take this seriously, that the access to information is there, and I would like to use the repeal of Article 41 as an example to Members.

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

Perhaps I can accept Deputy Bailhache’s invitation. He is right in the way he reads the effect of Article 6 of the legislation law, as it would apply if the provision in which - for the moment I have lost - this draft law is enacted. I understand his constitutional discomfort but can I offer these thoughts, I hope by way of reassurance. What plainly would be unconstitutional would be for the U.K. to purport to impose on us its legislation without our prior knowledge and agreement. What is being proposed here is different in substance, which is it would be this Assembly - if this law is adopted - deciding in its own domestic sovereignty, because we are autonomous in domestic affairs, that for the purposes of deciding who is a person who is fit to practise in Jersey it would give effect, in reality, to U.K. legislation. I take that to be, as I say, different in substance. It is a sovereign act of this legislature to take that decision, and it would be a sovereign act of this legislature to decide to amend or reverse that decision at any point if it saw fit. I hope that is helpful.

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

I wanted to follow up on my panel member Deputy Bailhache’s point about the Care Commission. It might be helpful to Members if I gave some detail from the letter that we had from the Care Commission. They have stated: “The cost estimates are based on a number of assumptions. Some of these, such as the projected number of new registrants, have been provided by Government. We have been explicit in our discussions with Government that where assumptions are used there is a risk that the associated costs may be underestimated. While we do not anticipate significant additional costs, we have advised the Cabinet Office that the Commission would not be able to absorb any financial risk arising from underestimation.” Of course I did raise this during the in-principle debate, and the Minister in his summing up did give his reassurance that it would be the case that any costs would be covered.

9.4.5 Deputy J. Renouf of St. Brelade:

Also partly to respond to Deputy Bailhache's point, I think it would be helpful if the Minister could make it clear in very explicit terms the situation with regard to funding of the Care Commission for these. It was certainly the case at one point that we were told that there was a disagreement with the Care Commission about where the funding would come from, and that the Care Commission had said that they could not fund it from within their existing budget, and the Government had said that they would have to. I believe subsequently that there were discussions that resolved this issue, but I think it would be very helpful if the Minister could resolve that in summing up.

[16:30]

I would also perhaps take a slightly different view to Deputy Bailhache in terms of the point about the U.K. taking a degree of sovereignty in relation to the registration of professionals. I see it from a slightly different point of view, which is I think the direction of travel - which I kind of welcome - is greater integration into U.K. standards. I have in mind the Mascie-Taylor report that was so critical of elements within Jersey's health service that had strayed too far from accepted standards. I think there has been a journey since then to correct that, and I think the Articles in this legislation give some effect to another aspect of that, which is the registration of professionals. I think the comfort that people who are coming from the U.K. to work in Jersey will feel that there is a shared regulatory framework which extends to registration is a positive thing, and that degree of standardisation is welcome. Not least because we know that - from the direction of travel that the Minister is pursuing in terms of treatments, partnerships with 5 different bodies in the U.K. that we will partner with and send patients to on a regular basis, and essentially indeed have their experts come over to Jersey to treat over here - that integration does imply a degree of convergence in regulatory terms. Therefore, I think that the sovereign decision, as the Attorney General has pointed out, to align ourselves in that respect with closer alignment to the U.K. makes sense, given the direction of travel of the policy framework within our health service. I hope that helps.

9.4.6 Deputy M. Tadier:

I was just thinking about part of what we are debating here - it is only a small part - but I think Deputy Coles followed by Deputy Bailhache has now triggered I suppose a mini debate on a specific issue about Jersey's sovereignty. Really what we are debating here is a kind of ambulatory regulation that we often most see in financial services legislation, but we are seeing it here in healthcare regulation. What we mean by that - and what the Attorney General helpfully referred to - is effectively that the reality around where we are in hock to a larger parent jurisdiction, and whereby our health system is so closely linked in so many ways to the U.K. health system, is that we will subordinate ourselves voluntarily to their will, and also when they make changes they will automatically come into force in Jersey and we do not get to have the debate and say over that. It just automatically comes into force because that is the decision that we have made. That may be a pragmatic way to look at it. I was trying to think of a reasonable analogy, and the first one I came up with was imperfect. It is a bit like me saying I go home at the weekend and I have got a plan in my head about what I want to do, but I may get an indirect instruction - this is all hypothetical - from my mother-in-law. She might say to me: "It is a nice day today, is it not?" and I am thinking: "It is a nice day, probably a nice day to go out for a walk with the dog." She says: "It is a nice day to wash the car, is it not, Monty?" I will say, "Yes, that is right." So I will think to myself: "I am going to wash the car but I am not doing it because she told me to, I am doing it because I want to and it is my own decision that I have come to because I am an autonomous person." So I tell myself that and then we have got a nice clean car for the weekend and we are all happy, until of course maybe the dog gets into it on Monday and it gets muddy again. But that is a different story. But that is slightly imperfect. I certainly miss a couple of the old country Constables that we used to have in the Assembly who used to give good food-related analogies. I will not necessarily mention their names but we do need a good food-related analogy from time to time. It is probably a bit more like me going into an exotic restaurant with a friend of mine, and I do not really know this type of new cuisine so I say to my friend: "I am just

going to have what you are having.” Then he orders and I just get the same as what he is having, irrespective of whether that is good or bad. Then after a few times I go into the restaurant and I am still doing that 10, 15 years, maybe 800 years down the line, and I still have not decided what my own mind is. But it is OK because I am voluntarily deciding to eat whatever my friend is ordering. That would be a strange thing for somebody who purports to be autonomous, to simply defer to my friend, especially when I am supposed to have my own knowledge and awareness of what that restaurant is serving by now, I have been to it so many times. That does not really wash philosophically. So I think the challenge to the Minister in all of this ... we have been told that the amendment from Deputy Coles was not the right one, but I think he does need to take into account - either now or into the future - those examples of saying that the U.K. will not always have the best healthcare systems. We do have lots of very competent workers in Europe who are right on our doorstep, we have also got some great healthcare facilities right across the water in Brittany, in Rennes, for example, and no doubt in Normandy as well, where there will be workers who could come and work in Jersey in our hospital, and they may not be able to do that because of the requirements for us being so closely linked to the U.K. That is a challenge that the future Minister for Health and Social Services does need to provide some reassurance, not just to Members in this Assembly but to the wider public, especially given that we are seeing workers in healthcare come from further and further afield. They are most welcome in Jersey because we do need them and we do need qualified workers from all over the world.

The Bailiff:

Does anyone else wish to speak in Second Reading? If no one else wishes to speak, I call upon the Minister to reply.

9.4.7 Deputy T.J.A. Binet:

I am tempted to say that I think I covered all the important points in my speech, but I will make a couple of comments. I would like to thank Deputy Doublet for reminding Members of the commitment that I made with regard to funding. I thought we had resolved our funding issues with the J.C.C., but if we have not I am sure we are going to deal with them. I think we need a reality check here; either we want to regulate health in Jersey properly or we do not. There has been an awful lot of naivety in some of the comments made. It is about a little more than washing your car or taking your dog for a walk. We are trying to align ourselves with a single system in the first instance because we have not even got a proper centralised register of all the people practising here. We are starting from a very long way back and we are talking about having a pick and mix, and a system where in the hospital we can have various people working in the same department under different regulations. I cannot see how much more naïve one could hope to be. We need to start from the simple base that we have got and work going forward. There may be a time when everything is perfect and we can very carefully select to go in a slightly different direction, but let us face the facts. We have to get our house in order in the first instance, and that is what we are trying to do here. I would also like to thank the Attorney General for answering a question that I would not have had a dog’s chance of answering, and I hope that has provided some clarity for Members. But I just make the point again, it is very important that we recognise where we are, stick to our guns and take a good, clear approach to things.

The Bailiff:

Is the appel called for? The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The Articles have been adopted in Second Reading:

POUR: 41		CONTRE: 0		ABSTAINED: 2
Connétable of St. Lawrence				Deputy K.L. Moore

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

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

The Bailiff:

Minister, do you propose the matter in Third Reading?

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

I do, Sir.

The Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does anyone wish to speak on the Articles as adopted in Second Reading, in Third Reading? Those Members in favour of adopting the law in Third Reading, kindly show. The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading:

POUR: 41		CONTRE: 0		ABSTAINED: 2
Connétable of St. Lawrence				Deputy K.L. Moore
Connétable of St. Brelade				Deputy K.M. Wilson
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				

Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

10. Draft Termination of Pregnancy (Jersey) Law 202- (P.16/2026)

The Bailiff:

The next item is the Draft Termination of Pregnancy Law, lodged by the Minister for Health and Social Services. The main respondent is the chair of the Health and Social Security Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Termination of Pregnancy (Jersey) Law 202-. A Law to replace the Termination of Pregnancy (Jersey) Law 1997, to provide for the circumstances in which a termination may be legally performed and to introduce offences related to providing terminations outside of those circumstances. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

Sir, if I may I would like to hand over to the Assistant Minister, who looks after women's health.

10.1 Deputy A. Howell of St. John, St. Lawrence and Trinity (Assistant Minister for Health and Social Services - rapporteur):

Termination of pregnancy is a complex and sensitive subject that divides opinion among Islanders, and I am sure among some Members of this Assembly. But today we are not debating whether termination should be legal in Jersey - it is legal - we are instead considering whether to adopt a new law which repeals our existing 1997 law and brings forward new provisions related to gestation limits, grounds for termination, offences and other associated matters. A new law which seeks to

better reflect current societal values, take account of changes in clinical practice, and meet the needs of women faced with a decision that for many - if not all - is one of the most difficult they will ever have to take; a deeply personal decision that, regardless of our personal views on termination, is not one for us to deny women the right to take. It was a previous Minister for Health and Social Services, Deputy Wilson, who initially commissioned a review of our existing termination law, with this Assembly deciding in December 2024 that a new law should be brought forward for consideration. The provisions before us today have been shaped by responses received to our phase 1 and phase 2 public consultations, through detailed discussions with on-Island providers, and through examination of legislation in other jurisdictions. Both those consultations indicated strong support for modernisation of Jersey's existing legal framework, albeit some respondents expressing opposition to termination in any but the most limited circumstances, and with a wide variation of views of how best to proceed. What the new draft law sets out is not novel or groundbreaking. It is built on legislative changes brought about in other jurisdictions, for example the U.K., Guernsey, the Isle of Man, Australia, and Northern Ireland. Before I provide an overview of the key provisions of the proposed new law, I must address the matter of service limitations. This draft law, if adopted, will extend the circumstances in which terminations are legal in Jersey, but this does not equate to being able to offer later stage termination services on-Island. The provision of termination services require health and care professionals who are willing to participate and, as matters currently stand, only a limited number of doctors will provide the service. Furthermore, we need a workforce with the necessary skills and training. In the U.K. post-20 week terminations, which carry risk, are generally provided in specialist facilities.

[16:45]

Even if Jersey were able to recruit staff with the specialist expertise, our small population size would inevitably lead to deskilling over time. Our services must first and foremost be safe. We cannot extend on-Island services, regardless of what the law permits, if we cannot assure safety. You might ask, why bother amending the law if we cannot provide the service. But amending the law as proposed helps destigmatise termination. It says to women: "You do not have to justify your decision. You have the autonomy to decide what is right for you within the legal gestational limits." Furthermore, it provides clarity as to when women may be referred to the U.K. for a medically necessary termination, and it allows us to provide an extended service if the workforce is available in future. So what does the proposed new law do? It allows a woman to have a termination on any grounds up to 22 weeks gestation, as distinct from the current 12-week limit on the grounds of distress. We do not have to force a woman to justify a decision by citing distress, because that is demeaning. It impinges on her autonomy and theoretically requires a doctor to determine the presence of distress as opposed to anger, fear, stress or any other human response. The draft new law also permits terminations at any point in the pregnancy, i.e. beyond 22 weeks gestation, on limited grounds, including if the termination is necessary to save a woman's life, to prevent serious injury to her physical or mental health, to prevent significant risk to another foetus in the case of multiple pregnancy, or in the case of serious foetal anomalies. Terminations on those few limited grounds are commonly referred to as medically necessary terminations, although I accept this language - like much of the language associated with terminations - can be disputed. The proposed 22-week limit for terminations on any grounds as opposed to medically necessary grounds is based on the concept of viability of life. In short, international consensus states that the end of the 22 weeks gestation is the cut-off for viability of life. In other words, a foetus born after 22 weeks may be born alive, even if that life is momentary. Different jurisdictions have made different judgments about gestational limits for non-medically necessary terminations. Some are more restrictive, such as the 90-day limit in Italy, or the 14-week limit in France. Others have limits broadly linked to the viability of life, such as 22 weeks in Iceland or 21 weeks in New South Wales. Some - including the Netherlands and the U.K. - permit non-medically necessary terminations up to 24 weeks. There is no straightforward or correct answer when determining gestational limits, as indicated by the

decisions taken in these other jurisdictions. But a threshold has to be agreed and the 22-week viability of life limit was supported by the majority of phase 2 consultation respondents when taking into account those who support reform of our existing law. In linking our threshold of viability of life we recognise that the threshold may change in response to medical advances, hence the draft law allows this Assembly to amend the 22-week gestational limit by regulations. As stated, the draft new law permits terminations at any point in a pregnancy in the case of serious foetal anomalies. Such terminations are currently permitted in Jersey up to 24-weeks' gestation, but removing the 24-week limit brings us in line with the U.K., Australia, and New Zealand. Permitting terminations on grounds of serious foetal anomalies brings concerns about human rights, specifically regarding the rights of disabled people. But we must note that in 2021 the U.K. Court of Appeal ruled that termination does not interfere with human rights of disabled people, or people with Down's Syndrome. While the draft law defines serious foetal anomalies - unlike the existing law - clinical judgment is still required to determine when the threshold is met, i.e. when the anomaly is serious as opposed to non-serious, with doctors working in accordance with the British Medical Association, and the Royal College of Obstetricians and Gynaecologists' clinical assessment guidelines. In all cases, a termination at 22 weeks or more is only permitted if 2 doctors agree that the limited grounds for termination are met. Removing the existing 12-weeks limit and allowing terminations up to 22 weeks on any grounds provides women greater choice. That is important but it is also the case that early terminations are generally safer. For this reason the draft law seeks to remove barriers to access, including removing the existing requirement to consult 2 doctors unless, as stated, the termination is at 22 weeks or more. A woman who is having a termination before 22 weeks need only consult one doctor, although that doctor may require a second consultation if they consider it necessary. If they are concerned about matters such as coercion, the woman's mental health or physical health, or whether the doctor wishes to exercise their right to refuse to participate. The one consultation requirement allows women to self-refer into the termination service as opposed to requiring referral via a G.P.. The consultation must be in person as opposed to by phone or video, to better support confirmation of gestational age or allow identification of potential coercion or abuse. Unlike the U.K., the draft law does not permit telemedicine terminations with remote consultation and abortion pills by post, as the same geographical access issues do not exist in Jersey. But it does allow the States to permit telemedicine by regulation or Ministerial Order in the event of pandemic or other time-limiting exceptional circumstances. In the case of medical terminations the woman may take the medication at home or at another safe place in Jersey to help minimise anxiety, but the doctor must be satisfied the medication will only be taken in Jersey, nowhere else, in the event follow-up care is required. Any woman in Jersey may have a termination. There are no residency or age restrictions, but the draft law which requires a woman's informed consent does set out how a doctor should proceed when the woman is a minor who does not understand the nature and implications of a termination. Our existing law is silent on all matters related to consent. Termination is a paid-for service in Jersey, albeit many women are exempt: under-18s, full-time students, women in income support households, women whose pregnancy arises from incest or rape, and any woman who has a medically necessary termination, regardless of gestational period. There are known concerns about the principle of charging and potential impact on access to the service, hence while the Minister intends to retain fees, set by order rather than policy to provide transparency, those fees and the principle of charging will be reviewed later this year alongside contraception fees. A health professional may refuse to provide termination services or related services, such as acting as a surgeon or anaesthetist, during surgical termination. This right to refuse, which mirrors the Assisted Dying Law we have just approved, can be on any grounds, not just conscientious objection, unless an emergency termination is immediately required to save the woman's life. The right to refuse is accompanied by employment protections for those who participate in termination services and those who do not. Employment protections will have particular importance if at some point in the future this Assembly adopts regulations to permit terminations to take place other than in H.C.J. facilities, for example if another provider establishes a termination clinic in Jersey. The draft law also allows this Assembly or the

Minister to decide in future to permit professionals other than doctors to provide medical termination services. This could include midwives, nurses, or potentially a prescribing pharmacist, as is common in other jurisdictions. Our existing law provides that both woman and doctor commit an offence if a termination does not accord with the provision of the law. In contrast, the draft new law states that a woman cannot commit an offence in relation to her own pregnancy on the basis that a woman who seeks an unlawful termination or attempts to perform one on herself, is likely to be vulnerable and in urgent need of support and assistance, with any resulting investigation compounding her associated trauma. But this does not remove criminal liability from others, including healthcare professionals who act outside the law, or any other person who acts with intent to cause a termination, for example by administering medication. This includes a person who acts without the woman's consent, with the potential penalty of life imprisonment; or with the woman's consent, with potential penalty of up to 14 years' imprisonment or a fine, depending on the circumstances. It is similarly an offence to attempt to cause a woman to have a termination by the use of force, undue threat, or undue coercion. Importantly, the draft law also provides that it is an offence where a doctor fails to ensure a woman has been informed about the availability of counselling before their termination. Participation in counselling is not mandatory but the Minister must by law provide counselling and the woman must by law be informed about counselling. As I have previously stated, there is nothing novel in this proposed new law. It is built on the experience of other jurisdictions and accords with the views expressed by many Islanders. It works to protect health and care professionals and to respect their views on termination. It provides a framework of regulation or orders that allows us to adapt the law in future, whether to increase or decrease gestational limits, change the grounds associated with termination, or permit other professionals to provide services. Last week the Scrutiny Panel provided comments to the draft law, for which I thank them. They asked that we monitor the impact of the new provisions with a view to supporting workforce planning, identifying and removing any ongoing barriers to access, and revisiting the issue of extending gestation limits for non-serious foetal abnormality. I commit to doing this in the knowledge that the framework and reporting requirements set out in the draft law, coupled with the regulation and order-making powers, will allow this Assembly to take action if required. Further to this, the draft law also allows us to introduce safe access zones by regulations in the event we determine it necessary, recognising that in Jersey - despite the differences of view we may hold - we have the privilege of living in a community of people who respect the choices, beliefs, and needs of others. Before us is a draft new law that is underpinned by current medical practice and better reflects the shifts in some societal values that have taken place in the 30 years since we first legislated the termination of pregnancy. I move this proposition.

The Bailiff:

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

[17:00]

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

I will be brief. I wonder if the Assistant Minister could assist me, as there are a few things that are bothering me. I fully defend the woman's right to choose. What does bother me is the 22 weeks, which is very, very late. There was extensive coverage of twins born prematurely at 22 weeks, both mother and twins doing extremely well. The twins have put on a lot of weight; perfectly healthy babies. I think the Assistant Minister knows where I am coming from here. This is a particular thing that is bothering me. Obviously if there is some medical problem or the mother's life is in danger, so be it, but it is the late 22 weeks, which is 5½ months that does bother me.

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

It was a difficult decision for me to speak earlier or later in the debate because I am really keen to hear all the speeches and to be able to respond. The previous point gives one example. I do not have

time to fact check that, but I hope one of the other Members might fact check that and respond to it. The Assistant Minister mentioned the Scrutiny comments. I hope Members have had a chance to view those. I will briefly go over those comments, and I just wanted to emphasise that we did have some variation among the panel in our views on this legislation and the comments very much reflect that. I took great care to make sure that all views were represented in our comments, as of course this is a matter of conscience for many. The comments that my panel have published make it clear that our current law - as the Assistant Minister has stated - is completely outdated and no longer fit for purpose. Even at the point of introduction it was probably quite outdated because it replicated a 1960s law from the U.K. That element within the law of having to be in distress in order to access a termination is one of the most egregious parts of that law because women need to access terminations for all sorts of reasons, and I think distress is probably one of the things that may be experienced by a woman, but also it can be a perfectly rational decision based on perhaps consideration of existing children and ability to care for them, and things like cost-of-living pressures. I wanted to note that I am aware that in the Island there are Islanders who are accessing terminations because they cannot afford to have children and at times there are pregnancies that are wanted but are not affordable. I think that is something that we must take very seriously, and I know that the next Government will have to tackle the challenge of making this Island more family friendly. The panel found that this law does reflect the intention of the Assembly and it gives effect to the Budget amendment that my panel put into the previous Budget, which was supported by the Minister and by the Assembly to bring forward such a law. It is based on some very thorough consultation, in fact, 2 rounds of consultation. I do not know if Members had a chance to look at those consultations, but very fine points of detail in that consultation, weighing up the different elements in the law. In my view, a very well-conducted consultation. We have been grateful to be closely involved in the process of the law being developed, and we are grateful to the Ministers for that. There is strong public support for modernising this law; that is something that is very clear, and indeed strong stakeholder feedback from professionals as well. This law is evidence-based and is a good law. We did find that albeit the Assistant Minister has clarified to us that terminations beyond 12 weeks may not be able to be carried out on the Island, that might be something that changes in future, but changing the law does provide clarity to professionals so that they know what is allowed in the legislation and what is OK. The law needs to come first really. Aside from Scrutiny, I personally do feel that it is important that we work towards providing that service genuinely in Jersey, and I hope that the health service will be able to perhaps actively look for clinicians that could provide that. Of course, we must respect the existing clinicians who have said that they do not want to do that, we must respect that, and I think it would be worth actively recruiting so that women in Jersey do genuinely have options. But of course I note that most terminations - I think it is in the high 90 per cent - are performed before the 10 weeks, which would be a medical termination using the medication. So we are clear, despite the fact that the services cannot be expanded at the moment, the legislative reform is appropriate and it is necessary. I thank the Minister and his officers for clarifying this in our public hearings as well. This law change, as the Assistant Minister has mentioned, will reduce stigma and I think that we cannot understate that because the feelings that we talked about, the distress and perhaps other feelings, can be amplified when you are in a jurisdiction where the law is different from many others. That can cause actual psychological harm to women who are in that situation. In terms of the future modernisation there are some things that we have identified. Again, the Assistant Minister did mention some of these. I want to emphasise that our main concerns are not around the principle of this legislation but just some small things around the implementation and the future workability of the law. We talked about counselling services, and we note that counselling has to be suggested, the information has to be given. What we could not see in the law was how soon would it be available, because of course if you are making a decision about accessing a termination you would want to access counselling within days really. This is something that I would be grateful if the Assistant Minister could address whether that counselling is going to be genuinely accessible within a very short timeframe. Will that counselling be culturally sensitive? Will it be trauma informed? Will

there be robust training for those counsellors that they can offer the type of counselling and be flexible enough to offer counselling that is necessary? Also, will there be counselling available to women post-termination and to women who access a termination off-Island. I can see the Assistant Minister nodding so I hope that she will address that when she responds to the Assembly. We also flagged about remote access to consultations, and I will come on to that a little bit later because I am going to talk about my own personal views as well as the Scrutiny view. The cost of terminations stands at £185. I looked back at the proposition which I brought to the Assembly, which I think was in 2021, to remove the compulsory 7 day ... I think it was called a “cooling-off period” which is extremely offensive, but it was the 7-day waiting period that women had to endure before they could access a termination. The cost at that time was £185, so it is good to see that the cost has not been raised, but still it is a lot of money, especially when you are facing obviously difficult circumstances. If you are accessing a termination because you do not have the financial means to raise a child then £185 is a huge amount of money, and it is also a barrier to any women who are being abused. We know from the V.A.W.G. report that financial abuse is a feature of the vast majority of domestic abuse cases, and of course sexual abuse might be a feature of that abuse, which might result in an unwanted pregnancy. So there are interactions there which I think have not been adequately addressed, albeit I do acknowledge - and the panel does acknowledge - that the Minister has given us a list of criteria that she, by discretion, offers that service for free, which I think includes Islanders who are in receipt of income support and young people. I think the Minister mentioned some other criteria. This is my personal view. I do think that should be expanded and I think that one of the criteria that should be on that list is being a victim of any type of abuse. I also feel that single parents should also be able to have that discretion, if the Minister could consider that. Sorry, I am slightly jumping around between Scrutiny and my own views. I will return to the Scrutiny comments now. When we looked at the cost around this service we did also discuss the cost of contraceptive services. Again, there was a range of views on the panel about this. Some of us felt that contraception should be offered entirely free of charge, other panel members felt that there should be perhaps some charges, for those who can afford to pay. That was an interesting conversation. What we have recommended in our comments is that termination of pregnancy itself should be offered free of charge, and that should be as part of a comprehensive and equitable reproductive healthcare system. Equity meaning that those who need to access contraception should be able to do so, and those who cannot afford to do so I think should be able to do so free of charge. This should form part of the women’s health strategy work, the ongoing review. So the panel are cautiously supportive of these reforms and we recognise that it is an important step, a progressive step for Jersey, but we do emphasise that the effective implementation and operation of the law should be very closely monitored to ensure that the intent of this legislation is fully realised in practice, and that all women and girls experience safe, timely, and equitable access to services. We recommend that monitoring, evaluation and an ongoing review of the law are incorporated into the development and the delivery of the women’s healthcare strategy. Of course there are various different touchpoints at which if you do not have a wider women’s healthcare strategy that is robust and delivering effective services ... termination services might be less needed if the other services are improved. So if that could be considered we would be grateful. Workforce capacity should be considered, counselling availability, cost and access pathways should all remain under continuous scrutiny. We also discussed the gestation limit and we noted that the proposed limit of 22 weeks is based upon viability. I will talk a little bit more about this in a minute, when I take my Scrutiny hat off. One thing that the panel did agree on in that respect ... and of course whenever we are having any kind of ethical discussion around termination of pregnancy, the point that becomes the ultimate ethical point to consider is up to what point should termination services be reasonably available on demand. What my panel did agree on is that if there is to be any change to this whatsoever that it needs to be presented to the States Assembly and given full consideration by the States Assembly. We also felt that off-Island care pathways should be very clear to anybody who needs to use those. I think that I have covered adequately all of the Scrutiny views but I am sure my panel members, when they make their speeches,

will cover anything that I may have missed. So I would like to take my Scrutiny hat off now, and I am going to again say to the Minister that I welcome this legislation very much so. Last term when I was a Back-Bencher preparing my own propositions, at the end of last term I had a piece of work, the culmination of several months of work and consulting with professionals and different bodies, and I had a proposition that was ready to go to request the Minister to reform this legislation.

[17:15]

Luckily, when the new Government was assembled at the beginning of this term, I had some conversations with the previous Minister for Health and Social Services, and she was very much in agreement with what I wanted to do. I had some discussions with my co-Assistant Minister for Home Affairs, Deputy Jeune, and we were very lucky to be able to have an early input into that. I sent that draft proposition directly to the previous Minister. So I am grateful in the way that that was taken on board. The list that I had in that proposition, I compared it to what is in this legislation, and there is one thing that is missing that I would like to highlight today; not completely missing, it is mentioned as an area for future development, and I have mentioned it briefly when I touched on the Scrutiny comments. It is the remote access to consultations. Again, this is something that I campaigned for during COVID when I realised that there are no such facilities available to women, which led, in effect, to there being no facilities to access termination services at all, which was quite alarming. After some campaigning on that, and discussions with the Minister at the time, that was changed fairly quickly, so I know it can be done. I do wonder why this option has not been offered as part of this legislation because I feel that it really should have been. One of the biggest reasons why I believe so strongly that that should be offered, that women should be able to access a remote consultation to access termination services, is because of the issue that I mentioned previously about women who are in abusive relationships. A woman who is in an abusive relationship, her movements are often restricted. She may not have access to transportation, she may not have access to her own money to pay for a doctor's appointment, she may be being tracked, her location might be being tracked on her phone. All of those barriers which can be experienced in an abusive relationship - and also the financial abuse, she might not have her own funds - can limit a women's access to termination services. So I feel quite strongly that that should be offered, and I hope that the Minister will be able to consider that. It is probably for the next Minister now as part of the ongoing review of this legislation, but it is something I feel will be necessary. I just wanted, before I finish, to reflect on campaigning because of course it is not just us in this Assembly and the women perhaps who are part of the Women's Health Steering Group, I think it is called, who have helped the Minister to develop this, and the officers. It is also decades of women campaigners beyond our Island who have fought for the right to access termination of pregnancy services as a basic healthcare right. What we know from the evidence is that if termination are not accessible in a safe way in a medical environment termination still happens and women suffer and die from it. The legislation is not going to be causing any more terminations; it is just providing for safe terminations. I wanted to remind Members that the vast majority - and maybe the Assistant Minister knows the exact number - it is the 90s, the percentage of terminations that are medical terminations, which I think is 2 sets of medication that you take a day apart, and is something that is not perhaps what we are led to believe by campaigners who have a certain view of this. As a humanist, I did talk to some of my humanist friends and colleagues about this. There is not always an agreed view among humanists and I had some interesting discussions about this, but what humanists do tend to defend is bodily autonomy, and a women's right to choose is something that came through very, very strongly on this. I think that is all that I have to say. But one thing I will finish on is that whatever view people have on this, I think that we all can agree that human life is precious and we must remember that a foetus, that is a potential for life, yes, but we must also remember the life of the woman who is carrying that foetus. Her life is precious as well. I do understand how precious that potential for life is, having experienced pregnancy loss myself, and I know that there are others in this Assembly who have experienced that,

and there will be Members of this Assembly who maybe feel this debate in a much deeper way than others and have experiences. I have forgotten one point which I wanted to make. The Scrutiny Panel did receive some evidence around the 22-week limit which really struck me, and this is why we recommended in the report that any change of that limit should come back to the Assembly. I think the Minister has awareness of this issue as well, and I hope that she will consider it because I think that there is a genuine need there. At a 20-week scan that will be the time where a foetal abnormality will be detected. What we are doing with a 22-week limit, which is different to a 24-week limit which the U.K. has, is we are restricting that period of time that the woman and the family have to decide what to do and what action to take where that foetal abnormality is detected. That is something I do not have experience of but I can only imagine that is a horrendous decision to have to make, and 2 weeks is just not enough time to make that decision. I feel that is something that needs to be part of the review that the next Ministers do on this legislation, and it needs to be taken really seriously because even though it only might occur in a very small percentage of pregnancies, it really matters to those families where it does occur. I want their views to be taken into account, so I hope that the Minister will consider that. But to conclude, I support this legislation personally, and my Scrutiny Panel are also supportive.

Deputy M. Tadier of St. Brelade:

Sir, I was going to ask a point of clarification.

The Bailiff:

Are you prepared to accept a point of clarification from Deputy Tadier?

Deputy L.M.C. Doublet:

Yes, Sir.

Deputy M. Tadier:

I might have missed it because I know the Member said she was going to talk about viability in a personal capacity, not necessarily with the Scrutiny one. Did the Scrutiny Panel consider whether viability as the basis for setting a limit of terminations is the correct starting point?

Deputy L.M.C. Doublet:

We did consider that and there were panel members who raised significant concerns around that point of principle. Personally, I do not feel that should be a reason for setting that limit. I do not think that the viability principle is what we should be basing it on, but I do think that we are where we are with it, it is an improvement on the current legislation, and on that basis I would support it at this time.

Connétable M.K. Jackson of St. Brelade:

I did receive a communication from a parishioner ...

The Bailiff:

Are you speaking?

The Connétable of St. Brelade:

Yes, Sir.

The Bailiff:

The next person to speak was Deputy Miles. I thought you had something else to say.

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

We have recently debated assisted dying, and I had absolute clarity on that debate due to personal experience, and I find this debate very difficult. While I am undoubtedly pro-choice and view, this

draft law as a matter of reproductive health I have other emotional considerations, which have led me to consider this proposition very carefully. My late brother was born with Down's Syndrome. He died of a congenital heart condition as a child in Jersey many years ago, but that familial relationship prompted a cascade of intervention in my own pregnancies, so I have got some personal experience of the stress caused to parents at a very sensitive time. I am also a founder and a former trustee of a local disability charity, championing a full and inclusive life for members and support for their families. So when we debate termination of pregnancy due to foetal anomaly we are addressing a very complex area of public policy. It involves difficult ethical questions but it also involves practical realities that families must confront. People will hold different views on the issue of termination itself, however, regardless of those views, there is a responsibility that I want to raise and that is the level of support available to families raising children with disabilities. The principle is already recognised in other areas of healthcare policy. In our recent debates about assisted dying we argued that high-quality palliative care must be available so that people are not driven toward assisted death because adequate care and pain relief are lacking. Indeed, we passed an End-of-Life Care Law to enshrine those commitments. For me the same logic applies here. Decisions about termination should not be influenced by the absence of reliable community support. If families want to feel able to continue pregnancies following a diagnosis of foetal anomaly then the necessary medical, social, and financial support should be in place to enable that choice. When a diagnosis of foetal anomaly is given, parents will consider what the future may involve. They are not only processing medical information about their child's condition, they are also assessing whether the systems around them will provide the support required. Parents consider the likely need for ongoing medical care, specialist consultations, therapies, and assistive equipment. They will consider whether their home will need to be adapted, whether appropriate education will be available, and how they will manage employment alongside caring responsibilities. For that reason, the availability and reliability of disability support services should be recognised as a key factor in discussions around termination of pregnancy due to anomaly. If support systems are underfunded, difficult to access, or inconsistent, families will inevitably take that into account when considering their options around termination. I think we have a responsibility to ensure that if families decide to continue with a pregnancy and to raise a child with significant additional needs then the necessary structures must be in place to support them. That means properly funded services. It means early intervention programmes that improve long-term outcomes. It means education systems that are funded and equipped to support children with additional needs in a meaningful and practical way. It means respite services and short breaks that allow families to manage long-term care responsibilities, and it means financial support that reflects the additional costs associated with disability. I do not think these issues are peripheral to the debate; I think they are part of the context in which decisions about termination due to anomaly are made. If the objective is to ensure that families feel able to continue pregnancies where serious conditions are diagnosed then our policy response cannot focus only on legal frameworks, it must also address the infrastructure of care that follows birth. In closing, I want to recognise that the lives of people born with disabilities or congenital conditions are not defined solely by their medical challenges. Families often speak not only about the challenges they face but also about the perspective, resilience, and value that these children bring into their lives and communities. Many individuals with birth defects lead lives that are meaningful, productive, and full of relationships, achievements and joy. I am a big fan of "Strictly Come Dancing" and I was filled with joy at watching a young woman with Down's Syndrome dance in that competition. When Ellie danced her Down's Syndrome simply disappeared, and women like her challenge assumptions about what people with disabilities can achieve. So, as I said, I find this very difficult. I will be supporting the proposition but I wanted to ensure that I placed on record another perspective of a very complex issue. **[Approbation]**

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

Sir, may I propose the adjournment?

The Bailiff:

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

ADJOURNMENT

[17:30]